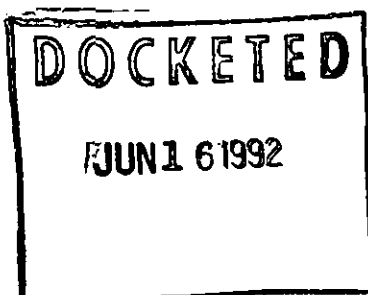


RAYMOND A. THISTLE, JR.

AMM

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

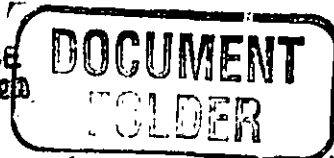


June 5, 1992

(215) 576-0131

JUN 9 1992

SECRETARY'S OFFICE
Public Utility Commission



Isador Kranzel, ALJ
PA Public Utility Commission
1302 State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

Re: Application of Joyco, Inc., t/d/b/a
Rapid Delivery
Docket A-109534, F.1, Am-A

Dear Judge Kranzel:

Consider this letter-form as a formal Reply to the Amended Motion by applicant, in the above referenced proceeding, for referral to the Bureau of Transportation, which Motion includes an Amendment to the wording of the authority sought. The amendment increases the scope of the authority originally sought and acknowledges the necessity of republication of the application as amended.

On behalf of my client, Courier Unlimited, Inc.

a. I have no objection to the republication of the application as amended.

b. I reserve the right to challenge the clarity of the amended wording of the authority sought at hearing on the amended application.

c. The testimony of the President of applicant, Howard Wool, should be presented ab initio, although that presented by Mr. Wool along with exhibits P-1, P-2, A-1 and A-2 at the hearing on March 30, 1992, before the Honorable Isador Kranzel, ALJ, should remain of record as it does relate to the issues of good faith, notice, illegal operations and admonitions by the ALJ, relative to the applicant, unaffected by the increased scope of authority (N.T.10-40).

d. I have no objection to the continuance of the hearing now set for Wednesday, June 10, 1992, at 10:00 a.m. before the Honorable Isador Kranzel, at Philadelphia, PA, upon the above basis.

Isador Kranzel, ALJ

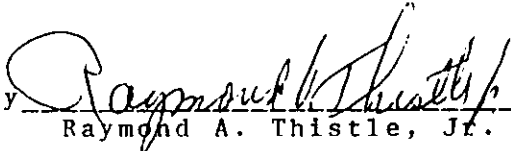
- 2 -

June 5, 1992

e. Those carriers who originally protested but subsequently withdrew their protest should be considered as current protestants to the application as now amended.

Respectfully submitted,

COURIER UNLIMITED, INC.

By  _____
Raymond A. Thistle, Jr.

RAT:mt

RECEIVED

JUN 9 1992

REGULATORY OFFICE
Public Utility Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Reply to the amended Motion 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. This includes those counsel or carriers who previously withdrew their protests:

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

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

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

James D. Campbell, Jr., Esquire
3631 North Front Street
Harrisburg, PA 17110

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

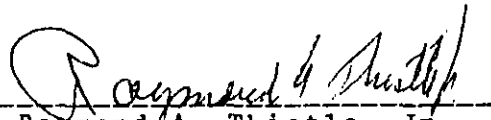
Joseph J. Carroll
STS Motor Freight Incorporated
4219 Richmond Street
Philadelphia, PA 19137

CERTIFICATE OF SERVICE (Con't)

William A. Gray, Esquire
2310 Grant Building
Pittsburgh, PA 15219

Peter G. Loftus, Esquire
Suite 724
Bank Towers
Scranton, PA 18503

Dated at Jenkintown, PA, this 5th day of June, 1992.



