

ORIGINAL
Leonard Zack and Associates

Law Offices

JLPW

RJR

Leonard Zack - member PA & NY Bars
Moiria L. Hahn - member PA & NJ Bars
Elise S. Frejka - member NY Bar

DOCKETED

APR 01 1992

March 23, 1992

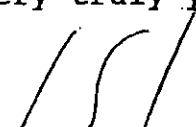
Mr. Jerry Rich, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, Pa 17120

RE: **Joyco, Inc., t/d/b/a Rapid Delivery**
Docket No. A-001095344, F. 1, Am-A

Dear Mr. Rich:

Please note regarding the Modification of Joyco sent March 17, that the terms "packages" means "shipment" and point "4" should read 100 "pounds" instead of periods.

Very truly yours,


Leonard Zack, Esq.



/fb

cc: A. Duie Pyle, Inc.
c/o Henry L. Wahls
P.O. Box 564
West Chester, Pa 19280

RECEIVED

MAR 25 1992

SECRETARYS OFFICE
Public Utility Commission

TW/ KJR
A. DUIE PYLE, INC.

ORIGINAL

650 WESTTOWN ROAD, P.O. BOX 564, WEST CHESTER, PA 19381-0564 215 696-5800

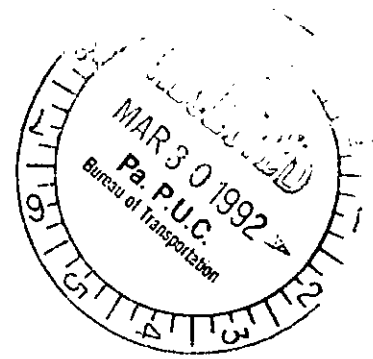
Warehousing and Distribution

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MAR 30 1992
SECRETARY'S OFFICE
Public Utility Commission

March 25, 1992

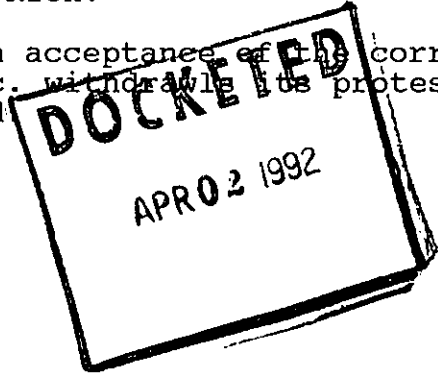
Mr. Jerry Rich, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120



Re: Joyco, Inc., t/d/b/a Rapid Redelivery
Docket No. A-001095340, F. 1, Am-A

Dear Mr. Rich:

Upon acceptance of the corrected application, A. Duie Pyle, Inc. withdraws its protest. We do wish to remain party of record.



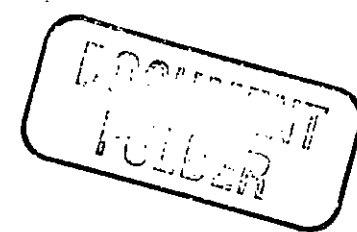
Very truly yours,

A handwritten signature in cursive script that reads "Henry L. Wahls, Jr.".

Henry L. Wahls, Jr.
Traffic Manager

HLW:vm

cc: Leonard Zack, Esq.
Leonard Zack and Associates
1429 Walnut Street
Suite 1400
Philadelphia, PA 19102



Leonard Zack and Associates PW

Law Offices

RJR

Leonard Zack - member PA & NY Bars
Moira L. Hahn - member PA & NJ Bars
Elise S. Frejka - member NY Bar

ORIGINAL

March 26, 1992

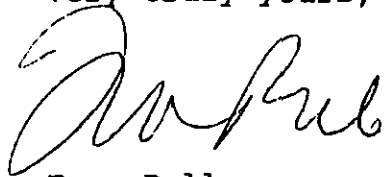
John G. Alford
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, Pa 17105-3265
Attn: Lydia Walker

Re: PUC Application of Joyco, Inc. t/d/b/a Rapid Delivery
Docket No. A-109534, F.1, Am-A

Dear Ms. Walker:

Enclosed please find the signed and dated Modification you requested regarding the above captioned. Additionally, enclosed is an amended Modification and a Stipulation and Withdrawal of Protest also signed and dated appropriately.

Very truly yours,



Fran Bell
for Leonard Zack, Esq.

**DOCUMENT
FOLDER**

RECEIVED
MAR 30 1992
SECRETARYS OFFICE
Public Utility Commission

LPW
1/28

RECEIVED

MAR 30 1992

SECRETARYS OFFICE
Public Utility Commission

MODIFICATION

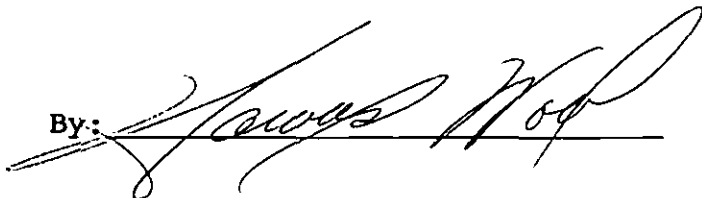
Joyco hereby consents to attach a restrictive amendment to its application to expend authority as follows:

1. That no right, power or privilege is granted to provide services for or to and from facilities of banks and financial institutions except Metro Bank and United Valley Bank.
2. No right, power or privilege is granted to transport fresh or frozen foods including seafood.
3. No right, power or privilege is sought to transport garments and apparel on hangers.
4. No packages for transport will be accepted weighing in excess of 100 pounds.

Joyco t/b/a/
Rapid Delivery

DATED: 3/17/92

By: _____



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FOR

DOCKETED
APR 2 1992

LPW

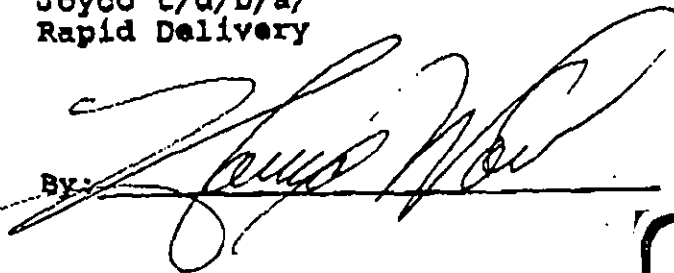
MODIFICATION

Joyco hereby consents to attach a restrictive amendment to its application to expand authority as follows:

1. That no right, power or privilege is granted to provide services for or to and from facilities of banks and financial institutions.
2. No right, power or privilege is granted to transport fresh or frozen foods including seafood.
3. No right, power or privilege is granted to transport garments and apparel on hangers.
4. No right, power or privilege is granted to transport shipments exceeding 100 pounds in weight, with a shipment defined as one lot of freight on one bill of lading moving from one consignor to one consignee on one calendar day.
5. No right, power or privilege is granted to render transportation in tractor trailer equipment.

Joyco t/d/b/a/
Rapid Delivery

DATED: March 27, 1992

By: 

**DOCUMENT
FOLDER**

DOCKETED
APR 2 1992

PUC\JOYCO.STP-032692jal

11/11/91

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF	:	DOCKET NO.
JOYCO, INC., t/d/b/a	:	A-109534, F.1, AM-A
RAPID DELIVERY	:	

STIPULATION RE AMENDMENT
TO APPLICATION AND
WITHDRAWAL OF PROTEST

COMES NOW, Joyco, Inc., t/d/b/a Rapid Delivery, applicant, and protestant, Mustang Expediting, Inc. and, by their attorneys, enter into this stipulation providing for amendment of the above-captioned application and the withdrawal of the protest thereto.

1. Applicant restrictively amends the above-captioned application so as to now seek the following:

Property, between points in the counties of Chester, Montgomery, Bucks and Lancaster.

PROVIDED, that no right, power or privilege is granted to provide service for, or to or from the facilities of the following named shippers: a. Sorbus, Inc.; b. AT&T Technologies, Inc.; c. Tozour Energy Systems, Inc.; and d. Bell of Pennsylvania.

2. Conditioned upon the Commission's acceptance of the limitations set forth above upon any authority granted in this proceeding, Mustang Expediting, Inc. withdraws its opposition to the application.¹

**DOCUMENT
FOLDER**

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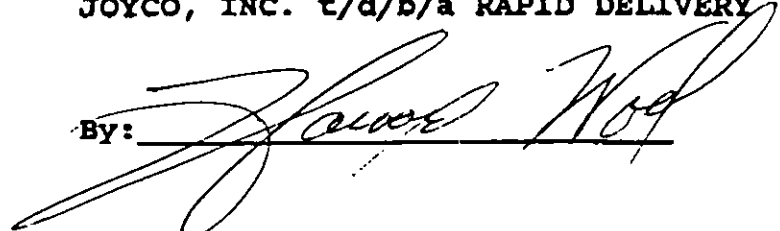
APR 2 1992

¹Protestant wishes to remain a party of record for the receipt of any Orders or Decisions entered by the Commission in this proceeding.

IN WITNESS WHEREOF, the parties, intending to be legally bound, have caused this stipulation to be executed on the dates indicated:

JOYCO, INC. t/d/b/a RAPID DELIVERY

Date: 3-26-92

By: 

MUSTANG EXPEDITING, INC.

Date: March 26, 1992

By: 
EDWARD L. CIEMNIECKI, ESQ.

Leonard Zack and Associates

Law Offices

Leonard Zack - member PA & NY Bars
Moirra L. Hahn - member PA & NJ Bars
Ellse S. Frejka - member NY Bar

LPW

ORIGINAL

March 17, 1992

Mr. Jerry Rich
Secretary
PA Public Utilities Commission
P.O. Box 3265
Harrisburg, Pa 17120

RE: Application of: Joyco t/b/a Rapid Delivery
Docket No. A-001-9534, F. 1, Am-A

Dear Mr. Rich:

Enclosed please find Joyco's modification to the original application submitted.

Very truly yours,

Leonard Zack, Esq.

/fb
enc.

RECEIVED

MAR 20 1992

SECRETARYS OFFICE
Public Utility Commission

MODIFICATION

Joyco hereby consents to attach a restrictive amendment to its application to expend authority as follows:

1. That no right, power or privilege is granted to provide services for or to and from facilities of banks and financial institutions except Metro Bank and United Valley Bank.
2. No right, power or privilege is granted to transport fresh or frozen foods including seafood.
3. No right, power or privilege is sought to transport garments and apparel on hangers.
4. No packages for transport will be accepted weighing in excess of 100 pounds.

