

MCNEES, WALLACE & NURICK

ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

Fax (717) 237-5300

OF COUNSEL

ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

STEVEN J. WEINGARTEN
NEAL S. WEST
NORMAN I. WHITE
LAWRENCE R. WIEDER
WILLIAM M. YOUNG, JR.

SCOTT A. GOULD
ROBERT G. HAAS
BRIAN F. JACKSON
DONALD B. KAUFMAN
MICHAEL R. KELLEY
PETER F. KRIETE
JAMES W. KUTZ
CAMILLE C. MARION
SHARON R. PAXTON
CHUONG H. PHAM
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CATHERINE E. WALTERS
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ERIC N. ATHEY
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JONATHAN C. BERRY
BRETT D. DAVIS
JAMES P. DEANGELO
JAMES P. DOUGHERTY
KATHLEEN A. DUNST
ROBERT J. GODUTO

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PA. P. U. C. DIV.
INFO. CONTROL DIV.

BRUCE D. BAGLEY
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DANA STEVENS SCADUTO
ROBERT D. STETS
RICHARD W. STEVENSON
DIANE M. TOKARSKY
DAVID M. WATTS, JR.

August 31, 1995

In re: Application of David M. Krmpotich, Inc.
A-00112055, Folder 2

John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Dear Mr. Alford:

On behalf of Hoy Transfer, Inc., we enclose the original and two copies of a protest to the above-captioned application.

As indicated in the certificate of service, a copy has been served upon the applicant.

Very truly yours,

MCNEES, WALLACE & NURICK

By *Herbert R. Nurick*
Herbert R. Nurick

HRN/mts
Enclosure

cc: David M. Krmpotich, Inc. (w/encl.)
Mr. Kevin Briscoe (w/encl.)

DOCUMENT
FOLDER

RECEIVED

95 AUG 31 AM 10:30

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

INFO. CONTROL DIV.

In re:

APPLICATION OF

DAVID M. KRMPOTICH, INC.
A-00112055, Folder 2

PROTEST ON BEHALF OF HOY TRANSFER, INC.

AND NOW COMES Hoy Transfer, Inc. ("protestant"), and protests the above-captioned application representing as follows:

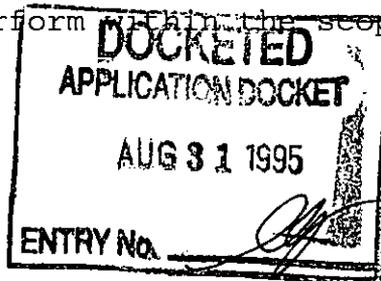
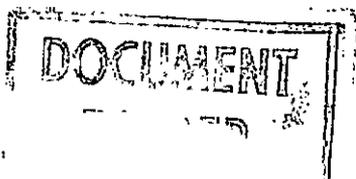
1. The name, business address, and telephone number of protestant are as follows:

Hoy Transfer, Inc.
1801 North Atherton Street
State College, PA 16803
Telephone: (814) 237-4975

2. The name, business address, and telephone number of the protestant's attorneys are:

Herbert R. Nurick, Esquire
McNees Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 237-5246

3. Protestant holds authority with the Commission which is in conflict with what the applicant seeks in this proceeding. Protestant transports a substantial amount of property covered by the application between points within the scope of the application. This transportation, as well as other transportation which protestant could perform within the scope of



the application and the revenue derived, or to be derived, therefrom are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant. The entry of applicant into the field authorized to protestant would endanger or impair the operations of protestant to such an extent that, on balance, the granting of authority to applicant would be contrary to the public interest.

4. Protestant operates under docket number A-85095, Folder 2, as amended. A copy of protestant's authority at that docket number, upon which its protest is predicated, is set forth on Appendix "A," attached hereto.

5. If applicant would amend the application so as to eliminate the conflicting authority of protestant, this would protect protestant's interest, and protestant would withdraw its protest conditioned upon final acceptance of the amendment by the Commission and any grant being consistent with the amendment.

6. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public.

7. This protest also relates to the fitness of the applicant.

WHEREFORE, Hoy Transfer, Inc., respectfully prays that the application be dismissed.

AND, it will ever pray, etc.

HOY TRANSFER, INC.

By *M. Wallace & Nurick*
MCNEES WALLACE & NURICK

P.O. Box 1166
Harrisburg, PA 17108-1166
August 31, 1995

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 65095
Folder 2

Application of ROY TRANSFER, INC.

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of ROY TRANSFER, INC., a proposed corporation of the Commonwealth of Pennsylvania, filed January 10, 1958, to operate motor vehicles as a common carrier, and upon protests, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that applicant amended the application whereby protests were withdrawn, and it further appearing that the rights granted herein are in effect a transfer of the rights which have been held by MARY KATHERYN HOY, trading and doing business as ROY TRANSFER COMPANY, under report and order issued at A. 70493 on October 20, 1947, and the certificate of public convenience issued thereunder, as modified and amended by supplemental report and order issued under date of September 24, 1951, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the insurance and tariff requirements of the Commission by ROY TRANSFER, INC., the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, property between points in the Borough of State College, Centre County, and within twelve (12) miles by the usually traveled highways of the limits of the said borough;

the aforesaid right subject to the following conditions:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles.

To transport, as a Class D carrier, household goods and office furniture in use from points in the Borough of State College, Centre County, and within an airline distance of twelve (12) miles of the limits of said borough to points in Pennsylvania, and vice versa;

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

A-85095, Folder 2, Am-A

- (1) To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, when in connection with a removal from one location to another; articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the county of Centre, and from points in said county to points in points in Pennsylvania, and vice versa;
- (2) To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, when in connection with a removal from one location to another; articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving

HOY TRANSFER, INC.
Operating Authority

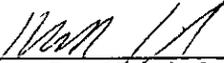
Page 3

A-85095, Folder 2, Am-A, continued

household goods; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, for Avtex Fibers Lewistown, Inc., Lewistown Hospital, Geisinger Medical Group and the Central Pennsylvania Conference of the United Methodist Church, between points in the county of Mifflin, and from points in said county, to points in Pennsylvania, and vice versa.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, David M. Krmpotich, Inc., 3352 Wiehle Street, Philadelphia, PA 19129, by first class mail, postage prepaid and property addressed.



Herbert R. Nürick

Harrisburg, PA
August 31, 1995

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 237-5300

OF COUNSEL
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D. J. TAYLOR

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CHUONG H. PHAM
JONATHAN H. RUDD
BRUCE R. SPICER
CAROL A. STEINOUR
CATHERINE E. WALTERS
DERRICK P. WILLIAMSON

DOCKETED
SEP 15 1995

September 5, 1995

Direct Dial:
717-237-5246

In re: Application of David M. Krmpotich, Inc.
A-00112055, Folder 2

David M. Krmpotich, Inc.
3352 Wiehle Street
Philadelphia, PA 19129

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. P 913 456 159

Dear Sir:

We represent Hoy Transfer, Inc., which filed a protest to the above-captioned application. Pursuant to the discovery provisions of the Public Utility Code and the Commission's Rules of Practice, we hereby request that you send us the names of the witnesses you expect to call in this case, the companies that they represent, if any, and the subject matter of their expected testimony including any specifics regarding Hoy Transfer, Inc. We further request that you give us this information prior to fourteen (14) days before the commencement of any hearing in this proceeding.

By this request, we do not waive our objection to your proceeding without an attorney in this matter.

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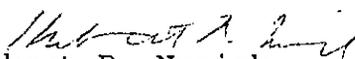
David M. Krmpotich, Inc.
September 5, 1995
Page 2

Please treat this request as one of a continuing nature and provide us with any additions, or other modifications.