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

ORIGINAL

LPW

AMH

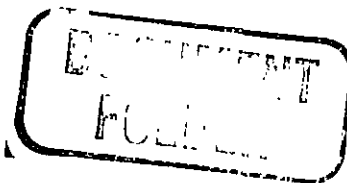
CASEY AND ROSSI
ATTORNEYS AT LAW
99 EAST COURT STREET
DOYLESTOWN, PENNSYLVANIA 18901

HARRY L. ROSSI
WILLIAM H. R. CASEY

(215) 348-7300
FAX (215) 348-1456

June 10, 1992

Jerry Rich, Secretary
Commonwealth of Pennsylvania
PA PUBLIC UTILITY COMMISSION
P.O. Box 3265
Harrisburg, PA 17120



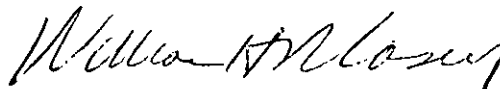
RE: Application of Joyco, Inc.,
t/a Rapid Delivery
A-00109534, F001, Am-A

Dear Secretary Rich:

Enclosed please find an original and three copies of a
Withdrawal of Protest pertaining to the above-captioned Application
on behalf of my client, Hatboro Delivery Service, Inc. A copy of
this Withdrawal of Protest is being sent to the Applicant on this
date, by copy of this letter.

Thank you for your cooperation in this matter.

Very truly yours,


WILLIAM H.R. CASEY

WHRC:las

cc: Joyco, Inc. t/a Rapid Delivery
c/o Leonard Zack, Esquire
Hatboro Deliver Service

RECEIVED
JUN 18 1992
SECRETARYS OFFICE
Public Utility Commission

LPW

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF JOYCO, INC. t/a RAPID DELIVERY
Docket No. A-00109534, F001, AM-A

WITHDRAWAL OF PROTEST

Protestant, HATBORO DELIVERY SERVICE, INC., hereby withdraws their Protest to the above Application, subject to the Restrictive Amendment, attached hereto, made a part hereof and marked Exhibit "A".

Respectfully Submitted,

CASEY AND ROSSI

BY: William H. Casey

Date: June 10, 1992

WILLIAM H.R. CASEY, ESQUIRE
ATTORNEY FOR PROTESTANTS
99 EAST COURT STREET
DOYLESTOWN, PA 18901
PHONE: (215) 348-7300

DOCKETED
JUN 18 1992

DOCUMENT
FOLDER

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JUN 16 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 periods.

Joyco t/b/a/
Rapid Delivery

DATED: _____

By: _____

DOCKET NO. A-00109534, F0001, Am-A
 CASE NAME Application of Joyco, Inc.
t/a Rapid Delivery
 HEARING LOCATION Philadelphia
 HEARING DATE June 10, 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 _____
 RECORD CLOSED YES NO
 Date _____
 Briefs to be filed YES NO
 Date _____
 BENCH DECISION YES NO

REMARKS: Cancelled

RECEIVED
 JUN 08 1992
 Office of A. L. J.
 Public Utility Commission

**DOCUMENT
 FOLDER**

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
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	

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

Reporter _____

RUBIN QUINN MOSS & PATTERSON, P. C.

ATTORNEYS AT LAW
1800 PENN MUTUAL TOWER
510 WALNUT STREET
PHILADELPHIA, PA 19106-3619
(215) 925-8300
FAX (215) 925-1572

ALEXANDER N. RUBIN, JR. WILLIAM P. QUINN
JERROLD V. MOSS JAMES W. PATTERSON
DANIEL D. PIERSON, V DENIS JAMES LAWLER
ROBERT P. STYLE WILLIAM D. PARRY
G. BRADLEY RAINER DON P. FOSTER
MARY ELLEN O'LAUGHLIN ERIC M. HOCKY
EDWARD L. CIEMNIECKI JOSEPH F. MESSINA
LESLIE BETH BASKIN PETER C. CICILIO
RICHARD A. FRANKLIN JOANNE JAFFE
HOWARD H. SOFFER JEFFREY P. BATES

OF COUNSEL
MALCOLM L. LAZIN
ALAN KAHN
NICHOLAS J. SCAFIDI
GOFF & RUBIN

DIRECT DIAL NUMBER

(215) 931-0604

DOCUMENT
FOLIO

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JUN 26 1992
SECRETARY'S OFFICE
Public Utility Commission

June 25, 1992

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

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

Dear Secretary Alford:

Enclosed please find the original and two copies of the Motion of Jamour, Inc., t/d/b/a Quick Courier Service For Relief From Stay filed in the above-captioned matter.

Copies of the enclosed are being served upon Administrative Law Judge Isador Kranzel and all active parties of record.

