LAW OFFICES

### Wick, Streiff, Meyer, O'Boyle & Szeligo, P.C. &

1450 TWO CHATHAM CENTER PITTSBURGH, PA 15219-3427

(412) 765-1600

FACSIMILE (412) 261-3783

E-MAIL wsmos@wsmoslaw.com

October 18, 2005

Re:

HENRY M. WICK, JR. CHARLES J. STREIFF

CARL F. MEYER

DAVID M. O'BOYLE VINCENT P. SZELIGO

BRENDAN R. DELANEY

Pennsylvania Public Utility Commission,

Bureau of Transportation and Safety v. Metro Moving and Storage, Inc.

Docket No. A-00113363C0501

Our File 6040.001

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

DOCUMENT FOLDER

Dear Mr. McNulty:

Please be advised that I represent Respondent Metro Moving and Storage, Inc. in connection with the above captioned proceeding. I request that my appearance as counsel be entered on behalf of Respondent and that my name and address be added to the Commission's Service List for this case as follows:

> David M. O'Boyle, Esquire Wick, Streiff, Meyer, O'Boyle & Szeligo, P.C. 1450 Two Chatham Center Pittsburgh, PA 15219

If any additional information is needed concerning this matter, please contact me.

OCT 2.7 2005

Very truly yours,

WICK, STREIFF, MEYER, O'BOYLE & SZELIGO, P.C.

David M. O'Boyle

DOB/lk

cc: Honorable Michael A. Nemec, ALJ R. K. Smith, Esquire Metro Moving and Storage, Inc.

KJP .>

#### **MEMORANDUM**

#### COMMONWEALTH OF PENNSYLVANIA **PA Public Utility Commission**

DATE:

October 19, 2005

**SUBJECT:** 

Pennsylvania Public Utility Commission,

Bureau of Transportation and Safety v.

Metro Moving and Storage, Inc. Docket No. A-00113363C0501

DOCUMENT FOLDER

TO:

James J. McNulty, Secretary

PA Public Utility Commission

FROM:

ALJ Michael A. Nemec MAN ALT Office of Administrative Law Judge, Pittsburgh

Please file the enclosed letter in the file for the captioned matter. Thank you.

MAN:seo

Enclosure

cc: Elizabeth L. Plantz (w/encl)

OCT 2 & 2005

2005 OCT 21 AM 9: 03



# COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA PUBLIC UTILITY COMMISSION Office of Administrative Law Judge P.O. BOX 3265, HARRISBURG, PA 17105-3265 October 20, 2005

IN REPLY PLEASE

In Re: A-00113363C0501

(See letter dated 9/15/05)

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

Various Violations

#### HEARING CANCELLATION/RESCHEDULE NOTICE

This is to inform you that the Initial Hearing on the above-captioned case previously scheduled for Tuesday, October 25, 2005 <u>has been canceled</u>.

The hearing has been rescheduled as follows:

Type:

Initial Hearing

Date:

Thursday, January 5, 2006

Time:

10:00 AM

Location:

11th Floor Hearing Room

Pittsburgh State Office Building

300 Liberty Avenue

Pittsburgh, Pennsylvania

Presiding:

Administrative Law Judge Michael A. Nemec

1103 Pittsburgh State Office Building

300 Liberty Avenue Pittsburgh, PA 15222 Telephone: 412.565.3550

Fax: 412,565,5692





DOCUMENT FOLDER 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 the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

• Scheduling Office: (717) 787-1399.

• AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Nemec
Elizabeth L. Plantz, Scheduling Officer
T&S - Motor Carrier
Beth Plantz
Docket Section
Calendar File

A-00113363C0501 PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF TRANSPORTATION AND SAFETY V. METRO MOVING AND STORAGE, INC.

