

WILLIAM H.R. CASEY
Attorney at Law
99 East Court Street
Doylestown, Pennsylvania 18901

Phone (215) 348-7300
Fax (215) 348-1456

October 29, 1996

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RECEIVED
PROTHONOTARY'S OFFICE

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

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NOV 15 1996

Re: Application of Eric F. Wright
Docket Number A-00118409

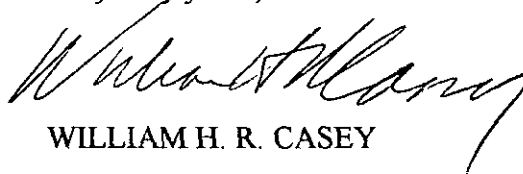
BUREAU OF
TRANSPORTATION & SAFETY

Dear Secretary Alford:

Enclosed please find an original and three (3) copies of a Protest pertaining to the above-captioned Application on behalf of my clients, the below-listed Protestants. By copy of this letter, a copy of this Protest is being sent to the Applicant on this date.

Thank you for your cooperation in this matter.

Very truly yours,


WILLIAM H. R. CASEY

WHRC:emw
Enclosures

cc: Eric F. Wright
Richard T. Mulcahey, Jr., Esquire
Clemmer Moving & Storage, Inc.
Shelly Moving & Storage, Inc.

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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IN RE: Eric F. Wright (524 Washington Street, Royersford, Montgomery County, PA 19468)--household goods in use between points in the counties of Bucks, Delaware, Montgomery and Philadelphia, and from points in said counties to other points in Pennsylvania.
Docket No. A-00118409.

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PROTONOTARY'S OFFICE

PROTEST OF:

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

Shelly Moving & Storage, Inc.
Great Valley Corporate Center
380 Lapp road
Malvern, PA 19355

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BUREAU OF
TRANSPORTATION & SAFETY

The Protestants, 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 Protestants or which Protestants are authorized to exercise.

PROPOSED AMENDMENT

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

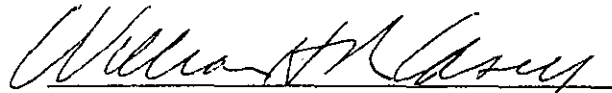
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APPLICATION DOCKET
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ENTRY No. *[Signature]*

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

Respectfully submitted,

Date: 10-29-96



**WILLIAM H. R. CASEY, ESQUIRE
ATTORNEY FOR PROTESTANTS**

90 East Court Street
Doylestown, PA 18901
Phone: (215) 348-7300

ORIGINAL

LAW OFFICES
SCHUBERT, BELLWOAR, MALLON & WALHEIM

A PROFESSIONAL CORPORATION
TWO PENN CENTER, SUITE 1400
1500 JOHN F. KENNEDY BOULEVARD
PHILADELPHIA, PA 19102-1890
(215) 569-3535
FAX: (215) 557-7426

JOSEPH G. DENNY III
OF COUNSEL
1985-1996
JOHN J. CAHILL
1922-1982
THOMAS M. SCHUBERT
1951-1989

December 4, 1996

NEW JERSEY OFFICE
311 W. CUTHBERT BOULEVARD
HADDON TOWNSHIP, NJ 08108
(609) 854-5757

* ALSO MEMBER OF
NEW JERSEY BAR
* NJ MANAGING ATTORNEY

WILLIAM E. SCHUBERT, JR.
HARRY J.J. BELLWOAR III**
JOHN P. QUINN
JOHN J. CAHILL, JR.
ROBERT T. LYNCH
JOSEPH A. WALHEIM
ROBERT G. BELLWOAR
WILLIAM F. SWEENEY*
JOHN P. GALLAGHER
DEBORAH E. KOLODNER*
RICHARD T. MULCAHEY, JR.
JAMES M. TYLER*
MICHAEL S. PIOTROWICZ
KATHLEEN M. O'CONNELL*
MARK D. PFEIFFER*

DIRECT-DIAL NO.

(215) 587-0107

Robert F. Frazier, Prothonotary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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DEC 9 1996

Re: Application of Eric F. Wright
PUC Docket No. A-00118409

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

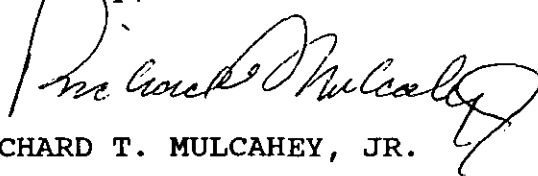
A-00113409

Dear Mr. Frazier:

Please be advised that this office represents Eric F. Wright, Applicant in the above matter. Accordingly, I enclose herewith and original and two (2) copies of Motion to Strike and Dismiss Protests.

Kindly acknowledge receipt of the enclosures by time-stamping the enclosed copy of this letter and returning it to the undersigned in the self-addressed, stamped envelope provided.

Sincerely,



RICHARD T. MULCAHEY, JR.

RTM/sew
Enclosures
cc: Mr. Eric F. Wright
William H. R. Casey, Esquire

DOCUMENT
FOLDER

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ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of Eric F. Wright PUC DOCKET NO. A-00113409

MOTION TO STRIKE AND DISMISS PROTESTS

AND NOW, comes Eric F. Wright ("Applicant"), by his attorneys, Richard T. Mulcahey, Jr., Esquire, Schubert, Bellwoar, Mallon & Walheim, and hereby files this Motion to Strike and Dismiss Protests, as follows:

1. The name, address, telephone number and docket number of Applicant are as follows:

Eric F. Wright
524 Washington Street
Royersford, PA 19468
(610) 792-1230
PUC Docket No. A-00113409

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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

2. The name, address and telephone number of Applicant's are as follows:

Richard T. Mulcahey, Jr., Esquire
Schubert, Bellwoar, Mallon & Walheim
1500 John F. Kennedy Boulevard
Two Penn Center Plaza, Suite 1400
Philadelphia, PA 19102
(215) 587-0107

3. Applicant filed on or about September 4, 1996 an Application for the Transportation of Household Goods by Motor Vehicle before this Commission.