Very truly yours,

Edward L. Ciemniecki

EDWARD L. CIEMNIECKI

ELC/jal
enclosures

cc: Isador Kranzel, Administrative Law Judge
Louis J. Carter, Esquire
Raymond A. Thistle, Jr., Esquire
Eugene A. Minahan, Operations Manager

T.M.
KJR
ORIGINAL

RECEIVED
JUN 26 1992
SECRETARY'S OFFICE
Public Utility Commission

ORIGINAL

Before the

Pennsylvania Public Utility Commission

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

:
:
:

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

DOCKETED

JUN 30 1992

DOCUMENT
FOLDER

MOTION OF JAMOUR, INC., t/d/b/a
QUICK COURIER SERVICE FOR RELIEF FROM STAY

COMES NOW, Jamour, Inc., t/d/b/a Quick Courier Service ("Quick" or "Protestant") and, in connection with the above-captioned proceeding files this Motion requesting that the stay of this proceeding ordered by the Decision of Administrative Law Judge Isador Kranzel dated June 5, 1992 be lifted for the limited purpose set forth below.

1. By Motion and Amended Motion filed June 2 and June 4, 1992, respectively, Joyco, Inc., t/d/b/a Rapid Delivery ("Rapid Delivery") requested that a. this proceeding be referred to the Bureau of Transportation "for republication of the notice of the amended application" and b. this proceeding be stayed pending republication.

2. Replies to Rapid Delivery's Motion and/or Amended Motion were filed by the two remaining active protestants - Courier Unlimited, Inc. and Quick.

3. In its Reply Quick stated that it did not oppose Applicant's requests that the matter be referred to the Bureau of

Transportation and that notice of the application be republished in the Pennsylvania Bulletin. Quick did state its opposition to Rapid Delivery's request that this proceeding be stayed, requesting instead that the Administrative Law Judge act upon Quick Courier's pending Motion for Cease and Desist Order.

4. By Order dated June 5, 1992 Judge Kranzel directed that a. the hearing scheduled for June 10, 1992 be cancelled; b. the application be referred to the Bureau of Transportation for republication; and c. further proceedings be stayed.

5. Through this Motion Quick requests that Administrative Law Judge Kranzel lift the stay imposed upon this proceeding for the limit purpose of acting upon Quick's pending Motion for Cease and Desist Order. Protestant asserts that the Administrative Law Judge should lift the stay and grant Quick's Motion for Cease and Desist Order - a Motion that merely requests that Rapid Delivery be directed to terminate its unlawful service. No useful purpose will be served by delaying action on the pending Motion until republication of the application. Moreover, the failure of the Administrative Law Judge to act upon Quick's Motion and direct that Rapid Delivery abide by the provisions of the Public Utility Code may be interpreted by Applicant as implicitly condoning its continuing, purposeful rendering of unauthorized transportation.

WHEREFORE, Jamour, Inc., t/d/b/a Quick Courier Service requests that the stay of this proceeding be lifted for the sole purpose of allowing the Administrative Law Judge to act upon its pending Motion for Cease and Desist Order.

Respectfully submitted,

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


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing Motion of Jamour, Inc., t/d/b/a Quick Courier Service, were served as follows this 25th day of June, 1992, by regular United States mail, postage prepaid:

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, Jr., 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 Applicant,
Jamour, Inc., t/d/b/a
Quick Courier Service

HL S

LAW OFFICES

LOUIS J. CARTER

7300 CITY LINE AVENUE

PHILADELPHIA, PA. 19151-2291

(215) 879-8665

TELECOPIER #(215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

20416.211U-9534A/
F1RPL

LOUIS J. CARTER*

JOEL E. MAZOR**

JILL EISEMAN BRONSON**

* PENNA. & D.C. BAR

** PENNA. & N.Y. BAR



July 10, 1992

RECEIVED

JUL 13 1992

SECH
Public
Commission

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

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

Dear Judge Kranzel:

Enclosed is a copy of the Reply of Joyco Inc. t/d/b/a
Rapid Delivery to Motion of Jamour Inc. for Relief From Stay which
is being filed with the Secretary this date.