METRO MOVING AND STORAGE INC 700 GRANT AVENUE DUQUESNE PA 15110

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

)	OALJ Hearing Report
501	

Please Check Those Blocks Which Apply

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Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Ad	Who are you representing?		
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# COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA PUBLIC UTILITY COMMISSION Office of Administrative Law Judge P.O. BOX 3265, HARRISBURG, PA 17105-3265 December 30, 2005

IN REPLY PLEASE REFER TO OUR FILE

In Re: A-00113363C0501

(See letter dated 10/20/05)

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

#### CANCELLATION NOTICE

This is to inform you of the following cancellation due to a pending Settlement Agreement:

Type:

Initial Hearing

Date:

Thursday, January 5, 2006

Time:

10:00 AM

Presiding:

Administrative Law Judge Michael A. Nemec

Please mark your records accordingly.

DOCUMENT FOLDER

pc:

Judge Nemec

Elizabeth L. Plantz, Scheduling Officer

T&S - Motor Carrier

Beth Plantz Docket Section Calendar File





## A-00113363C0501 PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF TRANSPORTATION AND SAFETY V. METRO MOVING AND STORAGE, INC.

METRO MOVING AND STORAGE INC 700 GRANT AVENUE DUQUESNE PA 15110

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



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

IN REPLY PLEASE REFER TO OUR FILE

December 30, 2005

David M. O'Boyle, Esquire Wick, Streiff, Meyer, O'Boyle & Szeligo, P.C. 1450 Two Chatham Center Pittsburgh, PA 15219-3427 DOCUME!

Re:

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v.

Metro Moving & Storage, Inc. Docket No. A-00113363C0501

Dear Mr. O'Boyle:

Enclosed is a Settlement Agreement for your signature. Also attached to the Settlement Agreement is your client's new Estimated Cost of Services Form and the May 28, 2004 towing services bill.

After signing the document, please send it to Administrative Law Judge Michael A. Nemec at 1103 Pittsburgh State Office Bldg., 300 Liberty Ave., Pittsburgh, PA 15222.

If you have any questions, please call me at 717-787-5262.

Very truly yours,

R. K. Smith, Jr.

Assistant Counsel

Enclosures





### BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF

TRANSPORTATION AND SAFETY

Docket No.

A-00113363C0501

V.

•

METRO MOVING & STORAGE, INC.

POLDER!

#### SETTLEMENT AGREEMENT

THIS AGREEMENT is by and between the Commission's Law
Bureau, through Assistant Counsel R. K. Smith, Jr., and David M.
O'Boyle, Esquire, counsel for Metro Moving & Storage, Inc.,
Respondent in the captioned proceeding. In pursuance of this
Agreement, the Respondent and the Law Bureau stipulate as
follows:

- 1. That Respondent was issued a certificate of public convenience on February 14, 1997, at Application Docket no. A-00113363.
- 2. Pursuant to its enforcement responsibilities, the Commission's Bureau of Transportation and Safety performed a Household Mover Audit at Respondent's facilities on September 8, 2004. The Bureau reviewed Respondent's records pertaining to fifteen different moves performed by Respondent from January 26,

2004 through September 4, 2004. As a result of this Household Mover Audit, the Bureau subsequently initiated the captioned complaint against Respondent. The Bureau's complaint contained allegations that Respondent failed to furnish a proper "Estimated Cost of Services" form to fifteen different shippers. The Bureau also alleged that on one occasion Respondent failed to charge in accordance with its tariff by charging a shipper \$330.00 for the move instead of the correct charge of \$588.00. The Bureau requested a civil penalty of \$4,000.00 for the unauthorized activity described in the complaint. Respondent filed an Answer to the Bureau's complaint.

- 3. In recognition of the cost of further litigation and the merits of their respective positions, the parties have entered into negotiations with one another and have agreed to settle the complaint with the terms and conditions set forth herein.
- 4. Respondent admits that it violated 66 Pa. C.S. Section 1303 on one occasion by charging lesser rate than that specified in its tariff on file with the Commission. Respondent admits further that on fifteen occasions it violated 52 Pa. Code Section 31.122(2) when it failed to use and complete the proper form for estimates of charges titled "Estimated Cost of Services".
- 5. The parties agree that the Respondent shall pay a civil penalty in the amount of eight hundred seventy dollars (\$875.00)