Joyco t/b/a/
Rapid Delivery

DATED: _____

By: _____

Leonard Zack and Associates TW

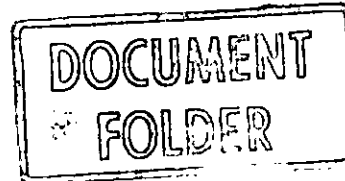
Law Offices

Leonard Zack - member PA & NY Bars
Maira L. Hahn - member PA & NJ Bars
Elise S. Frejka - member NY Bar

ORIGINAL

March 27, 1992

John G. Alford
Secretary
PA Utility Commission
P.O. Box 3265
Harrisburg, Pa 17105-3265
Attn: Lydia Walker



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MAR 31 1992
SECRETARY'S OFFICE
Public Utility Commission

Re: Application of Joyco, Inc. t/d/b/a Rapid Delivery
Docket No. A-109534, F.1, Am-A

Dear Ms. Walker:

Enclosed please find a signed and dated Amended Modification regarding the above captioned, effective this date for your files.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fran Bell".

Fran Bell
for Leonard Zack, Esq.

/fb

enc.

MODIFICATION

Joyco hereby consents to attach a restrictive amendment to its application to expend authority as follows:

1. That no right, power or privilege is granted to provide services for or to and from facilities of banks and financial institutions.
2. No right, power or privilege is granted to transport fresh or frozen foods including seafood.
3. No right, power or privilege is granted to transport garments and wearing apparel on hangers.
4. No right, power or privilege is granted to transport shipments exceeding 100 pounds in weight, with a shipment defined as one lot of freight on one bill of lading moving from one consignor to one consignee on one calendar day.
5. No right, power or privilege is granted to render transportation in tractor trailer equipment.

Joyco t/d/b/a/
Rapid Delivery

DATED: March 27, 1992

By: 

Peter G. Loftus

Laura M. Siberski

Law Offices
PETER G. LOFTUS, P.C.
Suite 724 Bank Towers
321 Spruce Street
Scranton, Pennsylvania 18503-1447
(717) 347-1453

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MAR 31 1992

SECRETARY'S OFFICE
Public Utility Commission

TW
KJR
Allentown
(215) 433-7939
Philadelphia
(215) 625-3777
Pittsburgh
(412) 471-2662
Wilkes-Barre
(717) 826-0676
Fax:
(717) 347-5559

March 30, 1992

The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

DOCKETED
APR 08 1992

RE: Joyco, Inc. t/d/b/a Rapid Delivery
Docket # A-00109534
Folder 1, Am-A
OUR FILE # PGL-163

Dear Secretary Rich:

We are in receipt of a Restrictive Amendment in the above-referenced application from Leonard Zack, Esquire.

Based upon the Restrictive Amendment, Seaboard Tank Lines, Inc., withdraws its protest contingent upon acceptance of said amendment by the Commission.

Please continue to carry us on the mailing list for all future notices, orders, opinions, etc.

Very truly yours,

PETER G. LOFTUS, P.C.

Peter G. Loftus
Peter G. Loftus

PGL/ss
Encl:

cc: Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.

Leonard Zack, Esquire
1429 Walnut Street
Philadelphia, PA 19102

DOCUMENT
FOLDER

PUC\JOYCO.STP-032672jal

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF	:	DOCKET NO.
JOYCO, INC., t/d/b/a	:	A-109534, P.1, Am-A
RAPID DELIVERY	:	

**STIPULATION RE AMENDMENT
TO APPLICATION AND
WITHDRAWAL OF PROTEST**

COMES NOW, Joyco, Inc., t/d/b/a Rapid Delivery, applicant, and protestant, Mustang Expediting, Inc. and, by their attorneys, enter into this stipulation providing for amendment of the above-captioned application and the withdrawal of the protest thereto.

1. Applicant restrictively amends the above-captioned application so as to now seek the following:

Property, between points in the counties of Chester, Montgomery, Bucks and Lancaster.

PROVIDED, that no right, power or privilege is granted to provide service for, or to or from the facilities of the following named shippers: a. Sorbus, Inc.; b. AT&T Technologies, Inc.; c. Tozour Energy Systems, Inc.; and d. Bell of Pennsylvania.

2. Conditioned upon the Commission's acceptance of the limitations set forth above upon any authority granted in this proceeding, Mustang Expediting, Inc. withdraws its opposition to the application.¹

¹ Protestant wishes to remain a party of record for the receipt of any Orders or Decisions entered by the Commission in this proceeding.

IN WITNESS WHEREOF, the parties, intending to be legally bound, have caused this stipulation to be executed on the dates indicated:

Date: 3-26-92

JOYCO, INC. t/a/b/a RAPID DELIVERY

By: [Signature]

MUSTANG EXPEDITING, INC.

Date: March 26, 1992

By: Edward L. Ciemiński
EDWARD L. CIEMIŃSKI, ESQ.

MODIFICATION

Joyco hereby consents to attach a restrictive amendment to its application to expend authority as follows:

1. That no right, power or privilege is granted to provide services for or to and from facilities of banks and financial institutions except Metro Bank and United Valley Bank.
2. No right, power or privilege is granted to transport fresh or frozen foods including seafood.
3. No right, power or privilege is sought to transport garments and apparel on hangers.
4. No packages for transport will be accepted weighing in excess of 100 periods.

Joyco t/b/a/
Rapid Delivery

DATED: 3/17/92

BY: 

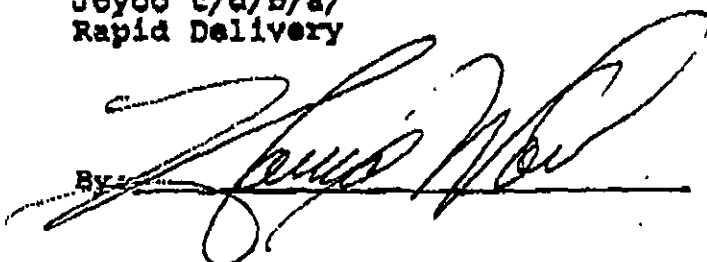
MODIFICATION

Joyco hereby consents to attach a restrictive amendment to its application to expand authority as follows:

1. That no right, power or privilege is granted to provide services for or to and from facilities of banks and financial institutions.
2. No right, power or privilege is granted to transport fresh or frozen foods including seafood.
3. No right, power or privilege is granted to transport garments and apparel on hangers.
4. No right, power or privilege is granted to transport shipments exceeding 100 pounds in weight, with a shipment defined as one lot of freight on one bill of lading moving from one consignor to one consignee on one calendar day.
5. No right, power or privilege is granted to render transportation in tractor trailer equipment.

Joyco t/d/b/a/
Rapid Delivery

DATED: March 27, 1992

By: 

APPEARANCE SHEET

ALJ HEARING REPORT

KJP

DOCKET NO. A-00109534, F001, Am-A

CASE NAME Application of Joyco, Inc.,
t/a Rapid Delivery

HEARING LOCATION Philadelphia

HEARING DATE March 30, 1992

ALJ Kranzel

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO

Testimony taken YES NO

Hearing concluded YES NO

Further hearing needed YES NO

Estimated add'l days 2-4

RECORD CLOSED YES NO
Date _____

Briefs to be filed YES NO
Date _____

BENCH DECISION YES NO

**DOCUMENT
FOLDER**

RECEIVED & DOCKETED

APR 1 1992

Office of A. L. J.
Public Utility Commission

JUN 1 1992

REMARKS:

Continued generally

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
LEONARD ZACK 563 5577 Telephone No. (215)	1575 MARKET ST City Phila State PA Zip 19102	JOYCO INC D/B/A RAPID DELIVERY
KENNETH A. OLSEN Telephone No. (908) 234-0301	P. O. Box 357 City GLADSTONE State NJ Zip 07934	PROTESTANT - GTS, INC.
Raymond A. Thistle, Jr. Telephone No. (215) 576-0131	206B Benson East 100 Old York Road City Lehigh State PA Zip 19046	Courier Unlimited, Inc.

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Jerry J. Danzig
Reporter

Caldwell & Kearns
By James D. Campbell, Jr

Address
1 N Front St

New Penn Motor Express, Inc

City State Zip
Harrisburg PA 17110

Telephone No. (717) 232-7661

John E. Fullerton
By James D. Campbell, Jr

Address
320 Market St Suite E 400

De Pen Line, Inc

City State Zip
Harrisburg PA 17101-2221

Telephone No. (717) 232-8199

Edward L. Cierniecki
Robin Quinn Moss Heaney
& Patterson

Address
510 Walnut Street, Suite 1800

Mustang Expediting, Inc.
Jamour, Inc. +ld/bla
Quick Courier Service

City State Zip
Philadelphia PA 19106

Telephone No. (215) 925-8300

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

FAO

RUBIN QUINN MOSS HEANEY & PATTERSON, P. C.

ATTORNEYS AT LAW
1800 PENN MUTUAL TOWER

510 WALNUT STREET
PHILADELPHIA, PA 19106-3619

(215) 925-8300

FAX: (215) 925-1572

DIRECT DIAL NUMBER

(215) 931-0604

ALEXANDER N. RUBIN, JR.
JERROLD V. MOSS
JAMES W. PATTERSON
DENIS JAMES LAWLER
WILLIAM D. PARRY
DON P. FOSTER
ERIC M. HOCKY
JOSEPH F. MESSINA
PETER C. CILIO
JOAN F. JAFFE
HOWARD H. SOFFER
JEFFREY P. BATES

WILLIAM P. QUINN
TERENCE K. HEANEY
DANIEL B. PIERSON, V.
ROBERT P. STYLE
G. BRADLEY RAINER
MARY ELLEN O'LAUGHLIN
EDWARD L. CIEMNIECKI
LESLIE BETH BASKIN
RICHARD A. FRANKLIN
ELLEN B. LANG
JANET I. MOORE

KING OF PRUSSIA OFFICE
216 GODDARD BOULEVARD
GENERAL WASHINGTON BUILDING
KING OF PRUSSIA, PA 19406
(215) 337-4080

OF COUNSEL
MALCOLM L. LAZIN
ALAN KAHN
GOFF & RUBIN

April 13, 1992

RECEIVED

APR 15 1992

Isador Kranzel, Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

SECRETARY'S OFFICE
Public Utility Commission

**Re: Application of Joyco, Inc.
t/d/b/a Rapid Delivery - Docket No. A-109534, F.1, Am-A**

Dear Judge Kranzel:

Enclosed please find the original and two copies of a Motion For Cease And Desist Order filed in the above-captioned matter by Jamour, Inc. t/d/b/a Quick Courier Service.