4. Said Application requested authority to transport household goods as a common carrier, using motor vehicles, as follows:

Between points in the counties of Bucks, Delaware, Montgomery and Philadelphia, and from points in said counties to points in Pennsylvania.

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5. Said Application was advertised in the Pennsylvania Bulletin, Volume XXVI, No. 43, dated October 26, 1996.

6. Prior to the end of the protest period, a document was filed with the Commission purporting to be the protest of Clemmer Moving and Storage, Inc. ("Clemmer") and Shelly Moving and Storage, Inc. ("Shelly"). A copy of said document is attached hereto and marked Exhibit "A".

7. The document purporting to be a protest fails to conform with the requirements of 52 Pa. Code Section 3.381(c)(1) which provides:

(c) Protests: content and effect.

- (1) A person objecting to the approval of an application shall file with the Secretary of the Commission and serve upon the applicant and applicant's attorney, if any, a written protest which shall contain all of the following: (emphasis added)
 - (i) The applicant's name and the docket number of the application.
 - (ii) The name, business address and telephone number of the protestant.
 - (iii) The name, business address and telephone number of the protestant's attorney or other representative.
 - (iv) A statement of the nature of the protestant's interest in the application, including a statement of any adverse impact which approval of the application can be expected to have on the protestant.
 - (v) A list of all Commission docket numbers under which the protestant operates, accompanied by a copy of any portion or portions of protestant's authority upon which its protest is predicated.

- (vi) A statement of any restrictions to the application which would protect the protestant's interest, including a concise statement of any amendment which would result in a withdrawal of the protest.

8. The language of 52 Pa. Code. Section 3.381(c)(1) utilizes the term "shall contain all of the following..." (*emphasis added*) which makes it mandatory for a protesting party to include all of the items under subparagraph (i) through (vi).

9. The document purporting to be a protest in the instant matter is defective under 52 Pa. Code. Section 3.381(c)(1) because each of the individual entities should have filed separate protests.

10. The document purporting to be a protest in the instant matter is defective under 52 Pa. Code. Section 3.381(c)(1)(i) because Applicant's docket number is incorrect.

11. The document purporting to be a protest in the instant matter is defective under 52 Pa. Code. Section 3.381(c)(1)(ii) because the document did not include the telephone number of Clemmer.

12. The document purporting to be a protest in the instant matter is defective under 52 Pa. Code. Section 3.381(c)(1)(ii) because the document did not include the telephone number of Shelly.

13. The document purporting to be a protest in the instant matter is defective under 52 Pa. Code. Section 3.381(c)(1)(v) because the document failed to contain any the Commission docket number under which Clemmer operates, together with a copy or

portion of Clemmer's authority upon which the protest is predicated.

14. The document purporting to be a protest in the instant matter is defective under 52 Pa. Code. Section 3.381(c)(1)(v) because the document failed to contain any the Commission docket number under which Shelly operates, together with a copy or portion of Shelly's authority upon which the protest is predicated.

15. Clemmer and Shelly are the only parties that have filed a document/protest/petition to intervene in this matter and, therefore, it would be extremely prejudicial to Applicant for this Commission to permit the document in Exhibit "A" to stand as a valid protest.

16. Due to the defects in the document filed by Clemmer and Shelly, the document should be stricken and dismissed in the instant matter.

NOW, WHEREFORE, in consideration of the foregoing, it is respectfully requested by Eric F. Wright, Applicant, that the document purporting to be a protest of Clemmer Moving and Storage, Inc. and Shelly Moving and Storage, Inc. be stricken and dismissed from the instant matter due to failure to comply with 52 Pa. Code. Section 3.381(c)(1).

Respectfully submitted,

By: 
RICHARD T. MULCAHEY, JR.

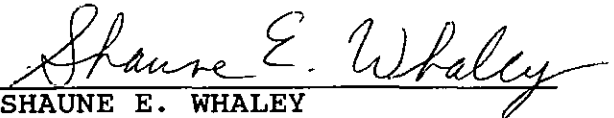
CERTIFICATE OF SERVICE

I, Shaune E. Whaley, hereby certify that on December 4, 1996, I forwarded by first-class mail, postage pre-paid, a copy of the Motion to Strike and Dismiss Protests filed on behalf of Applicant, Eric F. Wright, to the following:

Robert F. Frazier, Prothonotary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

William H. R. Casey, Esquire
99 East Court Street
Doylestown, PA 18901
(Attorney for Protestants))

DATE: December 4, 1996


SHAUNE E. WHALEY

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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE



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

IN REPLY PLEASE
REFER TO OUR FILE

March 17, 1997

In Re: **A-00113409**

(See attached list)

JAF

Application of Eric F. Wright

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

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, April 29, 1997**

Time: **10:00 a.m.**

Location: **In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania**

Presiding Officer: **Administrative Law Judge Cynthia W. Fordham
1302 Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
Telephone: (215) 560-2105**

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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.

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 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 Fordham
Norma Lewis
Susan Licon, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

A-00113409 Application of Eric F. Wright

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

ERIC F WRIGHT
524 WASHINGTON STREET
ROYERSFORD PA 19468
(610) 792-1230

RICHARD T MULCAHEY JR ESQUIRE
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