for the violations admitted to in the captioned complaint proceeding. The parties submit that the moderated fine agreed between the parties is in the public interest for the following reasons. One, since receiving its certificate of public convenience from the Commission in 1997, Respondent's compliance record has been good. Two, the Commission Enforcement Officers that performed the Household Mover Audit assured the Law Bureau that Respondent's representatives cooperated fully during the Household Mover Audit. Three, on or about October 31, 2005, the Respondent remedied the "Estimated Cost of Services" violations by implementing a new and separate form which fully complies with 52 Pa. Code Section 31.122(2). A copy of Respondent's "Estimated Cost of Services" form is appended to this Settlement Agreement as an attachment. Four, in regard to the undercharge allegation set forth in Paragraph 12(b) of the complaint, Respondent quoted the lawful tariff rate of \$330.00 to the shipper for the move scheduled to take place on Friday May 28, 2004. Respondent could not perform the move on May 28, 2004 because its vehicle "blew its engine". When the move was finally performed on Sunday, May 30, 2004, Respondent did not charge the shipper the higher weekend rate because the shipper was not at fault for the move not being performed on May 28, 2004. A copy of Respondent's May 28, 2004 \$300.00 towing bill is appended to this Settlement Agreement as an attachment.

Date: 12/30/65

R. K. Smith, Jr., Assistant Counsel

Date: \_\_/-6-06

David M. O'Boyle, Esquire

For Metro Moving & Storage, Inc.

DEC-21-2005 02:13P FROM:

# Estimated Cost of Services

This is only an Estimate not a Contract for Transportation SHIPPER • PLEASE READ!