Copies of the enclosed are being filed with Secretary Alford and served upon all active parties of record.

Very truly yours,

Edward L. Ciemniecki
EDWARD L. CIEMNIECKI



ELC/jal
enclosure

cc: John G. Alford, Secretary
Leonard Zack, Esquire
Raymond A. Thistle, Jr., Esquire
Eugene A. Minahan, Operations Manager

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
APR 15 1992

APPLICATION OF
JOYCO, INC., t/d/b/a
RAPID DELIVERY

:
:
:
:

DOCKET NO. SECURE'S OFFICE
Public Utility Commission
A-109534, Folder 1, Am-A

DOCKETED
APR 21 1992

MOTION FOR CEASE AND DESIST ORDER

COMES NOW, Jamour, Inc., t/d/b/a Quick Courier Service ("Quick") and, through its attorneys and pursuant to 52 Pa. Code §5.103, files this Motion seeking issuance of a Cease and Desist Order against Joyco, Inc., t/d/b/a Rapid Delivery ("Rapid Delivery").

1. Rapid Delivery does not hold contract carrier operating authority issued by the Pennsylvania Public Utility Commission.

2. Rapid Delivery's existing Pennsylvania intrastate operating rights authorize common carrier transportation only between points in the city and county of Philadelphia.

3. By application published in the Pennsylvania Bulletin on November 30, 1991, Rapid Delivery sought additional common carrier authority from this Commission, seeking the right to transport property, between points in the counties of Chester, Montgomery, Bucks and Lancaster.

4. Numerous protests were filed in opposition to the application. Rapid Delivery restrictively amended its authority request to eliminate certain transportation, resulting in the

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withdrawal of all protests except those of Courier Express, Inc. and Quick.

5. An initial hearing was held in this proceeding on March 30, 1992 before Administrative Law Judge Isador Kranzel. Harold Wool, President of Rapid Delivery, was the sole witness to testify at the initial hearing.

6. Under oath, Mr. Wool testified that Rapid Delivery 1. knowingly provides intrastate transportation beyond the scope of its existing authority; 2. supplies to current and prospective customers advertising material through which Rapid Delivery holds itself out to provide intrastate service beyond the scope of its existing authority¹; and 3. provides intrastate transportation service to its customers between points in a territory beyond that contained in its existing authority through an unlawful arrangement with other courier companies.

7. In performing the acts described in paragraph 6, above, Rapid Delivery violates Section 1102 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §1102, by offering and rendering service within this Commonwealth to a different territory than that authorized by its Certificate of Public Convenience.

WHEREFORE, Jamour, Inc., t/d/b/a Quick Courier Service requests the issuance of an Order: 1. directing that Rapid Delivery cease and desist from further violations of the Pennsylvania Public Utility Code; 2. requesting that the Commission's Bureau of Safety

¹ A sample of the advertising material was admitted into evidence as Exhibit P-1. A copy of Exhibit P-1 is attached hereto.

and Compliance undertake an investigation of Rapid Delivery's operation; and 3. imposing such other additional relief deemed appropriate by the Administrative Law Judge.

Respectfully submitted,



EDWARD L. CIEMNIECKI
Attorney for Jamour, Inc., t/d/b/a
Quick Courier Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing Motion For Cease And Desist Order, Jamour, Inc., t/d/b/a Quick Courier Service, were served as follows this 13th day of April, 1992, by regular United States mail, postage prepaid:

Raymond A. Thistle, Jr., Esquire
206B Benson East
100 Old York Road
Jenkintown, PA 19046

Leonard Zack, Esquire
1429 Walnut Street
Philadelphia, PA 19102



EDWARD L. CIEMNIECKI, ESQUIRE
Attorney for Applicant,
Jamour, Inc., t/d/b/a
Quick Courier Service



**DELIVERY AND
MESSENGER SERVICE INC**

1933 CHESTNUT STREET, PHILA., PA.

496-9600

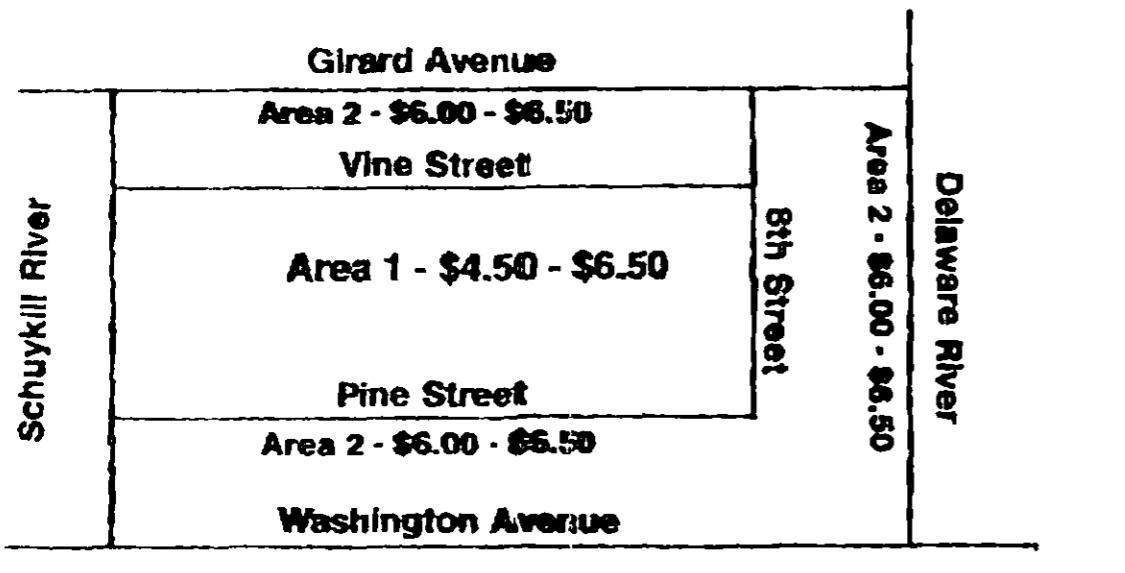
Bonded Insured Motor & Foot Messengers

PHILADELPHIA

We Do:

- Court Filings
- Serve Subpoenas
- Early morning pick up & Delivery to Post Office
- Bulk & Parcel Deliveries
- City Hall Errands
- Inter-Office Mail
- Airport Pick up
- Travel agency Pick up & Delivery of Tickets

Vehicle deliveries in Center City \$7.50



PENNSYLVANIA

All Prices shown are based from Center City - Philadelphia

Arlington	25.00	Falcraft	20.00	Neshaminy	37.50
Ashdown	75.00	Fort Washington	30.00	Norristown	30.00
Ambler	30.00	Folsom	25.00	North Wales	35.00
Andulusia	22.00	Germantown	20.00	Paoli	30.00
Ardmore	20.00	Gladwyne	20.00	Phoenixville	40.00
Bala Cynwyd	15.00	Glenolden	25.00	Plymouth Meeting	25.00
Berksalem	30.00	Glenrose	20.00	Pottstown	50.00
Berwyn	30.00	Harrisburg	120.00	Radnor	25.00
Bethlehem	75.00	Harbort	30.00	Reading	75.00
Blue Bell	30.00	Hatfield	40.00	Ridley Park	20.00
Bristol	35.00	Haverford	20.00	Royersford	40.00
Broomell	25.00	Havertown	20.00	Rydal	20.00
Bryn Mawr	20.00	Holmes	20.00	Sellersville	55.00
Center Square	40.00	Horsham	35.00	St. David	25.00
Chester	25.00	Huntingdon Valley	30.00	Springfield	20.00
Chestnut Hill	20.00	Jeddington	20.00	Swarthmore	20.00
Clifton Heights	20.00	Kennet Square	40.00	Telford	50.00
Conshohocken	25.00	King of Prussia	30.00	Trevose	30.00
Conshohocken Hts.	25.00	Lafayette Hills	25.00	Upper Darby	20.00
Crossen	27.00	Lancaster	95.00	Valley Forge	30.00
Darby	20.00	Lansdale	40.00	Villanova	25.00
Devon	35.00	Laneshome	20.00	Wallington	25.00
Downingtown	40.00	Lancaster	30.00	Warrington	30.00
Doverstown	45.00	Lester	20.00	Warrington	40.00
Dresher	40.00	Lewistown	35.00	Wawa	35.00
Drexel Hill	20.00	Milvorn	40.00	Wayne	30.00
Eagleville	35.00	Mercers Hook	30.00	West Chester	45.00
Easton	75.00	Media	30.00	Wyncote	20.00
Elkins Park	20.00	Merion	20.00	Willow Grove	30.00
Exton	40.00	Narberth	20.00	Wynnewood	20.00
Fairless Hills	30.00	New Hope	50.00	Wynmore	20.00
Feasterville	30.00	Newtown	40.00	Yardley	45.00
Flourtown	25.00	Newtown Square	30.00	Yeadon	20.00



**ON CALL
24 HOURS A DAY
7 DAYS A WEEK**

CALL FOR PRICE QUOTE IF DELIVERY POINT NOT SHOWN

**ON CALL
24 HOURS A DAY
7 DAYS A WEEK**

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
April 23, 1992

In Re: A-00109534, F0001, Am-A

(See letter dated 2/4/92)

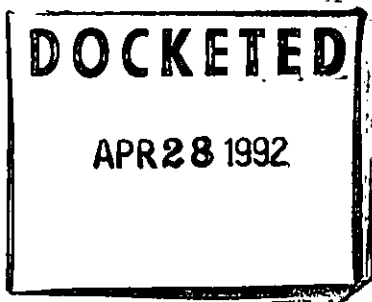
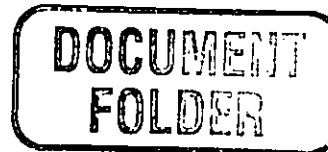
Application of Joyco, Inc., t/a Rapid Delivery

Right to transport, as a common carrier, property between points in the counties of Chester, Montgomery, Bucks and Lancaster.

NOTICE

This is to inform you that a further hearing on the above captioned case will be held Wednesday, June 10, 1992 at 10:00 a.m. in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

cc: Judge Kranzel
Mr. Frazier - PIO
Mrs. Lewis
Scheduling Sec.
Mrs. Plantz
Docket Room



TW

KJR

LAW OFFICES
LOUIS J. CARTER
7300 CITY LINE AVENUE
PHILADELPHIA, PA. 19151-2291
(215) 879-8665

ORIGINAL

LOUIS J. CARTER*
JOEL E. MAZOR**
JILL EISEMAN BRONSON***

TELECOPIER #(215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR
***NEW YORK BAR ONLY

April 28, 1992

RECEIVED 20416
MAY 1 - 1992
SECRETARY'S OFFICE
Public Utility Commission

Office of the Secretary (Filing Unit)
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of JOYCO, INC. t/a RAPID DELIVERY Docket No. A-00109534, F001, Am-A

To the Secretary:

Enclosed for filing is the Withdrawal of Appearance of Leonard Zack, Esq. and the Entry of Appearance of Louis J. Carter, Esq. in the above-captioned matter.

