

Law Offices

VUONO & GRAY, LLC

John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Louise R. Schrage
Les A. Goldstrom, Jr.

310 Grant Street

Suite 2310

Pittsburgh, PA 15219-2383

Richard R. Wilson
of Counsel

Telephone
412-471-1800

Facsimile
412-471-4477

*Also Admitted in Florida

October 9, 2007

Re: Delivery Today, Inc.
Docket No. A-00111241, F.2

Mr. James J. McNulty
Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17105-3265

MAILED WITH U.S. POSTAL SERVICE
CERTIFICATE OF MAILING FORM 3817

Dear Mr. McNulty:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

William A. Gray

DOCKETED

OCT 15 2007

Lgm

RECEIVED
BUREAU OF
ORIENTATION & SAFETY
OCT 12 2007

ms/56907

Enclosure

cc: Delivery Today, Inc. (w/enc.) (by Certified Mail)
South Hills Movers, Inc.
Weleski Transfer, Inc.
Central Van & Storage of Charleston, Inc.
d/b/a Central Van & Storage Company, Inc.

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OCT 09 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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TRANSPORTATION & SAFETY
2007 OCT 12 11:02:15

DOCKET NO. A-00111241, F.2

DELIVERY TODAY, INC.

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKETED
OCT 15 2007
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PROTEST AND REQUEST
FOR ORAL HEARING

The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.
2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant authority is attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the interest of the protestants.

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, (d) the applicant does not possess the technical and financial ability to provide the proposed service and lacks a propensity to operate safely and legally, and (e) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence in opposition to the grant of the application unless the application is amended so as to eliminate the interest as set forth in this protest.

WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

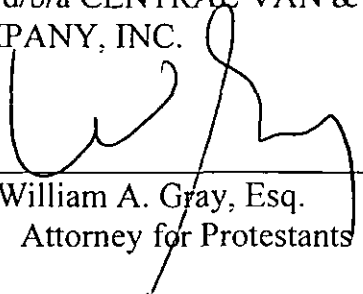
competent witnesses for examination on all material and relevant facts bearing on the application.

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TRANSFER DIVISION
OCT 12 2007

Respectfully submitted,

SOUTH HILLS MOVERS, INC.
WELESKI TRANSFER, INC.
CENTRAL VAN & STORAGE OF CHARLESTON,
INC. d/b/a CENTRAL VAN & STORAGE
COMPANY, INC.

By:



William A. Gray, Esq.
Attorney for Protestants

VUONO & GRAY, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219-2383
(412) 471-1800

Dated: October 9, 2007

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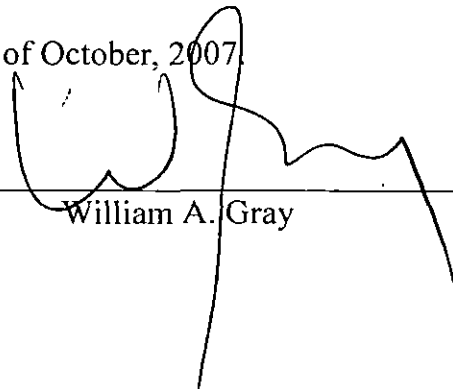
OCT 09 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request an oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, PA, this 9th day of October, 2007.



William A. Gray

156907

Re: Delivery Today, Inc.
Docket No. A-00111241, F.2

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OCT 09 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on September 15, 2007,
applicant seeks authority to operate as a common carrier, transporting:

Household goods in use, between points in Allegheny
County, and from points in Allegheny County, to points in the
Counties of Beaver, Butler, Washington and Westmoreland.

INTEREST OF PROTESTANTS:

1. South Hills Movers, Inc., 3132 Industrial Boulevard, Bethel Park, PA 15102, (412-833-1580) holds authority at Docket No. A-00109506. A copy of the relevant authority of South Hills Movers, Inc. is attached hereto. South Hills Movers can provide all of the service sought by this application.
2. Weleski Transfer, Inc., 140 West Fourth Avenue, Tarentum, PA 15084, holds authority at Docket No. A-00096502. A copy of the relevant authority of Weleski is attached hereto. Weleski can provide all of the service sought by this application.
3. Central Van & Storage of Charleston, Inc. d/b/a Central Van & Storage Company, Inc., 301 Jacobson Drive, Poca, WV 25159, (800-753-1898) holds authority at Docket No. A-00121979. A copy of the relevant authority of Central Van is attached hereto. Central Van can provide all of the service sought by this application.