Very truly yours,

McNEES, WALLACE & NURICK

BY


Herbert R. Nurick

HRN/mts

cc: John G. Alford, Secretary
Mr. Kevin Briscoe

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

September 19, 1995

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

RECEIVED

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PUBLIC UTILITY COMMISSION
SECRETARYS BUREAU

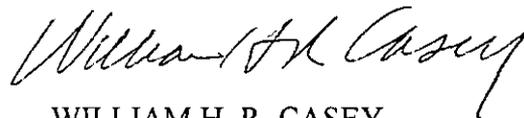
Re: Application of David M. Krmpotich, Inc.
Docket Number A-00112055 F0002

Dear Secretary Alford:

Enclosed please find an original and three (3) copies of a Petition to Intervene pertaining to the above-captioned Application on behalf of my client, Clemmer Moving & Storage, Inc. By copy of this letter, a copy of this Petition is being sent to the Applicant and all interested parties on this date.

Thank you for your cooperation in this matter.

Very truly yours,



WILLIAM H. R. CASEY

WHRC:emw
Enclosures

cc: David M. Krmpotich, Inc., Applicant
Herbert R. Nurick, Esquire
Clemmer Moving & Storage, Inc.

DOCUMENT
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

APPLICATION OF
DAVID M. KRMPOTICH, INC.
A-00112055

DOCKETED
SEP 20 1995

PETITION TO INTERVENE

AND NOW, this 19th day of September, 1995 comes Clemmer Moving & Storage, Inc., by its attorney, William H. R. Casey, Esquire, who represents as follows:

1. That on or about August 26, 1995, an application for approval of the beginning of the right and privilege of operating motor vehicles as a common carrier for the transportation of household goods in use by David M. Krmpotich, Inc. was advertised in the Pennsylvania Bulletin.

2. The area sought by the application includes the entire five county area of Southeastern Pennsylvania including Philadelphia, Bucks, Montgomery and Chester Counties and includes service from that area to all points of Pennsylvania and vice versa.

3. Petitioner, Clemmer Moving & Storage, Inc. holds household goods in use authority in a large portion of the area sought by the application and is thus directly affected by the application.

4. Due to inadvertence and Petitioner's absence on vacation, applicant's notice in the Pennsylvania Bulletin was overlooked until today, when Petitioner became aware of it and that the last day for filing protests was yesterday, September 18, 1995. A copy of Petitioner's Protest is attached hereto and made a part hereof. Exhibit "A".

DOCUMENT
FOLDER

5. Another protest to the application has been filed by Hoy Transfer, Inc. and no administrative law judge has yet been assigned, nor any hearing scheduled.

6. Petitioner believes no harm will be done to applicant by the granting of this Petition and that the public interest will be served by granting of the Petition and that it has the necessary interest to intervene in accordance with Section 5.72 of the Pa. Code, Vol. 52.

WHEREFORE, Petitioner respectfully requests the Commission grant this Petition to Intervene and accept Petitioner's Protest, nunc pro tunc.

Respectfully submitted,

CASEY AND ROSSI

Dated: 9-19-95

BY: William H. Casey
WILLIAM H. R. CASEY, ESQUIRE
ATTORNEY FOR PETITIONER
99 East Court Street
Doylestown, PA 18901
(215) 348-7300

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

APPLICATION OF
DAVID M. KRMPOTICH, INC.
A-00112055

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Petition to Intervene upon applicant (no attorney listed), the Secretary of the Commission and other counsel, as indicated below, by placing a copy thereof with the United States Postal Service, first-class postage, prepaid:

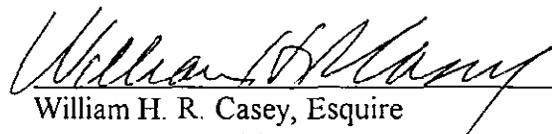
John G. Alford, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