Kindly acknowledge receipt on the enclosed copy of this letter.

DOCUMENT FOLDER

Sincerely,
Louis J. Carter
LOUIS J. CARTER
Attorney for Applicant

LJC/kmd
[RapidPUC.218]
Enclosure: As above
cc: All parties of record shown on the attached list

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of: Applicant JOYCO, Inc. t/a RAPID DELIVERY

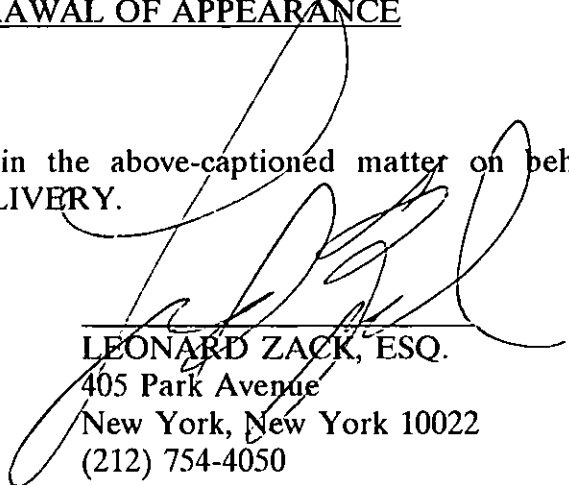
Docket No.: A-00109534, F001, Am-A

NOTICE OF WITHDRAWAL OF APPEARANCE

To the Secretary:

Please withdraw my appearance in the above-captioned matter on behalf of Applicant, JOYCO, INC. t/a RAPID DELIVERY.

Dated: 24 April , 1992

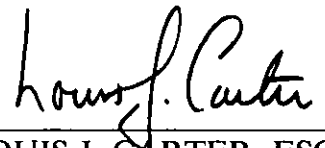

LEONARD ZACK, ESQ.
405 Park Avenue
New York, New York 10022
(212) 754-4050

NOTICE OF ENTRY OF APPEARANCE

Please enter my appearance in the above-captioned matter on behalf of Applicant JOYCO, INC. t/a RAPID DELIVERY.

On the basis of this notice I request a copy of each document hereafter issued by the commission in this matter.

Dated: April 27, 1992


LOUIS J. CARTER, ESQ.
7300 City Line Avenue
Philadelphia, PA 19151
(215) 879-8665

DOCKETED
MAY 05 1992



Re: Joyco, Inc. t/a Rapid Delivery

A.00109534, F001, Am-A

All parties of record

Kenneth A. Olsen, Esq.
P.O. Box 357
Gladstone, NJ 07934

Raymond A. Thistle, Jr., Esq.
206B Benson East
100 Old York Road
Jenkintown, PA 19046

James D. Campbell, Jr., Esq.
Caldwell & Kearns
3631 North Front Street
Harrisburg, PA 17110

Edward L. Ciemniecki, Esq.
Rubin, Quinn, Moss, Heaney & Patterson
510 Walnut Street, Suite 1800
Philadelphia, PA 19106

John E. Fullerton, Esq.
320 Market Street, Suite E400
Harrisburg, PA 17101

Leonard Zack, Esq.
1515 Market Street, Ste. 2005
Philadelphia, PA 19102

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NEW YORK, NY
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ALBANY, NY
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HARTFORD, CT
NEWARK, NJ

320 MARKET STREET
SUITE E400
HARRISBURG, PA 17101-2221
(717) 232-8199

FACSIMILE: (717) 232-8720

EUROPEAN COMMUNITY: BRUSSELS, BELGIUM AND LONDON, ENGLAND

USSR: MOSCOW

DIRECT DIAL

April 30, 1992

KJR
ORIGINAL

WESTERN U.S.:
LOS ANGELES, CA
SALT LAKE CITY, UT
SAN FRANCISCO, CA
SOUTHERN U.S.:
JACKSONVILLE, FL
RALEIGH, NC

FILE

The Secretary
PaPUC
Harrisburg, PA 17120

RE: A.109534 F1, Am-A
RAPID DELIVERY

RECEIVED
MAY 20 1992

SECRETARY'S OFFICE
Public Utility Commission

Dear Sir:

The undersigned represents the following in protest of the above docketed application.

DePen Line Inc.

DOCUMENT FOLDER

Applicant has made an amendment, copy attached.

Conditioned upon its acceptance by the Commission and any grant being consistent therewith, I am authorized to withdraw the protest(s).

I desire to remain a party of record.

Yours truly,

John Fullerton
JOHN FULLERTON

F/f
attach

CS: Louis Carter, Esq.
App Atty

Client(s)

DOCKETED
MAY 26 1992

RECEIVED
MAY 04 1992
Office of A. L. J.
Public Utility Commission

MODIFICATION

RECEIVED
MAY 20 1992

SECRETARY'S OFFICE
Public Utility Commission

Joyco hereby consents to attach a restrictive amendment to its application to expend authority as follows:

1. That no right, power or privilege is granted to provide services for or to and from facilities of banks and financial institutions.
2. No right, power or privilege is granted to transport fresh or frozen foods including seafood.
3. No right, power or privilege is granted to transport garments and wearing apparel on hangers.
4. No right, power or privilege is granted to transport shipments exceeding 100 pounds in weight, with a shipment defined as one lot of freight on one bill of lading moving from one consignor to one consignee^{ee} on one calendar day.
5. No right, power or privilege is granted to render transportation in tractor trailer equipment.

Joyco t/d/b/a/
Rapid Delivery

DATED: 27 May 92

By: 1) Howard Wool

RECEIVED

MAY 04 1992

Office of A. L. J.
Public Utility Commission

KJR

10/12/92
10/12/92

LAW OFFICES
LOUIS J. CARTER
7300 CITY LINE AVENUE
PHILADELPHIA, PA. 19151-2291
(215) 879-8665

LOUIS J. CARTER*
JOEL E. MAZOR**
JILL EISEMAN BRONSON***

TELECOPIER #(215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

20416.211U9534A/F1

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR
***NEW YORK BAR ONLY

May 12, 1992

Hon. Isador Kranzel
Pennsylvania Public Utility Commission
Philadelphia State Office Building, 13th Fl.
1400 West Spring Garden Street
Philadelphia, PA 19130

RECEIVED
MAY 14 1992
SECRETARY'S OFFICE
Public Utility Commission

Re: A-00109534, F001, Am-A
Application of Joyco, Inc. t/a Rapid Delivery

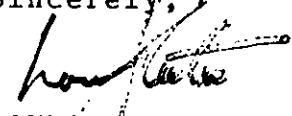
Dear Judge Kranzel:

Enclosed is a copy of the Stipulation For Extension Of
Time which is being filed with the Secretary this date.

Copies have been mailed to all active parties of
record.

Thank you for your patience.

Sincerely,



LOUIS J. CARTER
Attorney for Applicant
Joyco, Inc. t/a Rapid Delivery

**DOCUMENT
FOLDER**

LJC/kmd

(RapidPUC.220)

Enclosure: As above

cc: Edward L. Ciemniecki, Esq., Atty. for Jamour, Inc.
Raymond A. Thistle, Jr., Esq., Atty. for Courier Unlimited
Office of the Secretary, Harrisburg, PA (0+2 copies)

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

(Hon. Isador Kranzel, Presiding)

In re: A-00109534, F001, Am-A,
Application of Joyco, Inc. t/a Rapid Delivery.

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MAY 14 1992

STIPULATION FOR EXTENSION OF TIME

SECRETARY'S OFFICE
Public Utility Commission

Counsel for the active Protestants stipulate that the time in which applicant may answer, move or otherwise plead or respond to the Motion for Cease and Desist Order filed by Jamour, Inc., t/d/b/a Quick Courier Service shall be enlarged to and including May 15, 1992.

Respectfully submitted,

Edward L. Ciemniecki

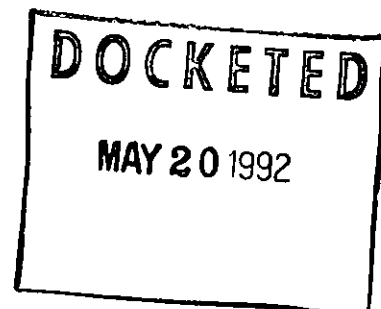
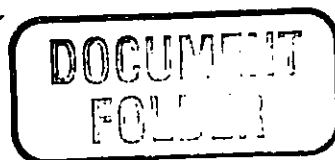
EDWARD L. CIEMNIECKI, ESQ.
Attorney for Jamour, Inc.
t/d/b/a Quick Courier Service
Rubin, Quinn, Moss, Heaney &
Patterson
510 Walnut St., Suite 1800
Philadelphia, PA 19106
(215) 925-8300

Louis J. Carter

LOUIS J. CARTER, ESQ.
Attorney for Applicant
Joyco, Inc. t/a Rapid Delivery
7300 City Line Avenue
Philadelphia, PA 19151
(215) 879-8665

Raymond A. Thistle, Jr.

RAYMOND A. THISTLE, JR., ESQ.
Attorney for Courier Unlimited
206B Benson East
100 Old York Road
Jenkintown, PA 19046
(215) 576-0131



ORIGINAL

KJR

TPW

LAW OFFICES

LOUIS J. CARTER

7300 CITY LINE AVENUE

PHILADELPHIA, PA. 19151-2291

(215) 879-8665

LOUIS J. CARTER*

JOEL E. MAZOR**

JILL EISEMAN BRONSON**

* PENNA. & D.C. BAR

** PENNA. & N.Y. BAR

TELECOPIER #(215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

20416

May 15, 1992

Office of the Secretary (Filing Unit)
Pennsylvania Public Utility Commission
North Office Building
Harrisburg, PA 17105-3265

Re: Application of

Docket No.

JOYCO, INC. t/a RAPID DELIVERY

A-00109534, F001, Am-A

To the Secretary:

Enclosed for filing are an original and two copies of the following:

1. Motion of Joyco, Inc. t/d/b/a Rapid Delivery for Stay and Continuance Pending Amendment of Application; and
2. Reply of Joyco, Inc. t/d/b/a Rapid Delivery to Motion of Jamour Inc. for Cease and Desist Order.