Metro Moving & Storage • 700 Grant Avenue • Duquesne, PA 15110

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advance of the payment of the total amount of tariff charges shown on the bill of Jading or Ireign bill. You are still obligated to pay the Internal charges in titles 15 days  Maximum amount to be paid on gibrets of your C.O.D. shipment in each. certified check or money order is total milmated cost plus 10% of \$1  Maximum amount to be paid on gibrets of your C.O.D. shipment in each. certified check or money order is total milmated cost plus 10% of \$1  March of the payment of the paid on gibrets of your C.O.D. shipment in each. certified check or money order is total milmated cost plus 10% of \$1  Maximum amount to be paid on gibrets of your C.O.D. shipment in each. certified check or money order is total milmated cost plus 10% of \$1  MAXIMUM AMOUNT ACKING  MAXIMUM AMOUNT ACKING AND UNPACKING!  MAXIMUM AMOUNT AND	Storage in Transis Valuation Charge Warehouse Hundling (and sime charge) Pick-up or Delivery for Statute in Transis	Lbi d	Rate pe	100 No. 5
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### PACKING  ESTIMATED COST OF CONTAINERS, 4  PACKING & UNPACKING SERVICES  ESTIMATED COST OF CONTAINERS, 4  PARREL, distribute, dram, scenare  BARREL, distribute, dram, scenare  BOXES, not over 3 tube first  Gent 3 east over 8 cashe free  Leable free  1 1/2 cable free  1 cubic free  4 1/2 cable free  5 1/2 cable free  Wardigote Casion  Wardigote Casion  Matters Casion (Net exceeding 34" x 75")  Matters Casion (Exceeding 34" x 75")  Matters Casio	Storage in Transis Valuation Charge Warehouse Handling (one since charge) Pick-up or Delivery for Storage in Transis (MPORTANT NOTICE: 15 the total smill charges is exceed thus estimate by more than ten percent then advance of the payment of the total amount of sail.	Lhe de Lh	Rate pe	IOI No. 5
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ant s and over a gubic feet  (ARTONS: Lett than 1 1/2 substies  1 1/2 substies  1 cubic feet  4 1/2 substies  4 till cubic feet  4 till substies  5 till substies  6 till substi	Storage in Transis Valuation Charge Warehouse, Manching (one sime charge) Pick-up or Delivery for Statute in Transis IMPORTANT NOTICE: If the total satisf charges is exceed thus estimate by more than the percent then advance of the payment of the total amount of satisf the total charges within 13 days Maximum amount to be paid on delivery of your Co- whichever projectors.  ESTIMATED COST OF CONTAINERS, 4	Lha &	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
CARTONS: Len than 1 1/2 cubit fem  1 1/2 cubit fem  2 cubit fem  4 1/2 cubit fem  4 cubit fem  Marticul Carion  CID Marticul Carion  Majircul Carion (Not exceptiing 34" x 75")  Majircul Carion (Not exceptiing 34" x 75")  Majircul Carion (Rot exceptiing 34" x 75")  Majircul Carion (Anticul Exceptiing 34" x 75")  Majircul Carion (Exceptiing 34" x 75")  Majircul Carion	Storage in Transis Valuation Charge Warehouse, Manching (one sime charge) Pick-up on Delivery for Statuse in Transis IMPORTANT NOTICE: If the total surfit charges is encord that entimes by more than the percent then selvance of the payment of the total amount of sarif- the total charges within 15 days Maximum amount to be paid on delivers of your C. whichever regressors. ESTIMATED COST OF CONTAINERS, & PACKING & UMPACKING SERVICES	Lha o  Lha d  Lha d  Lha d  Lha d  Lha d  or the listed grincles and savvices  is upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  CINCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
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4 1/2 cybic feet  6 cuby feet  9 1/2 cybic feet  Watdrobe Cation  UIP Mattren Cation  Mattren Cation (Not exceeding 54" x 75")  Mattren Cation (Not exceeding 54" x 75")  Mattren Cation (Not exceeding 54" x 75")  Mattren Cation (Exceeding 54" x 75")  Mattren Cation (Social for x 75")  Mattren Cation (Exceeding 54" x 75")  Mattren Catio	Storage in Transis Valuation Charge Warehouse, Handling (one sime charge) Pick-up on Delivery for Statuse in Transis (MPORTANT NOTICE: fifthe total ratific charges is encord thus estimate by more than ten percent then advance of the payment of the total amount of sarifi the total charges within 15 days Maximum amount to be paid on delivery of your Countichevery regressors.  ESTIMATED COST OF CONTAINERS, & PACKING & UNPACKING SERVICES  BARREL, delivered, drym, receive BOKES, nyl over 8 rubic feet	Lha o  Lha d  Lha d  Lha d  Lha d  Lha d  or the listed grincles and savvices  is upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  CINCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
4 cuby feet  \$ 1/2 gybr feet  Wardrobe Cation  Lift Mattree Carion  Majtree Carion (Not exceeding 44" x 75")  Mattree Carion (Not exceeding 34" x 75")  Mattree Carion (Esceeding 34" x 75")  Majtree Carion (Esceeding 34" x	Storage in Transis Valuation Charge Warehouse, Handling (and time charge) Pick-up on Delivery for Statute in Transis IMPORTANT NOTICE: fifthe total tariff charges is exceed that estimate by more than ten percent then advance of the payment of the total unmount of safety the total charges within 15 days Maximum amount to be paid on delivery of your C. whichever regressors.  ESTIMATED COST OF CONTAINERS, 4 PACKING & UNPACKING SERVICES  BARREL, dishipped, dram, receive BOKES, not over 3 tubic feet CARTONS: Len than 11/2 cybir feet  1 1/2 cybir feet	Lha o  Lha d  Lha d  Lha d  Lha d  Lha d  or the listed grincles and savvices  is upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  CINCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