RECEIVED
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
OCT 12 2007

SOUTH HILLS MOVERS, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 21, 1990

Commissioners Present:

William H. Smith, Chairman
Frank Fischl
David W. Rolka
Joseph Rhodes, Jr.

Application of South Hills Movers, Inc.
(NEW), a corporation of the Commonwealth
of Pennsylvania, for the transfer of all
of the operating rights of South Hills
Movers, Inc. (OLD), under the certificate
issued at A-00099073, F. 2, subject to the
same limitations and conditions.

A-00109506

John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 24, 1990. Public notice of the application was given in the Pennsylvania Bulletin of October 13, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

The purpose of the instant application is to transfer all of the issued and outstanding authority^{1/} of South Hills Movers, Inc., which is contained under the certificate issued at A-00099073, F. 2, to a newly-formed corporation while retaining the name South Hills Movers, Inc., at A-00109506. This transfer application is being filed to facilitate reorganization of

^{1/} The transferor has two pending application proceedings at A-00099073, F. 2, Am-J and A-00099073, F. 2, Am-I. The transferor has filed Petitions for Substitution of the Applicant in these proceedings.

companies which will result in the stock of two motor carrier operating companies being owned by SHM Holdings, Ltd.

SHM Holdings, Ltd. is a stockholding company in which Robert E. Lee and Gary N. Lee each hold 50 percent of the issued and outstanding common stock. Robert E. Lee and Gary N. Lee also each own 50 percent of the issued and outstanding shares of common stock of the applicant. Robert Lee and his wife Marion Lee own all of the issued and outstanding preferred stock of the transferor. The result of approval of this application will consolidate this family's business under one entity. At a separate proceeding docketed at A-00107868, the stock of LeeLease, Inc., is being transferred to SHM Holdings, Ltd. Robert E. Lee and Gary N. Lee each own 50 percent of LeeLease, Inc.

Upon approval of the applications, SHM Holdings, Ltd., will control through ownership of all of the issued and outstanding stock, South Hills Movers, Inc. (NEW) and LeeLease, Inc. The applicant has also filed with the Interstate Commerce Commission applications to effectuate this reorganization.

The new corporation, South Hills Movers, Inc., has total assets of \$100,000 in cash. Its shareholders' equity is comprised of paid in capital of \$50,000 and common stock with 50,000 shares of par value of \$1.00 issued and outstanding. Officers of the transferor will take positions as officers in the transferee. As such, the newly-formed corporation will have the benefit of their experience.

The total consideration for the rights is \$45,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: the total purchase price of \$45,000 will be paid in cash or by certified or cashier's check on the final closing date. The closing date is a date selected by agreement of the parties within a period of 30 days after the effective date of the final order by the Commission approving the application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;
THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

1. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling 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, in connection with a removal from one location to another; and articles, including objects of art, furniture, displays, musical instruments and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the counties of Allegheny and Washington and from points in the said counties to other points in Pennsylvania, and vice versa;

right is subject to the following conditions:

- FIRST: That the service herein authorized is limited to commodities which, because of their unusual nature or value, require specialized handling and equipment usually employed in the moving of household goods.
- SECOND: That the service herein authorized is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for the purpose of resale.
- THIRD: That no right, power or privilege is granted to transport property requiring the use of carryalls, pole trailers and/or winch trucks or trailers.
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa.
 3. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions,

hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and 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 between points in the county of Fayette and from points in the said county to other points in Pennsylvania, and vice versa;

right 3 subject to the following condition:

That (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale.

4. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and 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, between points in the county of Greene, and from points in said county, to points in Pennsylvania, and vice versa;

right 4 subject to the following condition:

That no right, power or privilege is granted to transport property, which, because of size or weight requires special handling or the use of special equipment such as winch trucks, or tractors, pole or extendible trailers, or carry-alls or which require a highway permit from the Department of Transportation of the Commonwealth of Pennsylvania.