Kindly acknowledge receipt on the enclosed copy of this letter.

LJC/jmr/c2

Enc: As above

cc: Hon. Isador Kranzel

Raymond A. Thistle, Jr., Esq.
Attorney for Courier Unlimited, Inc.

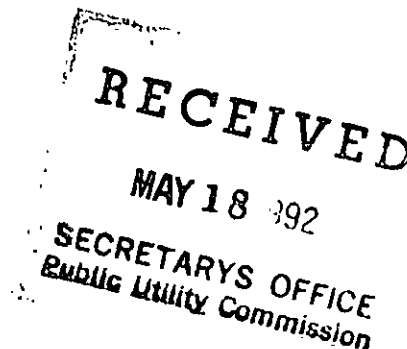
Edward L. Ciemiecki, Esq.
Attorney for Jamour, Inc. t/d/b/a
Quick Courier Service

rpdtms.ltr



Sincerely,

Louis J. Carter
LOUIS J. CARTER
Attorney for Applicant



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LPW

APPLICATION OF
JOYCO INC., t/d/b/a
RAPID DELIVERY

RECEIVED
MAY 26 1992

Docket No.
A-109534, Folder 1, Am-A

MOTION OF JOYCO INC t/d/b/a RAPID DELIVERY
FOR STAY AND CONTINUANCE PENDING AMENDMENT OF APPLICATION

Joyco, Inc., t/d/b/a Rapid Delivery respectfully moves the Administrative Law Judge to stay and continue the present proceedings concerning its application for additional authority until such time as it may amend its application in order to add service between Philadelphia and certain suburban counties, as well as within such suburban area. In support of such Motion, Joyco represents as follows:

1. The instant application seeks to amend the certificate currently held by Joyco Inc. to provide service within Philadelphia by adding "the transportation of property, between points in the Counties of Chester, Montgomery, Bucks and Lancaster."

2. The instant application was drafted by former counsel for Joyco, now replaced by the undersigned. Upon review of the application, new counsel advised his client that the service which it desires to provide, including service between Philadelphia and points in the named Counties, is not properly fully described in the application, which may be read as providing for additional service only between points in such counties.

3. Joyco has authorized and directed new counsel to prepare an

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SECRETARYS OFFICE
Public Utility Commission.

amendment to its application to make clear that it is intended also to cover service between points in Philadelphia and points in the Counties named, and such will be done in the immediate future.

4. Only an initial hearing has been held on the application as filed, with further hearings scheduled to be held.

5. It would serve the cause of efficiency, for the Commission, the Administrative Law Judge, applicant and protestors, for any further hearing on the pending application to await its amendment so that the entire matter could be heard at one time rather than in separate hearings.

Respectfully submitted,



LOUIS J. CARTER Esq.
7800 City Line Avenue
Philadelphia PA 19151
(215) 879-8665

Attorney for Joyco, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing document, viz:

MOTION OF JOYCO, INC. t/d/b/a RAPID DELIVERY
FOR STAY AND CONTINUANCE PENDING AMENDMENT OF APPLICATION

were served this 15th day of May, 1992, by First Class United States mail, postage prepaid on the following persons:

Raymond A. Thistle, Jr., Esq.
206B Benson East
100 Old York Road
Jenkintown, PA 19046

Counsel for
Courier Unlimited, Inc.
Protestant

Edward L. Ciemniecki, Esq.
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106

Counsel for
Jamour, Inc. t/d/b/a
Quick Courier Service
Protestant



Louis J. Carter, Esq.
Counsel for Applicant
Joyco, Inc. t/a Rapid Delivery

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LPW

APPLICATION OF : Docket No.
JOYCO INC., t/d/b/a : A-109534, Folder 1, Am-A
RAPID DELIVERY :

REPLY OF JOYCO INC t/d/b/a RAPID DELIVERY
TO MOTION OF JAMOUR INC. FOR CEASE AND DESIST ORDER

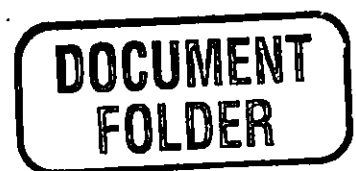
The Motion for a Cease and Desist Order which has been filed in the instant proceeding by Jamour Inc. t/d/b/a Quick Courier Service ("Quick") is without basis in fact, seeks relief inconsistent with applicable law, and is in any event improperly brought in the instant proceeding, particularly at this time.

As a matter of fact, the testimony upon which Quick relies establishes that the respondent Joyco Inc. t/d/b/a Rapid Delivery ("Rapid Delivery") has in good faith attempted to operate within its existing common carrier rights, while attempting to discharge his obligation to customers.

As a matter of law, the good faith conduct of Rapid Delivery, even if involving technical violations of the law, is not the appropriate basis of enforcement action by the Commission. Indeed, the Commission and the courts have held that conduct far more egregious than that of Rapid Delivery is not a sufficient basis for denying certification as a common carrier.

Finally, although properly the first, and dispositive, consideration, a Motion made during an application proceeding is not

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MAY 26 1992



the appropriate procedure by which a cease and desist order may be sought; it must be sought by Complaint, which would then be assigned to an Administrative Law Judge for hearing and recommended decision. Moreover, a cease and desist order can never be entered until in an appropriate proceeding the respondent against whom such a remedy is sought is given the opportunity for a full hearing, and this applicant-respondent has not had such.

For all of the above reasons, set forth in somewhat more detail below, the Motion to cease and desist should be dismissed and denied.

(By separate motion, applicant is requesting the entry of a stay so that the application may be amended to include service between Philadelphia and the suburban counties as well as among the suburban counties, as filed).

A. The Factual Background Demonstrates A Good Faith Effort To Operate Within Certificated Rights

Through Joyco, a corporation in which Howard Wool is the principal and the other stockholders are his wife and son (N.T. 17-18), applicant acquired some three years ago the business of a messenger service which had been operated under the name Rapid Delivery for some twenty years. Although the business acquired was principally messenger service in Philadelphia, with "very little business outside of Philadelphia" (N.T. 35-36) he was provided by the seller with a price list which contained prices for service to and from points in Pennsylvania outside of Philadelphia (N.T. 30, 36). As he will testify when recalled in a subsequent hearing, as one whose business experience had been other than in transportation, he assumed that the business acquired provided him with the right to provide service between Philadelphia and the

points on the price list. When, as he will testify, he learned a year or two thereafter that the certificate did not permit service outside of Philadelphia, he (i) purchased additional rights which he believed would provide the additional authority, although they in fact did not, and (ii) he adopted the practice, still followed, of engaging other certificated messenger services to provide the service between Philadelphia and the suburban counties (N.T. 26-7); the only occasions when Rapid Delivery is used to provide service between Philadelphia and suburban points is when a regular customer threatens termination of their business relationship and Wool is unable to find a certificated carrier to perform the service. (N.T. 32)

Finally, of course, Joyco filed the instant application to provide authority to serve outside of Philadelphia. Unfortunately, due to advice of his then counsel, now replaced, the additional authority sought was only for service within the suburban county area, and not between such areas and Philadelphia, and a further amendment is required and will be made in order to request authority for the service for which Rapid Delivery now uses other carriers.

In sum, the testimony to date , and the additional testimony which will be offered in this proceeding will demonstrate a series of good faith efforts by Wool and Joyco to operate within the bounds of certificated authority, limited only by the need to serve customers principally employing authorized service, but demanding service beyond the area of applicant's authority.

2. As A Matter Of Law, Any Violations By Rapid Delivery Have Been, and Are, of a De Minimis Nature; They Are Clearly Insufficient To Justify Denial of the Requested Additional Authority

In the landmark case of Application of Blue Streak Courier Service Inc., A.00104860 (1987), this Commission determined to grant a certificate to operate as a common carrier to a messenger service very similar in nature to the business of this applicant even though Blue Streak had operated entirely without authority for more than three years, and had continued its illegal operations for a period of more than four years after filing its application. The Commission did so on the basis that (i) it had operated "in ignorance of the Commission's regulations" for more than two years, until being informed of the requirement of certification by a prospective customer (Slip Opinion at 12), (ii) that when learning of the Commission regulations "it voluntarily came forward to legitimize itself" (Slip Opinion at 13), and (iii) that it had continued operations during the four year period following the application because it "faced a painful dilemma: either to cease operations and risk the danger of losing its going business by observing the letter of the law, or to risk the danger of losing it by not doing so...a classic 'Catch 22'" (Slip Opinion at 14).

The protestant in Blue Streak was Quick, the Movant here, and Quick was successful in winning an Initial Decision denying the application on the grounds that Blue Streak " had knowingly operated for almost four years without any Commission authority." (Slip Opinion at 1). The Commission, on Blue Streak's Exceptions, granted it the requested certification. It concluded that

We believe that, under all the circumstances,
Blue Streak's response was reasonable. Accordingly

we conclude that in this situation of good faith ignorance or misunderstanding during which a new carrier becomes a going concern, followed by a properly drawn application and a candid expression of its intention to resolve the dilemma created thereby, is another 'narrowly defined circumstance' of good faith unlawful operation."

(Slip Opinion at 15)

It not only concluded that Blue Streak had met the standard of 52 Pa. Code Sec. 41.14(b) that the record not demonstrate "that the applicant lacks a propensity to operate safely and legally" but also that "it is appropriate for us to consider evidence arising from these unauthorized services in the exercise of our discretion to determine the public need for the Applicant's services, and the fitness of the Applicant to provide them." (Slip Opinion at 15).

In Blue Streak, the Commission analyzed a series of prior court decisions, including Lancaster Transportation Company v. Pa.P.U.C., 181 Pa. Super. Ct. 129, 124 A. 2d 380 (1956), Bunting Bristol Trans Inc. v. Pa. P.U.C., 418 Pa. 286, 210 A.2d 281 (1965), Gettysburg Tours v. Pa. P.U.C., 42 Pa. Cmwlth Ct. 399, 400 A. 2d 945 (1979) and Brink's Inc. v. Pa. P.U.C., 500 Pa. 387, 456 A. 2d 1342 (1983), and various of its own prior decisions, and concluded

To summarize the foregoing decisions and Sec. 41.14 insofar as relevant to the issues in the instant proceeding, the Commission may, within its discretion, grant a certificate to a carrier as being in the public interest, in spite of evidence of prior unlawful operations which bears on the public need, or fitness or both: (1) if there is also sufficient evidence from lawful operations; or (2) if the unlawful operations were undertaken in good faith ignorance or misunderstanding, or in certain other narrowly defined circumstances.