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

Sincerely,

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

LJC/jmr/c2

Enc: 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)

Rpdpucc.228

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JUL 13 1992

SL ... OFFICE
Public Utility Commission

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

DOCKETED
JUL 21 1992

DOCUMENT
FOLDER

REPLY OF JOYCO INC t/d/b/a RAPID DELIVERY
TO MOTION OF JAMOUR INC. FOR RELIEF FROM STAY

By Order dated June 5, 1992, the instant proceeding, in which applicant Joyco Inc. t/d/b/a Rapid Delivery seeks additional authority, was stayed pending the amendment of the application with regard to the authority being sought. The stay for such purpose was sought by applicant upon motion, and was not opposed by protestant Jamour Inc. t/d/b/a Quick Courier Service.

Now, Quick seeks relief from such Stay for the purpose of renewing a motion previously made by Quick seeking a "cease and desist order" pursuant to which "Rapid Delivery be directed to terminate its unlawful service." The new motion adds nothing to that which was before the Administrative Law Judge at the time the stay was ordered, an Order implicitly denying the Quick motion.

In responding to Quick's initial motion, Rapid pointed out (i) on the record to date, any violations by Rapid have been, and are, of such a de minimis nature as not to preclude the grant of additional authority, citing, inter alia Application of Blue Streak Courier Service Inc., A. 00104860 (1987) and most recently Hercik v. Pa. P.U.C., 586 A. 2d 492 (Pa. Cmwlth Ct. 1991), let

alone to warrant the issuance by the Commission of a cease and desist order, (ii) if justified, a cease and desist order can only be issued by the Commission after the filing of a Complaint seeking such, 66 Pa. C.S. Sec. 701, and the referral of such a Complaint for hearing, and (iii) if such a Complaint was filed, and if it were referred to an Administrative Law Judge for hearing, the respondent would be entitled to a full hearing after being informed of the nature of the relief being sought against respondent.

Rapid argued that since none of those three requisites has here been satisfied, the request for a cease and desist order is properly here denied, while at the same time staying the proceedings on the application, pending its amendment.

Quick's response to the obvious procedural impropriety of seeking a cease and desist order without the filing of an appropriate Complaint seeking such is evidently that the Administrative Law Judge to whom an application for additional authority has been referred to for hearing, may consider such a request by a protestant as a "hearing motion" pursuant to 52 Pa. Code Sec. 5.103. The argument is transparently without merit. It is perfectly clear from a reading of the Code provision, and the related provisions at 5.101 and 5.102 that a "hearing motion" may be entertained only if it is properly within the subject matter of the proceeding referred for hearing, here the application for additional authority. Thus, it might be appropriate, after the applicant for additional authority had rested his case, for a protesting party to move for the issuance of a recommended decision

denying the application on the basis that the applicant had failed to establish a necessary requisite for the relief being requested. Here, of course, no such motion is properly entertained because the applicant has not yet rested his case, and in any event, the established law does not require that the applicant establish that he has never operated without authority; to the contrary, as the cited cases establish, authority may properly be granted even in the face of a record of violation, even if such violations continue during the application process.

Moreover, even if a motion were properly made at this point in the process to deny the application for additional authority, and even if it had a basis in law, a protestant is not entitled to the further relief of a cease and desist order without filing a Complaint seeking such, and without a hearing provided to the respondent to contest such an effort.

Finally, even if a request for a cease and desist order were properly considered without the filing of an appropriate Complaint, and even if there was a substantive basis on the record for the grant of such relief, the respondent would clearly be entitled to a full hearing. Accordingly, in such circumstances the stay here would have to be lifted and hearings proceed on the application for a cease and desist order. Since such a cease and desist order would ultimately be denied because of the lack of an appropriate Complaint, and the lack of appropriate evidence of bad faith, as would inevitably be the case, the Administrative Law Judge would then be required to hold an additional set of hearings

on the application itself, once the amendment was made and the amended application referred for hearing.

The result would be the precise kind of administrative and judicial inefficiency as warranted the grant of the stay in the first place.

In sum, then, applicant Quick respectfully suggests that there is no basis for the lifting of the stay for the consideration of Quick's motion for a cease and desist order. Applicant would not, however, object to the denial of the motion for a cease and desist order without lifting the stay, on the basis that such a motion is not within the jurisdiction of the Administrative Law Judge in the absence of the filing and referral of an appropriate Complaint.

Respectfully submitted,



LOUIS J. CARTER Esq.
7300 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 RELIEF FROM STAY

were served this 10th day of July, 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

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



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

RUBIN QUINN MOSS & PATTERSON, P. C.

