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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Eric Wright Enterprises, Inc.	:	Docket No.
t/d/b/a Eric's Moving	:	
For amendment to its common carrier certificate,	:	A-00113409F0001AmA
SO AS TO PERMIT the transportation of household	:	
goods in use between points in the city and county	:	
of Philadelphia and the counties of Berks, Bucks,	:	
Delaware, Chester, and Montgomery, and from points	:	
In the said city and counties, to points in	:	
Pennsylvania, and vice versa.	:	

DOCKETED
APR 25 2000

PREHEARING ORDER

On March 29, 1999, t/d/b/a Eric's Moving filed this application to amend its authority to move household goods in use. Notice of service of the application was published on April 17, 1999. William H. R. Casey, Esq., filed a single consolidated protest on behalf of eleven competing companies.

On June 8, 1999, Mediation Review having been undertaken, an Interim Order Setting Settlement Conference was issued.

On March 14, 2000, the Mediation Unit submitted a report, and Mediation Review was completed.

By hearing notice dated March 14, 2000, the above captioned matter has been scheduled for a Prehearing Conference on Friday, April 28, 2000, at 10:00 a.m. in the Philadelphia State Office Building. The case has been assigned to Administrative Law Judge Allison K. Turner (ALJ) for preliminary rulings, hearing and decision.

By letter dated March 21, 2000, counsel for Applicant stated that he hoped that if a prehearing conference were held, the parties would move along to a quick resolution of the matter.

Because a prehearing conference has been scheduled, the parties are directed to comply with the following:

1. Counsel who attend the prehearing conference, and any representatives of Applicant or Protestants who accompany them, shall be fully authorized to enter into full and final settlement of the disputed matters before the Commission.

2. The parties shall be prepared to make a preliminary statement on the record of a proposed restrictive amendment or amendments that will satisfy them.

3. The parties shall be prepared to submit a final version of their agreement (s) to the Commission by a date certain, and to provide a copy to the ALJ at the same time.

If the case is not resolved at the prehearing conference, a hearing shall be scheduled, and the following procedures will apply:

1. Applicant has the burden of proof to establish that it meets the requirements of 52 Pa. Code §41.14(a) and (b), and that the application should be granted. If Applicant makes out a prima facie case, Protestants have the burden of proof to show that granting the application and allowing a new carrier into the field would endanger or impair its operations to the extent that it would be contrary to the public interest, *Id.*, sub-section (c).

2. Pursuant to 52 Pa. Code §§1.21 and 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

3. If you wish to offer material into evidence at the hearing in the form of documents (letters, logs, financial statements, bills, cancelled checks and the like), you should bring with you the required number of copies (an original and two copies for the

Commission, one copy for every other party in the case, and a copy for yourself). 52 Pa. Code §5.409. Documents should be properly pre-marked for identification.

4. Be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents that you file in this proceeding.

5. In order to facilitate the conduct of the hearing, on or before May 12, 1999, Applicant, or counsel for Applicant and counsel for Protestant(s) are directed to confer in person or by telephone and to exchange in writing the names, addresses, and telephone numbers of all witnesses they intend to have testify. In the course of conferring, counsel also shall informally request copies of any documents deemed relevant so that any such document(s) may be reviewed prior to, rather than during, the hearing. No Motion to Compel will be granted unless an informal discovery session has taken place.

6. If you need to subpoena witnesses for the hearing, you should review 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer your application, and so that you will have enough time to receive the subpoenas and serve them.

7. Protestants should be prepared to begin presentation of their direct case immediately upon the conclusion of the presentation of the Applicant's direct case.

8. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing **must** be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and

the phone number is (717) 787-1399. The scheduling officer for your case is Steve Springer. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your case is Judge Allison K. Turner. After the initial hearing or prehearing conference has been held, requests for changes of subsequent hearing or prehearing conference dates should be directed to the Judge.

9. It is the Commission's policy to encourage settlement. 52 Pa. Code §5.231(a). You are urged to discuss among yourselves the possible settlement of this case through restrictive amendment at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.



ALLISON K. TURNER
Administrative Law Judge

Date: April 17, 2000