(Slip Opinion at 12).

In a recent decision, Hercik v. Pa. P.U.C., 586 A.2d 492 (Pa. Cmwlth Ct. 1991), the Commonwealth Court upheld a Commission decision, again one which had reversed an ALJ Initial decision, granting a certificate, there to operate a limousine service, to an applicant which had continued to operate illegally "subsequent to the filing of its application." The Court approved the Commission's conclusion "That while evidence of unlawful operations may negatively reflect on Conway's (the applicant's) fitness to operate the proposed service, obedience to the law is only one of the many factors to be considered in determining fitness..." 586 A.2d at 493.

Here, the applicant's conduct is far less egregious than that not precluding the grant of the application in Blue Streak and in Hercik. For here, the applicant has attempted, ever since learning of the certification requirement for service beyond Philadelphia, to avoid service in such unauthorized areas, by using certificated carriers, and only providing service itself when such other certificated carriers are unavailable. Although the billing for service rendered by others may be illegal, it is hardly sufficient to nullify the obvious good faith demonstrated in the retention of certificated carriers to render the service; again, the fact that a Class B carrier such as applicant has the right to pick up and deliver for Class A carriers could easily lead an applicant such as Joyco to believe that the use of other certificated carriers avoids any possible illegal operation.

Moreover, here the applicant is making an even greater good faith attempt to avoid the dilemma described in Blue Streak, by risking the financial health of his operations by using other certificated carriers

for unauthorized service, rather than rendering such service himself.

Finally, with respect to those few "occasions" on which in the absence of the availability of another carrier, the applicant has rendered service itself, it is worth noting that to the extent to which such service involves the delivery on a same-day basis of letters and related materials, that such service may indeed not require state certification at all because of the federal preemption effectuated by the Private Express Statute, 18 U.S.C. Sec. 1696.

Under all of the circumstances, in accordance with the facts already of record, and those to be adduced at further hearing, it is clear that under decided Commission authority, approved by the courts, it is entirely appropriate for the instant application, as it will be amended, to be approved by the Commission.

3. In Any Event, the Instant Motion Seeking a Cease and Desist Order Should Be Denied (i) As Being an Improper Procedure For Seeking Such Relief, and (ii) as Improperly Denying Applicant Constitutional Due Process

The matter which has been referred to the Administrative Law Judge for hearing and Initial Decision is the application of Joyco for additional authority for prospective operations. The Commission has not referred to the Administrative Law Judge an application by a competitor for a cease and desist order with respect to existing operations.

Should Quick desire to seek Commission action with regard to existing operations of Joyco, specifically that to the extent they may violate the letter of the law they be prohibited, it must seek such by filing an appropriate Complaint pursuant to 66 Pa. C.S. Sec. 701, since that is the only manner in which a complainant such as Joyco can seek to invoke the Commission's action against one allegedly operating

improperly.

Upon the service of any such Complaint, Joyco will have the opportunity of seeking its dismissal on the ground that presumably it will allege such a de minimis violation as to be unworthy even of referral by the Commission for hearing. In any event, should the Commission determine to entertain the Complaint, it will refer the matter to an Administrative Law Judge for hearing and recommended Commission action, by the issuance of an Initial Decision. If such Initial Decision is adverse to the respondent, it will have the opportunity to file Exceptions before any cease and desist order is issued.

Moreover, and most importantly, no cease and desist order can be issued, even upon such a Complaint, properly referred to an Administrative Law Judge, indeed no Initial Decision can even be rendered recommending such, until the respondent has a due process hearing, i.e. until the respondent is given the opportunity to offer its case in full, both by direct and cross examination.

Here, even if there had been a Complaint seeking a cease and desist order, and even if it had been referred to this Administrative Law Judge for hearing and Initial Decision, no such Initial Decision could properly be rendered at this stage of the proceeding, since (i) Joyco has not had its due process right to a hearing after being informed that its purpose was to consider such remedial action, and (ii) such hearing as Joyco has been provided is not yet completed, since Joyco has the right to offer a full case, as it seeks to do in connection with the application which is the matter before the Administrative Law Judge.

It would violate both Joyco's statutory and constitutional rights for the Administrative Law Judge to recommend at this time to the Commission, by Initial Decision, the issuance of a cease and desist order. It is, of course, unnecessary to note that in any event, even in a proper cease and desist proceeding, initiated by Complaint and referral, and even after full due process hearing, may the Administrative Law Judge himself issue a Commission order to cease and desist, rather than render an Initial Decision so recommending to the Commission, and subject to the filing of Exceptions.

Conclusion

The Motion for a Cease and Desist Order should be dismissed and denied as procedurally improper, in the absence of the filing and referral of a Complaint seeking such, and in the absence of the opportunity for a full hearing for Respondent.

Moreover, the actions of Joyco represent a good faith effort to operate legally while seeking required authority, and justify neither a cease and desist order nor the denial of the application for such authority.

In accordance with a contemporaneously filed Motion by applicant seeking a continuance and stay pending the amending of its application, and with the argument in this Reply, it is respectfully requested that,

- (i) the Motion to Cease and Desist be dismissed and denied, and
- (ii) these proceedings be stayed and continued pending the amendment by Joyco of its application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis J. Carter". The signature is written in a cursive style with a large initial "L".

LOUIS J. CARTER Esq.
7800 City Line Avenue
Philadelphia PA 19151
(215) 879-8665

Attorney for Joyco, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing document, viz:

REPLY OF JOYCO, INC. t/d/b/a RAPID DELIVERY
TO MOTION OF JAMOUR INC. FOR CEASE AND DESIST ORDER

were served this 15th day of May, 1992, by First Class United States mail, postage prepaid on the following persons:

Raymond A. Thistle, Jr., Esq.
206B Benson East
100 Old York Road
Jenkintown, PA 19046

Counsel for
Courier Unlimited, Inc.
Protestant

Edward L. Ciemiecki, Esq.
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106

Counsel for
Jamour, Inc. t/d/b/a
Quick Courier Service
Protestant



Louis J. Carter, Esq.
Counsel for Applicant
Joyco, Inc. t/a Rapid Delivery

ORIGINAL

LPW

RAYMOND A. THISTLE, JR.

ATTORNEY AT LAW
206B BENSON EAST
100 OLD YORK ROAD
JENKINTOWN, PA. 19046

(215) 576-0131

May 22, 1992

John G. Alford, Secretary
PA Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of Joyco, Inc., t/a
Rapid Delivery
Docket A-00109534, F.1, Am-A

Dear Secretary Alford:

Enclosed herewith for filing is an original plus two copies of protestant Courier Unlimited, Inc.'s Objection to the Applicant's Motion for Stay and Continuance Pending Amendment of Application.

Proper service has been made per the Certificate of Service.

Please acknowledge receipt hereof and return in that provided.

Thank you for your attention and consideration in this matter.

Very truly yours,



Raymond A. Thistle, Jr.
Raymond A. Thistle, Jr.

RAT:mt

cc: Courier Unlimited, Inc.

RECEIVED
MAY 26 1992
SECRETARYS OFFICE
Public Utility Commission

LPW

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF JOYCO, INC.,
T/A RAPID DELIVERY

DOCKET A-00109534, F.1, AM-A

DOCKETED
MAY 28 1992

DOCUMENT
FOLDER

OBJECTION OF COURIER UNLIMITED, INC.
TO MOTION OF JOYCO, INC., T/A
RAPID DELIVERY FOR STAY AND
CONTINUANCE PENDING AMENDMENT
OF APPLICATION

1. Applicant originally applied for permanent authority as notice was given in the PA Bulletin as follows:

"So as to permit the transportation of property, between points in the counties of Chester, Montgomery, Bucks and Lancaster. Application for temporary authority has been filed at A-00109534, F.1, Am-A seeking the right cited above.

2. Applicant now seeks a stay of the proceeding, after one hearing, so that it may amend its application geographically so it would read, ". . . between points in the counties of Philadelphia, Chester, Montgomery, Bucks and Lancaster."

3. Such an amendment would increase the scope of the application and require republication and subject the application to other protests.

RECEIVED

MAY 26 1992

SECRETARYS OFFICE
Public Utility Commission

4. Since many protestants withdrew based upon various amendments, copies of the amended application should be served upon all initial 5 protestants and their counsel as well.

5. The applicant's testimony indicated that applicant was performing an illegal service.

6. While this response may appear to be premature, the allegations of the applicant's Motion filed, clearly indicate its intention to go forward with its present application without republication and additional notice in the PA Bulletin. Thus this Objection.

Respectfully Submitted

COURIER UNLIMITED, INC.

By  _____
Raymond A. Thistle, Jr.

CERTIFICATE OF SERVICE

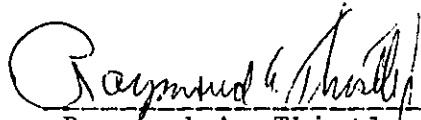
The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Objection to the Motion for Stay filed by applicant upon all parties or their counsel of record in this proceeding and the Administrative Law Judge, by placing a copy thereof with the United States Postal Service, first class mail, postage prepaid:

Honorable Isador Kranzel
Administrative Law Judge
PA Public Utility Commission
1302 State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

Louis J. Carter, Esquire
Suite 120
7300 City Line Avenue
Philadelphia, PA 19151-2291

Edward L. Ciemniecki, Esquire
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106-3619

Dated at Jenkintown, PA this 22nd day of May, 1992.



Raymond A. Thistle, Jr.
Attorney for Protestant
Courier Unlimited, Inc.

FILED

RUBIN QUINN MOSS HEANEY & PATTERSON, P.C.