5. To transport; as a Class D carrier, tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of their unusual nature or value, requires specialized handling and equipment usually employed in moving

household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport to, from or between points in Beaver County.

6. To transport, as a Class D carrier, (1) 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, in connection with a removal from one location to another; and 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; (2) tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, 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;
 - (a) From the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa;
 - (b) From points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa;

right b subject to the following condition:

That no right, power or privilege is granted to transport household goods or office equipment in use to and from points within the

limits of White Township and the borough of Indiana, Indiana County;

- (c) Between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough;
- (d) From points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa;
- (e) Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- (f) Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;
- (g) Between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, and from said area to other points in Pennsylvania, and vice versa;

rights f and g subject to the following condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights

herein granted in excess of the actual cost of such rights to the original holder thereof.

3. That the applicant charge to Account 1550, Other Intangible Property, \$45,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).


IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, South Hills Movers, Inc. (OLD), at A-00099073, F. 2, be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 21, 1990

ORDER ENTERED: NOV 28 1990

WELESKI TRANSFER, INC.

Application Docket No. 96502

Application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, dated February 16, 1971, to operate motor vehicles as a common carrier, 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 the rights granted herein are in effect a transfer of the rights which have been held by ANDY L. WELESKI (deceased) and ANTHONY L. WELESKI, copartners, trading and doing business as WELESKI TRANSFER, under report and order issued at A. 84519, Folder 1 on August 19, 1957 and the certificate of public convenience issued thereunder, as modified and amended, and under report and order issued at A. 84519, Folder 2 on August 19, 1957 and the certificate of public convenience issued thereunder, which certificates will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class B carrier, property between points in the borough of Tarentum, Allegheny County. (Formerly A. 84519, Folder 1)
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Tarentum and within an airline distance of three (3) statute miles of the limits of said borough to points within an airline distance of forth (40) statute miles of point of origin, and vice versa. (Formerly A. 84519, Folder 1)
3. To transport, as a Class B carrier, property between points in the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)
4. To transport, as a Class B carrier, household goods and equipment, in use, between points in the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 1)

5. To transport, as a Class D carrier, household goods and equipment, in use, from the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa. (Formerly A. 84519, Folder 1)
6. To transport, as a Class D carrier, electrical household equipment for the Keller Electric Company from Ochiltree Electric Company in the city of Pittsburgh, Allegheny County, to the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)
7. To transport, as a Class D carrier, property for Montgomery Ward & Company and M. Rom & Sons Company from points in the borough of New Kensington to points in a westerly, northerly and easterly direction within thirty (30) miles by the usually traveled highways of the limits of said borough and to points in a southerly direction within twelve (12) miles by the usually traveled highways of the limits of said borough and vice versa. (Formerly A. 84519, Folder 1)
8. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the city of Pittsburgh, Allegheny County, and within thirty (30) miles by the usually traveled highways of the limits of said city. (Formerly A. 84519, Folder 1)
9. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the county of Allegheny. (Formerly A. 84519, Folder 1)
10. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the county of Allegheny to other points in Pennsylvania, and vice versa. (Formerly A. 84519, F.1)
11. To transport, as a Class D carrier, amiesite, stone, limestone, wire tools, sawed and planed lumber, coal, building materials and building construction materials, such as are usually transported in dump trucks, between points in the borough of Apollo, Armstrong County, and within twenty (20) miles by the usually traveled highways of the limits of said borough; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination. (Formerly A. 84519, Folder 1)

12. To transport, as a Class D carrier, mine machinery and supplies from the freight station in the borough of Apollo, Armstrong County, to mines within twenty (20) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
13. To transport, as a Class D carrier, household goods, in use, between points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
14. To transport, as a Class D carrier, household goods in use, from points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (Formerly A. 84519, Folder 2)

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

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof;

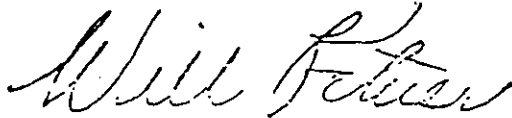
FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, May 17, 1971, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