KJR

ATTORNEYS AT LAW
1800 PENN MUTUAL TOWER

510 WALNUT STREET
PHILADELPHIA, PA 19106-3619

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

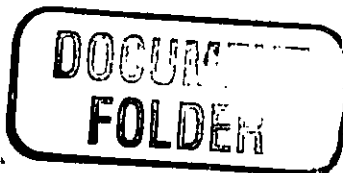
ALEXANDER N. RUBIN, JR.
JERROLD V. MOSS
DANIEL B. PIERSON, V
ROBERT P. STYLE
G. BRADLEY RAINER
MARY ELLEN O'LAUGHLIN
EDWARD L. CIEMNIECKI
LESLIE BETH BASKIN
RICHARD A. FRANKLIN
HOWARD H. SOFFER

WILLIAM P. QUINN
JAMES W. PATTERSON
DENIS JAMES LAWLER
WILLIAM D. PARRY
DON P. FOSTER
ERIC M. HOCKY
JOSEPH F. MESSINA
PETER C. GILIO
JOAN F. JAFFE
JEFFREY B. BATES

OF COUNSEL
MALCOLM L. LAZIN
ALAN KAHN
NICHOLAS J. SCAFIDI
GOFF & RUBIN

DIRECT DIAL NUMBER

(215) 931-0604



July 16, 1992

RECEIVED

JUL 20 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, P.1, Am-A

Dear Judge Kranzel:

Enclosed please find a copy of the Motion of Jamour, Inc., t/d/b/a Quick Courier Service to Strike Reply of Joyco, Inc., t/d/b/a Rapid Delivery to Motion for Relief From Stay which is being forwarded to you in connection with the above-captioned proceeding.

The original of the enclosed is being filed this day with the Secretary of the Commission and copies of the enclosed are being 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

JUL 21 1992

MOTION OF JAMOUR, INC., t/d/b/a
QUICK COURIER SERVICE TO STRIKE
REPLY OF JOYCO, INC., t/d/b/a RAPID
DELIVERY TO MOTION FOR RELIEF FROM STAY

JUL 20 1992

SECRETARY'S OFFICE
Public Utility Commission

COMES NOW, Jamour, Inc. t/d/b/a Quick Courier Service ("Quick") and, through its attorneys files this Motion requesting that the Reply of Joyco, Inc., t/d/b/a Rapid Delivery ("Rapid Delivery") to Motion for Relief From Stay be stricken.

1. 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.

2. Numerous protests were filed in opposition to the application. Rapid Delivery restrictively amended its authority request to eliminate certain transportation, resulting in the withdrawal of all protests except those of Courier Express, Inc. and Quick.

3. 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.

4. 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 authority; 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.

5. On April 13, 1992 Quick filed a Motion for Cease and Desist Order requesting that Rapid Delivery be ordered to cease the unlawful activities identified by Mr. Wool.

6. On May 15, 1992 Rapid Delivery filed a Reply to Quick's Motion for Cease and Desist Order. On the same day Applicant also filed a Motion for Stay and Continuance Pending Amendment to Application.

7. A Reply to Rapid Delivery's Motion for Stay and Continuance was filed by Quick on May 27, 1992. Quick did not oppose a continuance of the hearing that had been scheduled in this proceeding for June 10, 1992. Quick did request, however, that this proceeding not be stayed in order to allow the Administrative Law Judge to rule upon the pending Motion for Cease and Desist.

8. By Motion and Amended Motion filed June 2 and June 4, 1992, respectively, Rapid Delivery requested that a. this

proceeding be referred to the Bureau of Transportation "for republication of the notice of the amended application" and b. this proceeding be stayed pending republication.

9. A Reply to Rapid Delivery's Motion and/or Amended Motion was filed by Quick on June 4, 1992. In its Reply Quick stated that it did not oppose Applicant's requests that the matter be referred to the Bureau of Transportation and that notice of the application be republished in the Pennsylvania Bulletin. Quick did renew its opposition to Rapid Delivery's request that this proceeding be stayed, requesting instead that the Administrative Law Judge act upon the outstanding Motion for Cease and Desist Order.