ATTORNEYS AT LAW
1800 PENN MUTUAL TOWER

510 WALNUT STREET
PHILADELPHIA, PA 19106-3619

(215) 925-8300
FAX: (215) 925-1572

DIRECT DIAL NUMBER

(215) 931-0604

KING OF PRUSSIA OFFICE
216 GODDARD BOULEVARD
GENERAL WASHINGTON BUILDING
KING OF PRUSSIA, PA 19406
(215) 337-4080

OF COUNSEL
MALCOLM L. LAZIN
ALAN KAHN
GOFF & RUBIN

ALEXANDER N. RUBIN, JR.
JERROLD V. MOSS
JAMES W. PATTERSON
DENIS JAMES LAWLER
WILLIAM D. PARRY
DON P. FOSTER
ERIC M. HOCKY
JOSEPH F. MESSINA
PETER C. CILIO
JOAN F. JAFFE
HOWARD H. SOFFER
JEFFREY P. BATES

WILLIAM P. QUINN
TERENCE K. HEANEY
DANIEL B. PIERSON, V.
ROBERT P. STYLE
G. BRADLEY RAINER
MARY ELLEN O'LAUGHLIN
EDWARD L. CIEMNIECKI
LESLIE BETH BASKIN
RICHARD A. FRANKLIN
ELLEN B. LANG
JANET I. MOORE

May 27, 1992

MAY 27 1992

OFFICE OF
Commission

Isador Kranzel, Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

MAY 27 1992

OFFICE
Public Utility Commission

**Re: Application of Joyco, Inc.
t/d/b/a Rapid Delivery - Docket No. A-109534, F.1, Am-A**

Dear Judge Kranzel:

Enclosed please find the original and two copies of the Reply of Jamour, Inc., t/d/b/a Quick Courier Service to the Motion filed by Joyce, Inc., t/d/b/a Rapid Delivery seeking a Stay and Continuance of the above-captioned proceeding.

Copies of the enclosed are being filed with the Commission and served upon all active parties of record.

DOCUMENT FOLDER

Very truly yours,

Edward L. Ciemniecki

EDWARD L. CIEMNIECKI

ELC/jal
enclosures

cc: John G. Alford, Secretary
Louis J. Carter, Esquire
Raymond A. Thistle, Jr., Esquire
Eugene A. Minahan, Operations Manager

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF : DOCKET NO.
JOYCO, INC. t/d/b/a : A-109534, F.1, Am-A
RAPID DELIVERY :

REPLY OF JAMOUR, INC., t/d/b/a QUICK COURIER SERVICE TO MOTION OF JOYCO, INC., t/d/b/a RAPID DELIVERY FOR STAY AND CONTINUANCE PENDING AMENDMENT OF APPLICATION JUN 03 1992

COMES NOW, Jamour, Inc. t/d/b/a Quick Courier Service ("Quick") and files this Reply to the Motion of Joyco, Inc., t/d/b/a Rapid Delivery ("Rapid Delivery" or "Applicant") seeking a stay and continuance of the above-captioned proceeding.

I. STATEMENT OF THE CASE

By application published in the Pennsylvania Bulletin on November 30, 1991 Rapid Delivery requested authority to transport property, between points in the counties of Chester, Montgomery, Bucks and Lancaster. Numerous protests were filed in opposition to the application.

Following negotiations between Applicant and the various Protestants, Rapid Delivery restrictively amended its application. As a result of the restrictions agreed to by Applicant, all protests except those of Quick and Courier Unlimited, Inc. were withdrawn.

An initial hearing was held before Administrative Law Judge Isador Kranzel on March 30, 1992. At the hearing Harold

DOCUMENT
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Wool, President of Rapid Delivery, testified 1. that Applicant has provided prospective customers with a price list that details prices charged by Rapid Delivery for service beyond its authorized territory and 2. that Rapid Delivery has provided service beyond the scope of its authority. (T.31-32). As a result of this testimony, Judge Kranzel elected to continue this proceeding generally. (T.41). A further hearing has now been scheduled for June 10, 1992.

In response to the testimony of unlawful service offered by Applicant's President and pursuant to 52 Pa. Code §5.103, on April 13, 1992 Quick filed with Judge Kranzel a Motion for Cease and Desist Order requesting that Rapid Delivery be ordered to cease and desist from further violations of the Pennsylvania Public Utility Code. On May 15, 1992 Rapid Delivery filed a Reply to Quick's Motion. On that date Rapid Delivery also filed a Motion for Stay and Continuance Pending Amendment of Application.

This Reply is directed to Rapid Delivery's Motion for Stay and Continuance.

II. REPLY TO MOTION

The stated purpose of Rapid Delivery's Motion is to request that the Administrative Law Judge "stay and continue the present proceedings concerning [Rapid Delivery's] application for additional authority until such time as it may amend its application in order to add service between Philadelphia and certain suburban counties, as well as within such suburban area." (Rapid Delivery Motion, p.1). Specifically, Rapid Delivery seeks

to amend its application from one seeking authority "between points in the Counties of Chester, Montgomery, Bucks and Lancaster" to one requesting authority between points in the Counties of Philadelphia, Chester, Montgomery, Bucks and Lancaster.

Quick does not oppose Rapid Delivery's request that hearings in this proceeding be continued. Clearly, the modification proposed by Rapid Delivery expands the scope of the authority requested in this matter. The modification will therefore require re-publication of the application in the Pennsylvania Bulletin in order to provide adequate notice to competing carriers. This, in turn, may result in the filing of additional protests by carriers not currently involved in this proceeding.

Conducting additional hearings while this process is ongoing would be counter-productive, wasteful of Commission resources and may require public witnesses to appear and testify at multiple hearings in order to afford all parties the right of cross-examination. No useful purpose would be served by proceeding in this manner and Quick therefore joins in Rapid Delivery's request for a continuance.

Quick does request, however, that in the event Rapid Delivery is permitted to amend its application that it be required to incorporate into its revised authority request those restrictions which caused the withdrawal of numerous protestants from this proceeding. Carriers that opposed Rapid Delivery's original application and have already withdrawn from this

proceeding did so in the belief that their interests were protected by restrictive amendments that have already been accepted by Judge Kranzel. (T.4-9). Allowing Rapid Delivery to now remove the agreed-to restrictions from the authority sought in this proceeding would be fundamentally unfair to the withdrawing Protestants and should not be permitted.

Although Quick does not oppose a continuance of further hearings, it does object to a complete stay of this proceeding. As noted above in the Statement of the Case, Quick currently has pending before Administrative Law Judge Kranzel a Motion for Cease and Desist Order which seeks an Order directing Rapid Delivery to cease and desist from further violations of the Public Utility Code. There is no reason for a ruling on Quick's Motion to be delayed -- ie., for Rapid Delivery to be permitted to continue violating the Public Utility Code -- while Applicant goes through the process of amending its application. Quick's Motion for Cease and Desist Order should be acted upon by the presiding Administrative Law Judge; Rapid Delivery must be directed to abide by the rules and regulations of this Commission.

WHEREFORE, Jamour, Inc., t/d/b/a Quick Courier Service requests the issuance of an Order continuing the hearing currently scheduled for June 10, 1992 and directing that an Order be issued disposing of Quick's pending Motion for Issuance of Cease and Desist Order.

Respectfully submitted,

By: Edward L. Ciemniecki
EDWARD L. CIEMNIECKI
Attorney for
Jamour, Inc., t/d/b/a
Quick Courier Service

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that true and correct copies of the foregoing Reply of Jamour, Inc., t/d/b/a Quick Courier Service To Motion of Joyco, Inc., t/d/b/a Rapid Delivery For Stay and Continuance Pending Amendment Of Application, were served upon the following by United States mail, postage prepaid.

Dated at Philadelphia, Pennsylvania this 27th day of May, 1992.

Isador Kranzel, Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130

Raymond A. Thistle, Esquire
206B Benson East
100 Old York Road
Jenkintown, PA 19046

Louis J. Carter, Esquire
7300 City Line Avenue
Philadelphia, PA 19151



EDWARD L. CIEMNIECKI, ESQUIRE
Attorney for Jamour, Inc., t/d/b/a
Quick Courier Service

LAW OFFICES
LOUIS J. CARTER
7300 CITY LINE AVENUE
PHILADELPHIA, PA. 19151-2291
(215) 879-8665

ORIGINAL
ML S

LOUIS J. CARTER*
JOEL E. MAZOR**
JILL EISEMAN BRONSON***

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR
***NEW YORK BAR ONLY

TELECOPIER #(215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

June 2, 1992

20416.211U-9534A/
F1RPL

Hon. Isador Kranzel
Pennsylvania Public Utility Commission
Philadelphia State Office Building, 13th Fl.
1400 West Spring Garden Street
Philadelphia, PA 19130

RECEIVED
JUN 4 1992

SECRETARY'S OFFICE
Public Utility Commission

Re: A-00109534, F001, Am-A
Application of Joyco, Inc. t/a Rapid Delivery

Dear Judge Kranzel:

Enclosed is a copy of the Motion By Applicant For Referral To Bureau Of Transportation which is being filed with the Secretary this date.

Copies have been mailed to parties shown on the attached Certificate of Service.

DOCUMENT
FOLDER

Sincerely,



LOUIS J. CARTER
Attorney for Movant/Applicant
Joyco, Inc. t/a Rapid Delivery

LJC/kmd
(RapidPUC.223)
Enclosure: As above
cc: Edward L. Ciemniecki, Esq., Atty. for Jamour, Inc.
Raymond A. Thistle, Jr., Esq., Atty. for Courier Unlimited
Office of the Secretary, Harrisburg, PA (0+2 copies)

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of Docket No.
JOYCO, INC. t/a RAPID DELIVERY A-00109534,
F001, Am-A

DOCKETED
JUN 11 1992

MOTION BY APPLICANT FOR
REFERRAL TO BUREAU OF TRANSPORTATION

RECEIVED
JUN 4 1992
SECRETARY'S OFFICE
Public Utility Commission

TO THE HONORABLE ISADOR KRANZEL:

Applicant moves the Presiding Officer to refer this case to the Bureau of Transportation for republication of the notice of the amended application as set forth in Attachment "A" hereto.

In support of said Motion, movant submits the following:

1. Applicant's prior counsel filed an application which was insufficient under the circumstances and failed to meet the needs of Applicant's shippers;
2. The objection to Applicant's Motion of Stay filed by Courier Unlimited, Inc. requests that the amended application be served upon all initial protestants and their counsel as well.

C2/RapidMtn.223

DOCUMENT
FOLDER

3. Jamour, Inc. t/d/b/a Quick Courier Service, the only other active protestant, does not oppose the request that hearings be continued but avers that there should be republication of the application in the Pennsylvania Bulletin, with which Applicant concurs.

4. Movant/Applicant submits that this motion is in accordance with the usual and customary procedures of the Commission.

WHEREFORE Applicant requests that the presiding officer refer the amended application as set forth on Attachment "A" hereto to the Bureau of Transportation for republication. All proceedings to stay in the interim.

Respectfully submitted,



LOUIS J. CARTER
Attorney for Movant/Applicant
Joyco Inc., t/a Rapid Delivery

Dated: June 2, 1992

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the Motion By Applicant For Referral To Bureau of Transportation were served to the persons named below by United States first class mail, postage prepaid.

Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Hon. Isador Kranzel, Administrative Law Judge
Pennsylvania Public Utility Commission
Philadelphia State Office Building, 13th Floor
Broad and Spring Garden Streets
Philadelphia, PA 19130

Raymond A. Thistle, Jr., Esq.
206B Benson East
100 Old York Road
Jenkintown, PA 19046
Attorney for Courier Unlimited, Inc.

Edward Ciemniecki, Esq.
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106
Attorney for Jamour, Inc.

Dated this 2nd day of June, 1992



LOUIS J. CARTER
Attorney for Movant/Applicant
Joyco, Inc. t/a Rapid Delivery

MPK

AL'S

LAW OFFICES
LOUIS J. CARTER
7300 CITY LINE AVENUE
PHILADELPHIA, PA. 19151-2291
(215) 879-8665

LOUIS J. CARTER*
JOEL E. MAZOR**
JILL EISEMAN BRONSON***

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR
***NEW YORK BAR ONLY

TELECOPIER #(215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

20416.211U
9534A/F1RPL

June 4, 1992

Hon. Isador Kranzel
Pennsylvania Public Utility Commission
Philadelphia State Office Building, 13th Fl.
1400 West Spring Garden Street
Philadelphia, PA 19130

RECEIVED
JUN 8 1992

SECRETARY'S OFFICE
Public Utility Commission

Re: A-00109534, F001, Am-A
Application of Joyco, Inc. t/a Rapid Delivery

Dear Judge Kranzel:

Enclosed is a copy of the Amended Motion By Applicant For Referral To Bureau Of Transportation which is being filed with the Secretary this date.

In summary, the changes appear in Attachment "A" which

(a) limits the restrictions to counties other than Philadelphia and between Philadelphia and said counties; and

(b) includes a restriction which Applicant's prior counsel agreed to on the record with counsel for Mustang Expediting, Inc. but which restriction was omitted from the amendment he had filed previously with the Secretary.

Copies have been mailed to parties shown on the attached Certificate of Service.

I have informed Messrs. Thistle and Ciemniecki that you are requesting notification as to whether they have any objections to the proposed Order which is attached.

DOCUMENT
FOLDER

LJC/kmd
Enc: As above
(RapdPUC2.223)

Sincerely,
Louis J. Carter
LOUIS J. CARTER
Attorney for Movant/Applicant
Joyco, Inc. t/a Rapid Delivery

cc: Edward L. Ciemniecki, Esq., Atty. for Jamour, Inc.
Raymond A. Thistle, Jr., Esq., Atty. for Courier Unlimited
Office of the Secretary, Harrisburg, PA (0+2 copies)

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of Docket No.
JOYCO, INC. t/a RAPID DELIVERY A-00109534,
F001, Am-A

DOCKETED
JUN 12 1992

AMENDED MOTION BY APPLICANT FOR
REFERRAL TO BUREAU OF TRANSPORTATION

RECEIVED
JUN 8 1992
SECRETARY'S OFFICE
Public Utility Commission

TO THE HONORABLE ISADOR KRANZEL:

Applicant moves the Presiding Officer to refer this case to the Bureau of Transportation for republication of the notice of the amended application as set forth in Attachment "A" hereto.

In support of said Motion, movant submits the following:

1. Applicant's prior counsel filed an application which was insufficient under the circumstances and failed to meet the needs of Applicant's shippers;
2. The objection to Applicant's Motion of Stay filed by Courier Unlimited, Inc. requests that the amended application be served upon all initial protestants and their counsel as well.

C2/RapdMtn1.223

DOCUMENT
FOLDER

3. Jamour, Inc. t/d/b/a Quick Courier Service, the only other active protestant, does not oppose the request that hearings be continued but avers that there should be republication of the application in the Pennsylvania Bulletin, with which Applicant concurs.

4. Movant/Applicant submits that this motion is in accordance with the usual and customary procedures of the Commission.

WHEREFORE Applicant requests that the presiding officer refer the amended application as set forth on Attachment "A" hereto to the Bureau of Transportation for republication. All proceedings to stay in the interim.

Respectfully submitted,



LOUIS J. CARTER
Attorney for Movant/Applicant
Joyco Inc., t/a Rapid Delivery

Dated: June 4, 1992

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the Amended Motion By Applicant For Referral To Bureau of Transportation were served to the persons named below by United States first class mail, postage prepaid.

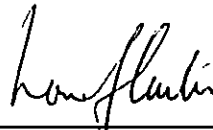
Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Hon. Isador Kranzel, Administrative Law Judge
Pennsylvania Public Utility Commission
Philadelphia State Office Building, 13th Floor
Broad and Spring Garden Streets
Philadelphia, PA 19130

Raymond A. Thistle, Jr., Esq.
206B Benson East
100 Old York Road
Jenkintown, PA 19046
Attorney for Courier Unlimited, Inc.

Edward Ciemniecki, Esq.
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106
Attorney for Jamour, Inc.

Dated this 4th day of June, 1992



LOUIS J. CARTER
Attorney for Movant/Applicant
Joyco, Inc. t/a Rapid Delivery

RUBIN QUINN MOSS HEANEY & PATTERSON, P. C.

HLS

ATTORNEYS AT LAW
1800 PENN MUTUAL TOWER

510 WALNUT STREET
PHILADELPHIA, PA 19106-3619

(215) 925-8300
FAX: (215) 925-1572

DIRECT DIAL NUMBER

(215) 931-0604

ALEXANDER N. RUBIN, JR.
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JAMES W. PATTERSON
DENIS JAMES LAWLER
WILLIAM D. PARRY
DON P. FOSTER
ERIC M. HOCKY
JOSEPH F. MESSINA
PETER C. CILIO
JOAN F. JAFFE
HOWARD H. SOFFER
JEFFREY P. BATES

WILLIAM P. QUINN
TERENCE K. HEANEY
DANIEL B. PIERSON, V.
ROBERT P. STYLE
G. BRADLEY RAINER
MARY ELLEN O'LAUGHLIN
EDWARD L. CIEMNIECKI
LESLIE BETH BASKIN
RICHARD A. FRANKLIN
ELLEN B. LANG
JANET I. MOORE

KING OF PRUSSIA OFFICE
216 GODDARD BOULEVARD
GENERAL WASHINGTON BUILDING
KING OF PRUSSIA, PA 19406
(215) 337-4060

OF COUNSEL
MALCOLM L. LAZIN
ALAN KAHN
GOFF & RUBIN

June 4, 1992

RECEIVED

JUN 9 1992

SECRETARY'S OFFICE
Public Utility Commission

Isador Kranzel, Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

Re: Application of Joyco, Inc.
t/d/b/a Rapid Delivery - Docket No. A-109534, F.1, Am-A

Dear Judge Kranzel:

In connection with the above-captioned matter, enclosed please find the Reply of Jamour, Inc. t/d/b/a Quick Courier Service to Motion By Applicant For Referral To Bureau of Transportation.

Copies of the enclosed are being filed with the Secretary's Office and served upon all active parties of record.

Very truly yours,

Edward L. Ciemniecki
EDWARD L. CIEMNIECKI



ELC/jal
enclosures

cc: John G. Alford, Secretary
Louis J. Carter, Esquire
Raymond A. Thistle, Jr., Esquire
Eugene A. Minahan, Operations Manager

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF
JOYCO, INC. t/d/b/a
RAPID DELIVERY

:
:
:

DOCKET NO.
A-109534, F.1, Am-A

REPLY OF JAMOUR, INC., t/d/b/a
QUICK COURIER SERVICE TO MOTION BY
APPLICANT FOR REFERRAL TO BUREAU
OF TRANSPORTATION

RECEIVED

JUN 9 1992

SECRETARY'S OFFICE
Public Utility Commission

COMES NOW, Jamour, Inc., t/d/b/a Quick Courier Service ("Quick") and files this Reply to the Motion of Joyco, Inc., t/d/b/a Rapid Delivery ("Rapid Delivery" or "Applicant") requesting that the instant matter be referred to the Bureau of Transportation.

ARGUMENT IN REPLY

Through its Motion Rapid Delivery requests that the Administrative Law Judge refer the instant proceeding "to the Bureau of Transportation for republication of the notice of the amended application."

Quick does not oppose this portion of Applicant's Motion. As stated in Quick's Reply to Applicant's Motion for Stay and Continuance filed earlier in this proceeding, Rapid Delivery's intention to expand the scope of the authority sought in this proceeding requires republication of public notice in the Pennsylvania Bulletin. A referral of this proceeding to the Bureau of Transportation to accomplish republication is therefore appropriate.

00000000

JUN 15 1992

DOCUMENT
FOLDER

Quick does oppose Applicant's request that "(a)ll proceedings [be] stay[ed] in the interim." Quick has filed with the Administrative Law Judge a Motion for Cease and Desist Order seeking the issuance of an Order directing Rapid Delivery to cease and desist from further violations of the Pennsylvania Public Utility Code. No useful purpose would be served by delaying action on the pending Motion. Quick requests that the Administrative Law Judge rule on Quick's Motion for Cease and Desist Order before this proceeding is referred to the Bureau of Transportation and that Rapid Delivery be directed to abide by the rules and regulations of this Commission.

Respectfully submitted,



EDWARD L. CIEMNIECKI
Attorney for Jamour, Inc.
t/d/b/a Quick Courier Service

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that true and correct copies of the foregoing Reply of Jamour, Inc., t/d/b/a Quick Courier Service To Motion By Applicant For Referral To Bureau Of Transportation, were served upon the following by United States mail, postage prepaid.

Dated at Philadelphia, Pennsylvania this 4th day of June, 1992.

Isador Kranzel, Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130

Raymond A. Thistle, Esquire
206B Benson East
100 Old York Road
Jenkintown, PA 19046

Louis J. Carter, Esquire
7300 City Line Avenue
Philadelphia, PA 19151



EDWARD L. CIEMNIECKI, ESQUIRE
Attorney for Jamour, Inc., t/d/b/a
Quick Courier Service

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
June 4, 1992

KLS

In Re: A-00109534, F001, Am-A

(See letter dated 4/23/92)

Application of Joyco, Inc., t/a Rapid Delivery

Right to transport, as a common carrier, property between points in the counties of Chester, Montgomery, Bucks and Lancaster.

NOTICE

This is to inform you that at the request of counsel for the applicant, the further hearing now scheduled to be held on Wednesday, June 10, 1992, at 10:00 a.m., in Philadelphia, Pennsylvania in the subject proceeding has been cancelled.

cc: Judge Kranzel
Mr. Frazier - PIO
Mrs. Lewis
Scheduling Sec.
Mrs. Plantz
{Docket Room}

DOCUMENT
FOLD

DOCKETED
JUN 08 1992