CENTRAL VAN & STORAGE OF CHARLESTON, INC.
t/d/b/a CENTRAL VAN & STORAGE COMPANY, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held May 4, 2006

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Bill Shane
Kim Pizzingrilli
Terrance J. Fitzpatrick

Application of Central Van & Storage of Charleston, Inc.
t/d/b/a Central Van & Storage Company, Inc., for the transfer
of all of the household goods in use, operating rights of
Anderson Transfer, Inc., under the Certificate issued at
A-00109593, subject to the same limitations and conditions

A-00121979

OPINION AND ORDER

BY THE COMMISSION:

Before the Commission for consideration and disposition is a Petition for Reconsideration of Commission Order (Petition)¹ filed by Central Van & Storage of Charleston, Inc. t/d/b/a Central Van & Storage (Central Van) on November 2, 2005, and also the Petition for Reconsideration filed by Central Van on November 14, 2005, relative to the above-captioned proceeding. The Order to which the Petition refers was issued on October 28, 2005. No Response to the Petitions has been filed.

¹ Central Van styled its Petition as a "Letter-Petition to Issue a Corrected Order."

History of Proceeding

On August 3, 2005, Central Van filed the above-captioned Application which sought to transfer to Central Van all of the household goods authority issued to Anderson Transfer, Inc. (Anderson Transfer), at Docket No. A-00109593. Corresponding applications for emergency temporary and temporary authority were filed on August 2, 2005. Public notice of the permanent and temporary authority Applications was given in the *Pennsylvania Bulletin* of August 20, 2005, with Protests due by September 12, 2005. The Applications for permanent and temporary authority were unopposed and no hearings were held. The unopposed Applications were then certified to the Commission for its decision without oral hearing.

In the Commission Order entered herein on October 28, 2005, we granted Central Van the authority to commence providing household goods, in use, service by acquiring through transfer the household goods, in use, rights held by Anderson Transfer.

Central Van filed the instant Petition seeking modifications to its authority, as above noted. In its Petition for Reconsideration filed on November 14, 2005, Central Van noted that it was filing the second Petition "out of an abundance of caution," and that the second Petition involves the same issues raised in its initial Petition. Additionally, Central Van filed a Verified Statement of Barbara E. Moore in support of the instant Petition on November 23, 2005. Barbara E. Moore is the President and sole shareholder of Anderson Transfer, Inc., which is the transferor of the authority acquired by Central Van.

While the Petition for Reconsideration was pending at the Commission, Central Van filed a Petition for Review with Commonwealth Court, thus removing jurisdiction from the Commission. On February 10, 2006, the Commission's Law Bureau

filed an Application with Commonwealth Court to remand this matter to the Commission for disposition. On February 13, 2006, at Docket No. 2353 C.D. 2005, Commonwealth Court, granted the Application and relinquished jurisdiction in this matter, remanding it to the Commission. Accordingly, we may now consider Central Van's Petition for Reconsideration.

Discussion

The Code establishes a party's right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g) of the Code, 66 Pa. C.S. § 703(f) and (g), relating to rehearings, rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572(b) of our Regulations, 52 Pa. Code § 5.572(b), relating to petitions for relief following the issuance of a final decision. The standards for a petition for relief following the issuance of a final decision were addressed in *Duick v. PG&W*, 56 Pa. PUC 553 (1982) (*Duick*).

Duick held that a petition for rehearing under Subsection 703(f) of the Code must allege newly-discovered evidence not discoverable through the exercise of due diligence prior to the close of the record. *Duick* at 558. A petition for reconsideration under Subsection 703(g), however, may properly raise any matter designed to convince us that we should exercise our discretion to amend or rescind a prior Order, in whole or in part. Furthermore, such petitions are likely to succeed only when they raise "new and novel arguments" not previously heard or considerations which appear to have been overlooked or not addressed by us. *Duick* at 559.