David M. Krmpotich, Inc.
3352 Wiehle Street
Philadelphia, PA 19129

Herbert R. Nurick, Esquire
Attorney for Hoy Transfer, Inc.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburt, PA 17108-1166

Dated: _____

9-19-95



William H. R. Casey, Esquire
Attorney for Petitioner

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: David M. Krmpotich, Inc. (3352 Wiehle Street, Philadelphia, Philadelphia County, PA 19129) household goods in use - between points in the counties of Philadelphia, Bucks, Delaware, Montgomery and Chester, and from points in said counties to points in Pennsylvania and vice versa. Docket No. A-00112055.

PROTEST OF:

**Clemmer Moving & Storage, Inc.
425 Schoolhouse Road
Telford, PA 18969**

The Protestant, above named, supplying common carrier services for the transportation of property within the territory covered by the above-entitled Application, by means of motor vehicles, hereby protest approval of the Application above referred to, among others, for the following reasons:

1. The Application prayed for is not necessary or proper for the service, accommodation, convenience or safety of the public.
2. The Application prayed for, if granted, would authorize a service which would be unnecessary and destructively competitive with rights, powers and privileges now being exercised by Protestant or which Protestant is authorized to exercise.

PROPOSED AMENDMENT

A RESTRICTION TO THE APPLICATION WOULD BE ACCEPTABLE IF
TRANSPORTATION OF HOUSEHOLD GOODS IN USE AND RELATED RIGHTS OF
PROTESTANT WERE ELIMINATED

WHEREFORE, the Protestant respectfully pray that the Application be dismissed.

Respectfully submitted,

CASEY AND ROSSI

Date: September 19, 1995

BY:


WILLIAM H. R. CASEY, ESQUIRE

ATTORNEY FOR PROTESTANT

99 East Court Street

Doylestown, PA 18901

Phone: (215) 348-7300

CLEMMER MOVING AND STORAGE, INC.

OPERATING AUTHORITY AS ISSUED BY THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN CERTIFICATE NO. A-00094147, Folder 1, Am-B:

- (1) to transport, as a Class D carrier, property usual to use in a household when a part of such household equipment or supply; furniture, fixtures, equipment and the property usual in a store, office, museum, institutions, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment; works of art, furniture, musical instruments, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places.
- (2) To transport, as a Class D carrier, property usual to use in a household when a part of such household equipment or supply; furniture, fixtures, equipment and the property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment; works of art, furniture, musical instruments, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, from points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places to other points in Pennsylvania and vice versa.
- (3) To transport, as a Class D carrier, property for the Fidelity-Twentieth Century Storage and Warehouse Company from its warehouse in the city of Philadelphia, Philadelphia County, to points within an airline distance of two (200) statute miles of the Philadelphia City Hall, and vice versa; excluding the transportation of commodities in bulk, in tank vehicles.

IN CERTIFICATE NO. A-00094147, Folder 1, Am-C:

- (1) To transport, as a Class D carrier, new and used electrical equipment, appliances, and parts used in the manufacture of electrical equipment and appliances, and computers and computer-related products and parts, between points in the borough of Souderton, Montgomery County, and within an airline distance of sixty (60) statute miles of the limits thereof; and from points in said territory, to points in Pennsylvania, and vice versa.

SUBJECT TO THE FOLLOWING CONDITIONS:

- (a) That no right, power or privilege is granted to provide service between points in the city and county of Philadelphia.

IN CERTIFICATE NO. A-00094147, Folder 1, Am-C (con't):

- (b) That no right, power or privilege is granted to provide service for Unisys, Inc. (formerly Burroughs Corporation and Sperry Corporation) from points in the city and county of Philadelphia.
- (c) That no right, power or privilege is granted to provide service for Unisys, Inc. (formerly Burroughs Corporation and Sperry Corporation) to points in the city and county of Philadelphia except when originating in Paoli and Downingtown, Chester County, and Blue Bell, Montgomery County.
- (d) That no right, power or privilege is granted to provide service for International Business Machines Corp. (IBM) or Wang Laboratories, Inc., to or from points in the city and county of Philadelphia.