### ### ##############################	Storage in Transis Valuation Charge Warehouse, Handling (and time charge) Pick-up on Delivery for Statute in Transis IMPORTANT NOTICE: fifthe total varific charges is exceed that estimate by more than ten percent then advance of the payment of the total amount of sarifi the total charges within 15 days Maximum amount to be paid on delivery of your C. whichever regressors.  ESTIMATED COST OF CONTAINERS, 4 PACKING & UMPACKING SERVICES  BARREL, dishipach, dismunicerisis BOKES, not over 3 tubic first CARTONS: Len-than 1 (7) types free  1 1/2 types free 1 cubic feet	Lha o  Lha d  Lha d  Lha d  Lha d  Lha d  or the listed grincles and savvices  is upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  CINCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
Watdrobe Carion  Lift Mattree Carion  Majtree Carion (Not exceeding 34" × 75")  Mattree Carion (Not exceeding 34" × 75")  Mattree Carion (Exceeding 34" × 75")  Mattree Carion (Not exceeding 34" × 75")  Mattree Carion (Not exceedin	Storage in Transis Valuation Charge Warehouse, Manching (one sime charge) Pick-up on Delivery for Statege in Transis [MPORTANT NOTICE: If the total stall charges is exceed that eximinate by more than the percent then advance of the payment of the total amount of sails the total charges within 15 days Maximum amount to be paid on delivery of your Co whichever regressors.  ESTIMATED COST OF CONTAINERS, 4 PACKING & UNPACKING SERVICES  BARREL, dulb-pack, drym, excesses BOXES, not over 1 tubic 1911 over 1 and over 1 tubic 1911 11/2 cabic feet 1 1/2 cabic feet 1 cubic feet 1 cubic feet 1 cubic feet 1 1/2 cabic feet	Lha o  Lha d  Lha d  Lha d  Lha d  Lha d  or the listed grincles and savvices  is upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  CINCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
CIPD Mattree Carton  Mattree Carton (Not exceeding 34" × 75")  Mattree Carton (Not exceeding 34" × 75")  Mattree Carton (Exceeding 34" × 75")  Mattree Carton (Not exceeding 34" × 75")  Mattree Carton (Exceeding 3	Storage in Transis Valuation Charge Warehouse, Manching (and sime charge) Pick-up or Delivery for Statute in Transis IMPORTANT NOTICE: If the total smill charges is exceed thus estimate by more than stan percent then advance of the payment of the total amount of saill the total charges within 15 days Maximum amount to be paid on delivery of your Col whichever regressers.  ESTIMATED COST OF CONTAINERS, & PACKING & UMPACKING SERVICES  BARREL, dishipsely, dismittantly and I sai over 8 cubic feet (CARTONS: Eth than 1 1/2 cybir feet  1 1/2 cybir feet 4 1/2 cybir feet 6 cubic feet	Lha o  Lha d  Lha d  Lha d  Lha d  The listed grincles and sarvices  I, upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  (INCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
Majeras Carton (Not exceeding 34" x 75")  Maleras Carton (Esceeding 34" x 75")  Majeras Carton (Esceeding 34" x 75")  Majeras Carti (planic or peptil)  CRATES AND CONTAINIES: (Specially  designed for mirrors, reintry; plant or marble  tops and oracler fragile attricts)  Gross measurement of scale of container.  TOTAL ESTIMATED COST	Storage in Transis Valuation Charge Warehouse, Manching (and sime charge) Pick-up or Delivery for Statute in Transis [MPORTANT NOTICE: If the total stalls charges is exceed thus estimate by more than the percent then advance of the payment of the total amount of sails the total charges within 13 days Maximum amount to be paid an delivery of your Co. whichever regressors.  ESTIMATED COST OF CONTAINERS, & PACKING & UMPACKING SERVICES  BARREL, dish-pack, dram, receive BOKES, nul over 3 rubic feet CARTONS: Lett than 1/2 cyber feet 3 cubic feet 4 1/2 cybic feet 6 cubic feet 9 1/2 tyber feet	Lha o  Lha d  Lha d  Lha d  Lha d  The listed grincles and sarvices  I, upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  (INCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
Materia Carron (Exceeding 34" in 71")  Majuras Carro (planic or depte)  CRATES AND CONTAINERS: (Specially designed for mirrors, paintage, plant or marble command smaler fragile attribut.  Gross measurement of crais of container.  TOTAL ESTIMATED COST.	Storage in Transis Valuation Charge Warehouse, Manching (and sime charge) Pick-up or Delivery for Statute in Transis IMPORTANT NOTICE: If the total tariff charges is exceed thus estimate by more than ten percent then second thus estimate by more than ten percent then second thus estimate by more than ten percent then second thus estimate in the total smooth of saill the total charges within 15 days Maximum amount to be paid an delivery of your Co. whichever regressers.  ESTIMATED COST OF CONTAINERS, & PACKING & UMPACKING SERVICES  BARREL, dishipsel, dram, receive BOKES, not over 3 total fert CARTONS: Lett than 1 1/2 cybir fert 3 cubic fert 4 1/2 cybir fert 4 total fert 4 cubic fert 4 cubic fert 9 1/2 cybir fert Wardrobe Caston.	Lha o  Lha d  Lha d  Lha d  Lha d  The listed grincles and sarvices  I, upon your request, the carries m  I charges shown on the bill of ladin  O.D. shipment in each. critified the  (INCLUDES A  ESTIMATED  MAIMBER	TOTAL ESTIMAT unt retinquish pounts total or money order is a  PACKING MATERIAL, PACKIN	100 No. 5   100 No. 5   100 No. 5   50 COST 6   on of your shipmem upon deliver we still obligated to pay the balance   otal culmated con plus 10% of \$2   ig and unpackings   Total
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**OALJ Hearing Report** 

