



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

IN REPLY PLEASE
REFER TO OUR FILE

ISSUED: February 21, 2006

A-00113363 C0501

METRO MOVING AND STORAGE INC
700 GRANT AVENUE
DUQUESNE PA 15110

**DOCUMENT
FOLDER**

Pennsylvania Public Utility Commission,
Bureau of Transportation and Safety v. Metro Moving and Storage, Inc.

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Initial Decision of Administrative Law Judge Michael A. Nemec. This decision is being issued and mailed to all parties on the above specified date.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions **MUST BE FILED WITH THE SECRETARY OF THE COMMISSION 2ND FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265, within **twenty (20) days** of the issuance date of this letter.** The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within **ten (10) days** of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

If no exceptions are received within **twenty (20) days**, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

Very truly yours,

James J. McNulty
Secretary

Encls.
Certified Mail
Receipt Requested
JS

DAVID M O'BOYLE ESQUIRE
WICK STREIFF MEYER O'BOYLE & SZELIGO PC
1450 TWO CHATHAM CENTER
PITTSBURGH PA 15219

R K SMITH JR ESQUIRE
PA PUBLIC UTILITY COMMISSION
LAW BUREAU
PO BOX 3265
HARRISBURG PA 17105-3265

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Transportation and Safety

v.

Metro Moving and Storage, Inc.

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:
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A-00113363C0501

INITIAL DECISION

**DOCUMENT
FOLDER**

DOCKETED
FEB 22 2006

Before
Michael A. Nemec
Administrative Law Judge

HISTORY OF THE PROCEEDING

The Bureau of Transportation and Safety filed the present complaint against Metro Moving and Storage, Inc., on May 31, 2005, alleging various violations of the Public Utility Code and the regulations of this Commission. Metro filed a letter answer under date of July 1, 2005.

The initial hearing was scheduled to be held on October 25, 2005, but was postponed at the request of counsel for Metro until January 5, 2006. The January 5th hearing was cancelled after the parties notified me that they had reached a settlement. The Settlement Agreement was submitted to me for review and approval on January 6, 2006, and was filed with the Secretary of the Commission on January 11, 2006. The Settlement Agreement is reviewed in the discussion section that follows and approved and adopted in the order at the end.

DISCUSSION

The Settlement Agreement recites that Metro Moving and Storage, Inc., (“Metro”) was issued a certificate of public convenience by this Commission on February 14, 1997. The Agreement recites that the present complaint arises from a Household Mover Audit performed by the Bureau of Transportation and Safety on a number of moves dating from January 26, 2004, to September 4, 2004. With regard to the 15 household good moves handled by Metro during that time period, Metro admits that it charged one customer a lesser rate than specified in its tariff, and that it failed to use and complete the proper form for estimates of charges on a number of moves.

While the original complaint asked for a civil penalty of \$4,000.00, the parties have agreed to a lesser penalty of \$875.00. In support of the reduction, the Settlement Agreement states that Metro’s compliance with this Commission’s regulations has been good. Secondly, Metro cooperated fully with the Commission’s Enforcement Officers in the conduct of their investigation. Thirdly, Metro remedied its estimated cost of service violations by adopting a new and separate form that fully complies with this Commission’s regulations. Fourthly and finally, the move where Metro undercharged the customer was originally scheduled for a weekday. Equipment failure caused Metro to postpone the move to the weekend when a higher rate would apply. As the delay was not caused by the shipper, Metro did not charge the higher rate. Metro documented the equipment failure with a bill for towing the inoperable vehicle. The bill is attached to the Settlement Agreement. For the preceding reasons, the parties submit that the Settlement Agreement is in the public interest. Further, the parties assert that it is in the public interest as it conserves resources and time. I agree.

CONCLUSIONS OF LAW

1. This Commission has jurisdiction over the parties to and subject matter of this case.

2. The Settlement Agreement submitted by the parties is in the public interest as it serves to correct the complained of conduct and conserves the time and resources of the parties.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the complaint of the Pennsylvania Public Utility Commission and its Bureau of Transportation and Safety against Metro Moving and Storage, Inc., docketed at A-00113363C0501, is sustained to the extent of the approval and adoption of the Settlement Agreement presented by the parties.