DATE: September 25, 1995

SUBJECT: A-00112055F0002

TO: Office of Administrative Law Judge

FROM: John G. Alford, Secretary *delt*

Application of David M. Krmpotich, Inc.

Attached is a copy of a Petition to Intervene filed in connection with the above docketed proceeding.

This matter is being re-assigned to your office for action.

Attachment - copy of petition

cc: TNR - copy of memo only ✓

ORIGINAL

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166
HARRISBURG, PA 17108-1166
TELEPHONE (717) 232-8000
FAX (717) 237-5300

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BERNARD A. LABUSKES, JR.	DIANE M. TOKARSKY
DELANO M. LANTZ	DAVID M. WATTS, JR.

October 24, 1995

In re: Application of David M. Krmpotich, Inc.
A-00112055, Folder 2

John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Dear Mr. Alford:

Enclosed, for filing in the above-captioned matter, are the original and two copies of a fully executed Stipulation between the applicant and protestant, Hoy Transfer, Inc.

Please note Paragraph 3 of the Stipulation which provides that Hoy will remain a party of record in this case for the purpose of receiving copies of all notices, orders, and other documents which may be issued.

Very truly yours,

MCNEES, WALLACE & NURICK

By *David M. Kleppinger*/RSJ
David M. Kleppinger

RECEIVED
95 OCT 21 PM 3:44
PA. P. U. C.
INFO. CONTROL DIV.

DOCUMENT
FOLDER

DMK/mts
Enclosure

cc: David M. Krmpotich, Inc. (w/encl.)
Mr. Kevin Briscoe (w/encl.)

NOV 7, 1995

[Handwritten signature]

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA. P. U. C.
INFO. CONTROL DIV.

In re:

APPLICATION OF
DAVID M. KRMPOTICH, INC.
A-00112055, Folder 2

STIPULATION

David M. Krmpotich, Inc. ("applicant") and protestant, Hoy Transfer, Inc. ("Hoy"), stipulate as follows intending to be legally bound hereby:

1. The above-captioned application is hereby amended so that the authority sought shall now read as follows:

To transport household goods in use, between points in the counties of Philadelphia, Bucks, Delaware, Montgomery and Chester, and from points in said counties to points in Pennsylvania and vice versa;

with the aforesaid right subject to the following conditions:

1. That no right, power or privilege is granted to perform service from or to points in the county of Centre and those points in other counties lying within an airline distance of twelve (12) miles of the limits of the borough of State College, Centre County; and
2. That no right, power or privilege is granted to perform service for Avtex Fibers Lewistown, Inc., Lewistown Hospital, Geisinger Medical Group, and the Central Pennsylvania Conference of the United Methodist Church, from or to points in the county of Mifflin.



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2. Based on the foregoing amendment, and conditioned upon its acceptance by the Pennsylvania Public Utility Commission and any grant being consistent with the amendment, the protest of Hoy is hereby withdrawn.

3. Hoy will remain a party of record in this case for the purpose of receiving copies of all notices, orders, and other documents which may be issued.

Respectfully submitted,

DAVID M. KRMPOTICH, INC.

Dated: 10-18-95

By David M. Krmpotich
David M. Krmpotich
3352 Wiehle Street
Philadelphia, PA 19129
(215) 848-5024

HOY TRANSFER, INC.

Dated: 10-24-95

By David M. Kleppinger
David M. Kleppinger, Esq.
Herbert R. Nurick, Esq.
McNEES, WALLACE & NURICK
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 237-5214

Counsel for Hoy Transfer, Inc.

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November 17, 1995

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INFO. CONTROL DIV.