We note that, pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 5.572, our power to modify or rescind final orders is limited to certain circumstances. A petition to modify or rescind a final Commission order may only be granted judiciously and under appropriate circumstances, because such an order will result in the disturbance of final

orders. *City of Pittsburgh v. Pennsylvania Department of Transportation*, 490 Pa. 264, 416 A.2d 461 (1980); *City of Philadelphia v. Pa. PUC*, 720 A.2d 845 (Pa. Cmwlth. 1998); and *West Penn Power Company v. Pa. PUC*, 659 A.2d 1055 (Pa. Cmwlth. 1995).

In its Petition, Central Van contends that the Commission Order entered on October 28, 2005, omits two of the grants of household goods authority sought to be transferred by the Application. Central Van requests that the two grants be included in the Ordering Paragraphs of the instant Opinion and Order so as to constitute a complete grant of authority. (Petition at 1-2).

In our consideration of the merits of the Petition, we find that it meets the evidentiary standards outlined in *Duick*, in that it has raised considerations which were previously overlooked by us. We will, therefore, grant the Petition and modify our previous Order at the instant Docket Number, so as to include the authority omitted from our previous Order.

Accordingly, for the above-outlined reasons, the instant Petition will be granted and the appropriate modifications to our October 28 Order will be made;

THEREFORE,

IT IS ORDERED:

1. That the Petition for Reconsideration of Commission Order entered herein on October 28, 2005, filed by Central Van & Storage of Charleston, Inc. t/d/b/a Central Van & Storage, is granted.

2. That the authority granted in our Order entered on October 28, 2005, herein be modified to read as follows:

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

To transport, as a common carrier, by motor vehicle, household goods in use:

(1) From points in the city of Washington and within fifteen (15) miles by the usually traveled highways of the limits of said city, to other points in Pennsylvania, and vice versa;

(2) Between points in the city of Washington, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said city;

With right No. 2 above subject to the following condition:

(a) That no right is granted is transport property to points more than five (5) miles from Washington which are served by the Pittway Corporation.

(3) From points in the county of Allegheny, to points in Pennsylvania, and vice versa;

With right No. 3 above subject to the following condition:

(a) that no right, power or privilege is granted to provide transportation from the borough of Millersburg, Dauphin County, the city of Harrisburg, Dauphin County, and points in the counties of Dauphin and Cumberland within ten (10) miles by the usually traveled highways of the limits of the city of Harrisburg;

(4) Between points in the county of Allegheny;

(5) Between points in the borough of Waynesburg, Greene County, and within five (5) miles by the usually traveled highways of the limits of the said borough; and

(6) From points in the borough of Waynesburg, Greene County, and within five (5) miles by the usually traveled

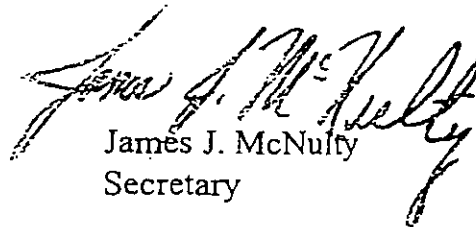
highways of the limits of said borough, to points in Pennsylvania, and vice versa.

Subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefore, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

3. That in all other respects not inconsistent herewith, our Order entered herein on October 28, 2005 shall remain in full force and effect.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: May 4, 2006

ORDER ENTERED: MAY 05 2006



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

IN REPLY PLEASE
REFER TO OUR FILE
A-00111241, F.2

October 15, 2007

**DELIVERY TODAY INC
8016 PERRY HIGHWAY
SUITE 1
PITTSBURGH PA 15237**

In Re: A-00111241, F.2 – Application of Delivery Today, Inc. for household goods service.

Ms. Beasley:

The above referenced application has been assigned for review without oral hearing. In order to reach a determination on the application, you are required to file verified statements in support of the application in accordance with 52 Pa. Code §3.381(e)(1).

You are required to file:

- A. VERIFIED STATEMENT OF APPLICANT.**
- B. VERIFIED STATEMENTS IN SUPPORT OF THE APPLICATION.**


The verified statements should be in paragraph form. Each heading contained in the attached minimum outline form should be a separate section or paragraph. The enclosed form may be used for your convenience.