10. By Order dated June 5, 1992 Judge Kranzel directed that a. the hearing scheduled for June 10, 1992 be cancelled; b. the application be referred to the Bureau of Transportation for republication; and c. further proceedings be stayed.

11. On June 25, 1992 Quick filed a Motion for Relief from Stay. In accordance with the Commission's regulations, a copy of Quick's Motion was served upon Rapid Delivery's Counsel by first class mail. 52 Pa. Code §1.52, 1.55.

12. Service upon Applicant's Counsel was completed on June 25, 1992 -- the date the Motion for Relief from Stay was deposited in the United States mail. 52 Pa. Code §1.56.

13. Quick's Motion for Relief from Stay was filed pursuant to 52 Pa. Code §5.103 which provides, in pertinent part, as follows:

§5.103 Hearing motions.

(a.) Scope and content. After a hearing has commenced in a proceeding, a request may be made by motion for relief desired, except as may be otherwise expressly provided in this chapter and Chapters 1 and 3 (relating to rules of administrative practice and procedure; and special provisions). A motion shall set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority relied upon.

.

(c.) Response to motions. A participant has 10 days from the date of service within which to answer or object to a motion, unless the period of time is otherwise fixed by the Commission or the presiding officer.

14. Neither the Commission nor the presiding officer has varied the time period for the filing of Rapid Delivery's Reply to Quick's Motion for Relief from Stay. Applicant's Reply was therefore due on July 8, 1992 -- thirteen (13) days after Quick's Motion was filed.¹

15. Rapid Delivery's Reply was forwarded to the Commission and served upon undersigned Counsel on July 10, 1992 -- after the deadline for filing the Reply had passed.

16. Rapid Delivery has failed to comply with the Commission's regulations governing the filing of replies to hearing motions. Moreover, it has offered no explanation for its failure to file its reply in a timely manner. Rapid Delivery's disregard for the provisions of 52 Pa. Code §5.103(c) requires that its Reply be stricken.

¹ Although 52 Pa. Code §5.103 provides that replies to hearing motions are due within ten (10) days of the date the Motion is filed, this period is extended by three (3) days when, as in the present proceeding, service of the motion is accomplished by mail. See, 52 Pa. Code §1.56.

WHEREFORE, Jamour, Inc., t/d/b/a Quick Courier Service requests issuance of a Decision 1. striking the Reply of Joyco, Inc., t/d/b/a Rapid Delivery to Motion of Jamour, Inc. for Relief From Stay and 2. granting Quick's Motion for Relief From Stay.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

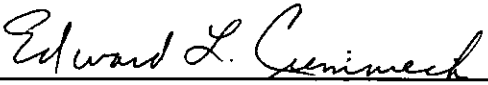
I HEREBY CERTIFY that true and correct copies of the foregoing Reply of Jamour, Inc., t/d/b/a Quick Courier Service To Motion of Joyco, Inc., t/d/b/a Rapid Delivery For Stay and Continuance Pending Amendment Of Application, were served upon the following by United States mail, postage prepaid.

Dated at Philadelphia, Pennsylvania this 16th day of July, 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

KJR

LAW OFFICES

LOUIS J. CARTER

JUL 20 1992

7300 CITY LINE AVENUE

PHILADELPHIA, PA. 19151-2291

(215) 879-8665

SECRETARY'S OFFICE
Public Utility Commission

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.

July 17, 1992

20416.030C.204

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

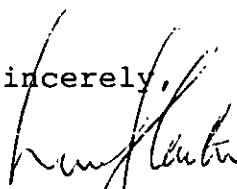
Re: Application of Joyco, Inc.
t/d/b/a Rapid Delivery - Docket No. A-109534, F-1, Am-A

Dear Judge Kranzel:

Today we received the Motion of Jamour to Strike Applicant's Reply to Jamour's Motion to Vacate the Stay. Unless we are directed otherwise, we shall serve a response on July 27, 1992.

DOCKETED
JUL 27 1992

Sincerely,



LOUIS J. CARTER
Counsel for Applicant

**DOCUMENT
FOLDER**

cc: Edward L. Ciemniecki, Esq.
Raymond A. Thistle, Jr., Esq.
Pennsylvania PUC Office of the Secretary
Joyco, Inc. t/d/b/a Rapid Delivery

LJC/jc
(c1/rapdmotn.229)