2. That Metro Moving and Storage, Inc., shall pay a civil penalty of eight hundred seventy-five dollars (\$875.00) by sending a certified check or money order payable to the Pennsylvania Public Utility Commission, within twenty (20) days after service of the Commission Order, to:

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

3. That Metro Moving and Storage, Inc., cease and desist from further violations of the Public Utility Code and the Commission's regulations.

Dated: January 13, 2006



Michael A. Nemec
Administrative Law Judge

Act 294

RECEIVED

2006 MAR -9 AM 11:39

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

Case Identification:

A-00113363C0501; PA PUC, Bureau of
T&S v. Metro Moving and Storage, Inc.

Initial Decision By:

ALJ Michael A. Nemeec

Deadline for Return to OSA:

March 7, 2006

This decision has not been reviewed by OSA.

DOCUMENT
FOLDER

OFFICE OF SPECIAL
ASSISTANTS

2006 MAR -7 PM 3:24

RECEIVED

DOCKETED
MAR 10 2006

* * * * *

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Dondell J. Skeland

Commissioner

MAR 7, 2006

Date

Act 294

Case Identification: A-00113363C0501; PA PUC, Bureau of T&S v. Metro Moving and Storage, Inc.

Initial Decision By: ALJ Michael A. Nemeo

Deadline for Return to OSA: March 7, 2006

This decision has not been reviewed by OSA.

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2006 MAR - 7 PM 2:37
OFFICE OF SPECIAL ASSISTANTS

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I want full Commission review of this decision.

Commissioner Date

I do not want full Commission review of this decision.

James H Cawley 3/7/06
Commissioner Date

Sharon

Act 294

Case Identification: A-00113363C0501; PA PUC, Bureau of T&S v. Metro Moving and Storage, Inc.

Initial Decision By: ALJ Michael A. Nemeec

Deadline for Return to OSA: March 7, 2006

This decision has not been reviewed by OSA.

RECEIVED
2006 MAR -8 AM 8:15
OFFICE OF SPECIAL ASSISTANTS

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I want full Commission review of this decision.

Commissioner Date

I do not want full Commission review of this decision.

Bill Shane _____ *2/23/06* _____
Commissioner Date

Act 294

Case Identification: A-00113363C0501; PA PUC, Bureau of
T&S v. Metro Moving and Storage, Inc.

Initial Decision By: ALJ Michael A. Nemeo

Deadline for Return to OSA: March 7, 2006

This decision has not been reviewed by OSA.

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2006 MAR -8 AM 7:56
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ASSISTANTS

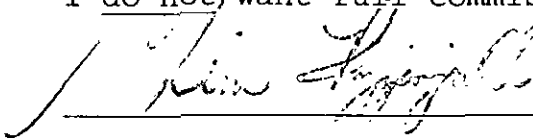
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I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.



Commissioner

3-7-06

Date

Act 294

Case Identification: A-00113363C0501; PA PUC, Bureau of
T&S v. Metro Moving and Storage, Inc.

Initial Decision By: ALJ Michael A. Nemec

Deadline for Return to OSA: March 7, 2006

This decision has not been reviewed by OSA.

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RECEIVED
2006 MAR -6 AM 11:20
OFFICE OF SPECIAL
ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Terrance J. Fitzpatrick

Commissioner

3-3-06

Date

DATE: March 21, 2006

DOCUMENT
FOLDER

SUBJECT: A-00113363C0501

TO: Office of Administrative Law Judge
Susan Hoffner

FROM: James J. McNulty
Secretary
nvl

DOCKETED
MAR 22 2006

PA PUC., BUREAU OF TRANSPORTATION AND SAFETY

VS

METRO MOVING AND STORAGE INC

The Initial Decision has been served upon all parties of interest.

Neither exceptions nor requests for review from the Commissioners have been received by the Commission. This matter is referred to your office for whatever action you deem necessary.

cc: Office of Special Assistants

P.S. Please note that exceptions or reply exceptions may come in timely with certificates of mailings. A second memo will not be released for these exceptions.