Please be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Blue Bird Coach Lines, Inc., (A-00088807, F.2, Am-K) 72 Pa. P.U.C. 262 (1990), which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application, including request for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description. You are proposing service in Allegheny, Beaver, Butler, Washington, and Westmoreland Counties; therefore, it is necessary for you to include supporters from points in all of those areas. A sample form for supporting witnesses has also been enclosed. This form may be copied for the use of the supporting witnesses.



DOCKETED
OCT 15 2007

In accordance with 52 Pa. Code §3.381(c)(1)(iii)(A)(I), applicants are given an initial 30 days to file verified statements; your statements will be due on or before November 14, 2007. Failure to file this information within the allotted time may result in the dismissal of your application. Pursuant to 52 Pa. Code §3.381(c)(1)(iii)(A)(IV), additional time to file verified statements, up to 45 days, may be requested by letter explaining the extenuating circumstances why an extension of time should be granted. This written request must be received prior to the initial due date of the verified statements. Questions about the application should be directed to me at (717) 346-4666.

Sincerely,


Joshua S. Kwiatkowski
Compliance Specialist
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

Enclosures

Law Offices

VUONO & GRAY, LLC

310 Grant Street

Suite 2310

Pittsburgh, PA 15219-2383

October 22, 2007

John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Louise R. Schrage
Les A. Goldstrom, Jr.

*Also Admitted in Florida

Richard R. Wilson
of Counsel

Telephone
412-471-1800

Facsimile
412-471-4477

Re: Delivery Today, Inc.
Docket No. A-00111241, F.2

ORIGINAL

Mr. James J. McNulty
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

RJP

Dear Mr. McNulty:

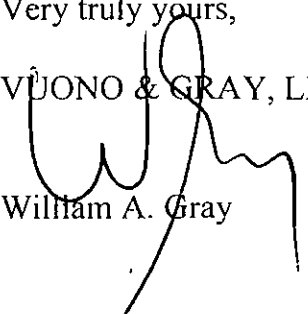
We enclose for filing a Certificate of Service of Interrogatories Directed to Applicant in connection with the above-captioned application proceeding.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

William A. Gray



PA. P.U.C.
SECRETARY'S BUREAU

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Enclosure

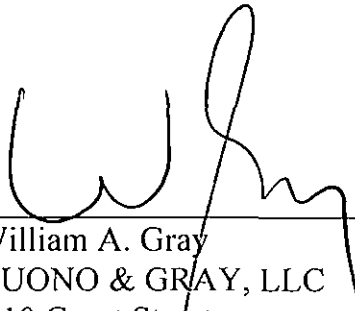
cc: Delivery Today, Inc. (w/enc.)
South Hills Movers, Inc.
Weleski Transfer, Inc.
Central Van & Storage of Charleston, Inc.
d/b/a Central Van & Storage Company, Inc.

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:)
)
Application of) Docket No. A-00111241, F.2
DELIVERY TODAY, INC.)

CERTIFICATE OF SERVICE

William A. Gray, attorney for Protestants, South Hills Movers, Inc., Weleski Transfer, Inc. and Central Van & Storage of Charleston, Inc. d/b/a Central Van & Storage Company, Inc., hereby certifies that on the 22nd day of October, 2007 he did serve the original and two (2) true and correct copies of Interrogatories Directed to the Applicant upon Delivery Today, Inc., 8016 Perry Highway, Suite 1, Pittsburgh, PA 15237, by certified mail, postage prepaid.



William A. Gray
VUONO & GRAY, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219-2383

/s/7717

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PA.P.U.C.
SECRETARY'S BUREAU



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

IN REPLY PLEASE
REFER TO OUR FILE
A-00111241, F.2

October 26, 2007

**DELIVERY TODAY INC
8016 PERRY HIGHWAY
SUITE 1
PITTSBURGH PA 15237**

In Re: A-00111241, F.2 – Application of Delivery Today, Inc. for household goods service.

Ms. Beasley:

The original request for verified statements was sent in error in light of the fact that you have three outstanding protests against your application. Please follow the procedures set for to you by the Office of Administrative Law Judges and disregard my previous correspondence concerning verified statements. Should the time arise where verified statements are again needed, a new request will be issued.

Sincerely,

Joshua S. Kwiatkowski
Compliance Specialist
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

Enclosures