Please Check Those Blocks Which Apply

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Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Address	Who are you representing?
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#### LAW OFFICES

#### WICK, STREIFF, MEYER, O'BOYLE & SZELIGO, P.C.

1450 TWO CHATHAM CENTER

PITTSBURGH, PA 15219-3427

(412) 765-1600

FACSIMILE (412) 261-3783

E-MAIL

wsmos@wsmoslaw.com

January 6, 2006

RE: Pennsylvania Public Utility Commission

Bureau of Transportation Safety v.
Metro Moving & Storage, Inc.
Docket No. A-00113363C0501

Our File 6040.001

Honorable Michael A. Nemec, ALJ Pennsylvania Public Utility Commission 1103 Pittsburgh State Office Building 300 Liberty Avenue Pittsburgh, PA 15222

Dear Judge Nemec:

HENRY M. WICK, JR.

CHARLES J. STREIFF

BRENDAN R. DELANEY

CARL F. MEYER

DAVID M. O'BOYLE VINCENT P. SZELIGO

We represent Respondent, Metro Moving & Storage, Inc., in connection with the above-captioned Complaint proceeding. The parties have entered into a settlement which will eliminate the time and expense of attending a hearing. Enclosed is the signed Settlement Agreement which has been prepared by R. K. Smith, Jr., Esquire, and which indicates that Respondent has agreed to pay a civil penalty in the amount of \$875 to resolve this matter. It should be pointed out that the settlement amount was calculated based upon Respondent paying \$50 for each of the 15 violations for not utilizing the proper Estimated Costs of Services form. The settlement amount also includes \$125 for the violation involving the undercharge, which consisted of Respondent charging its weekday rate for a move that occurred on a weekend due to equipment failure on the weekday when the move was initially scheduled.

If this Settlement Agreement is administratively acceptable, we understand that an Order will be issued approving the settlement and ordering that Respondent pay the penalty within 30 days of the date that the Order is entered. If there are any questions concerning this matter, please advise me and Mr. Smith.

Very truly yours,

WICK, STREIFF, MEYER, O'BOYLE & SZELIGO, P.C.

David M. O'Boyle

David M. O'Boyle

DOB/bas Enclosure

cc: R. K. Smith, Jr., Esq. (w/ encl.)

Metro Moving & Storage, Inc. (w/encl.)

RECEIVED

JAN 0 9 2006

FOLDER

Pittsburgh Office of A.L.J.
Public Utility Communications

#### **MEMORANDUM**

#### COMMONWEALTH OF PENNSYLVANIA **PA Public Utility Commission**

DATE:

January 11, 2006

SUBJECT:

PA Public Utility Commission, Bureau of Transportation and Safety v.

Metro Moving & Storage, Inc. Docket No. A-00113363C0501

TO:

James J. McNulty, Secretary

PA Public Utility Commission

FROM:

ALJ Michael A. Nemec MAN PW

Office of Administrative Law Judge, Pittsburgh

DOCUMENT Please find for filing in the above case the following docume

A one-page piece of original correspondence dated December 30, 2005. 1.

2. A one-page piece of original correspondence dated January 6, 2006.

An original and one copy of a six-page Settlement Agreement. 3.

Thank you.

MAN:seo

Enclosures (3)