Ms. Travitz
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: P.U.C. Docket #A-00112055, *F. Z*

Dear Ms. Travitz:

This letter is in regard to the granting of a P.U.C. Household Goods license to David M. Krmptich, Inc. The only protest filed in the P.U.C. specified time limit has been resolved with Hoy Transfer, Inc.

A notice of this resolution was filed with the P.U.C. on or about October 24, 1995, by David M. Kleppinger, Esq. and Herbert R. Nurick, Esq., counsel for Hoy Transfer, Inc.

With all obstacles removed, we at David M. Krmptich, Inc. eagerly anticipate the granting of this license.

Thank you for your consideration.

Sincerely,

David M. Krmptich

David M. Krmptich
3352 Wiehle Street
Philadelphia, PA 19129
(215) 848-5024

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DJB

Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission
PO Box 3265, Harrisburg, PA 17105-3265

March 21, 1996

In Re: A-00112055, F0002

IN REPLY PLEASE
REFER TO OUR FILE

(See attached list)

Application of David M. Krmpotich, Inc.

For the right to begin to transport, as a common carrier, household goods in use, between points in the counties of Philadelphia, Bucks, Delaware, Montgomery and Chester, and from points in said counties to points in Pennsylvania, and vice versa.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial hearing
Date: Tuesday, May 7, 1996
Time: 10:00 a.m.
Location: In an available hearing room
13th Floor
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

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INFO. CONTROL DIV.

Presiding Officer: Administrative Law Judge Herbert Smolen
1302 Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
Telephone: (215) 560-2105

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

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Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you have questions about this hearing, please call (717) 787-5630 on or before April 30, 1996.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing impaired: 1-800-654-5988.

pc: Judge Smolen
John Frazier - BPL
Norma Lewis
Susan Licon
Calendar File
Beth Plantz
Docket Section

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

COPY

BRUCE D. BAGLEY
ALAN R. BOYNTON, JR.
ERIC L. BROSSMAN
ROBERT M. CHERRY
DAVID B. DISNEY
MICHAEL A. DOCTROW
ELIZABETH A. DOUGHERTY
HARVEY FREEDENBERG
JAMES L. FRITZ
W. JEFFREY JAMOUNEAU
MICHAEL G. JARMAN
DONALD B. KAUFMAN
DAVID M. KLEPPINGER
BERNARD A. LABUSKES, JR.
DELANO M. LANTZ

RICHARD R. LEFEVER
DAVID E. LEHMAN
CLYDE W. MCINTYRE
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TELEPHONE (717) 232-8000

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OF COUNSEL

ROBERT H. GRISWOLD

FRANCIS B. HAAS, JR.

SAMUEL A. SCHRECKENGAUST, JR.

Direct Dial: (717) 237-5254

April 8, 1996

Honorable Herbert Smolen
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania 19130

Re: Application of David M. Krmpotich, Inc.
Docket No. A-00112055, F0002

Dear Judge Smolen:

We are in receipt of a Hearing Notice regarding an initial hearing in the above-captioned matter scheduled before Your Honor on May 7, 1996, in Philadelphia. As Your Honor is aware, Hoy Transfer, Inc. filed a Stipulation between the Applicant and Hoy on October 24, 1995. The restrictive amendment contained in the Stipulation resolves Hoy's interest, conditioned upon acceptance of the amendment and any grant being consistent with the amendment. In view of the Stipulation, as counsel to Hoy, we do not intend to attend the hearing. Pursuant to Paragraph 3 of the Stipulation, we request that Hoy be permitted to remain a party of record for the purpose of receiving copies of all notices, orders, and other documents which may be issued.

Very truly yours,

McNEES, WALLACE & NURICK

By

Robert E. Stup, Jr.
David M. Kleppinger
Robert E. Stup, Jr.

JLS

Counsel to Hoy Transfer, Inc.

RES/gm

c: John G. Alford, Secretary
Mr. David M. Krmpotich
Mr. Kevin Briscoe

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