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COMMONWEALTH OF PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Eric F. Wright
Enterprise Inc.,
t/d/b/a Eric's Moving

Docket #
A-00113409P0001AMA

vs.

Shelly Moving &
Storage, et. al.

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ORIGINAL

Public Utilities Commission
1302 State Office Building
1400 West Spring Garden St.
Philadelphia, PA
Friday, April 28, 2000
Commencing at 10:00 a.m.

BEFORE:

ALLISON K. TURNER, Administrative Law Judge

APPEARANCES:

RICHARD T. MULCAHEY, JR., Esquire
Two Penn Center
Suite 1400
Philadelphia, PA 19102
Counsel for: Eric F. Wright Enterprises, Inc

WILLIAM H.R. CASEY, Esquire
99 East Court Street
Doylestown, Pa 18901
Counsel for: Shelly Moving & Storage
Clemmer Moving & Storage
Read's Van Service
Adam Meyer
Keller Moving & Storage
Shively's Moving & Storage
Frick Transfer
O'Brien's Moving & Storage
Fisher - Hughes of Allentown

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NUMBER FOR IDENTIFICATION IN EVIDENCE

P R O C E E D I N G S

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3 JUDGE TURNER: Now, is the time and place for a
4 pre-hearing government application of Eric F. Wright
5 Enterprises, Inc. trading as Eric's Moving. Docket
6 Number A-00113409F0001AMA.

7 Richard Mulcahey is here representing the
8 Applicant, Eric F. Wright. Attorney Casey is
9 representing a group of 11 Protestants.

10 ATTORNEY CASEY: Yes, your Honor.

11 JUDGE TURNER: Both are present at the hearing
12 today. Are there any other Counsel or Protestants in
13 attendance?

14 ATTORNEY MULCAHEY: I don't believe so.

15 JUDGE TURNER: Any other Counsel or Protestants?

16 ATTORNEY MULCAHEY: I don't believe so.

17 JUDGE TURNER: Okay. Before we started, off the
18 record, I had asked Mr. Casey and Mr. Mulcahey if
19 they wanted or would be willing to make opening
20 statements. And I believe Mr. Mulcahey, you wanted
21 to.

22 ATTORNEY MULCAHEY: Good morning, Your Honor.
23 Regarding the Eric F. Wright Enterprises, Inc.
24 application currently filed by the Public Utilities
25 Commission at Docket Number A-00113409F0001AMA. The

1 company is licensed as a household property carrier
2 and also a carrier of household foods, between points
3 in the City and County of Philadelphia and the County
4 of Delaware and part of Montgomery County. By this
5 instant application, we are seeking an amendment to
6 the current Household Goods Authority so that this
7 company would be able to provide service not only in
8 the areas that it has now, but also Berks, Bucks,
9 Delaware, Chester and Montgomery County and both
10 points in that area to points in Pennsylvania and
11 vice versa. There were 11 Protestants in the case.
12 The matter was before the mediation process with Mr.
13 Urich (phonetic).

14 Mr. Casey and I had numerous conversations
15 regarding the case and we have proposed a restricted
16 amendment that would read as follows. Provided
17 however, that no right, power, or privilege be
18 granted to originate transportation from the counties
19 of Bucks. And that trips generated in Berks County
20 will be limited to the geographic area within ten
21 statute miles of the Chester/Berks and
22 Montgomery/Berks County border. And, Your Honor,
23 what we have done ---.

24 JUDGE TURNER: Excuse me. Are you expecting
25 another person?

1 ATTORNEY CASEY: Yes, Your Honor. This is Mr.
2 Purcell ---.

3 JUDGE TURNER: Okay. Why don't you continue Mr.
4 Mulcahey.

5 ATTORNEY MULCAHEY: What we have done, Your
6 Honor, is we have prepared a map ---.

7 JUDGE TURNER: Oh.

8 ATTORNEY MULCAHEY: --- just to give a little
9 bit of a better idea of what we're looking for. I'm
10 not sure I want to mark that as an exhibit because
11 that may not be a final resolution, but that at
12 least, I think assists visually on what we have and
13 what the applicant has.

14 JUDGE TURNER: It certainly assist me and I
15 notice that Mr. Casey has a copy. So, okay.

16 ATTORNEY MULCAHEY: The area marked in red is
17 the current Household Goods Authority that the
18 company has. The area in yellow is what we're
19 requesting by this application. And the area in the
20 blue-green is the area that we are proposing as the
21 area that we'll service pursuant to the restricted
22 amendment.

23 JUDGE TURNER: Okay.

24 ATTORNEY MULCAHEY: Both Mr. Casey and I have
25 had a number of conversations back and forth through

1 a number of parties and we haven't been able to
2 resolve the case yet.

3 JUDGE TURNER: But it is your hope that you
4 could do so today?

5 ATTORNEY MULCAHEY: I would hope so.

6 JUDGE TURNER: All right. Mr. Casey do you have
7 opening remarks?

8 ATTORNEY CASEY: Your Honor, I would concur with
9 Mr. Mulcahey's statements about what's happened so
10 far and that we have made an effort. And he has
11 provided me with a map and I've been discussing with
12 my Protestants, it's a little bit of a problem
13 mailing around and getting responses. In addition,
14 we had filed Interrogatories with the applicant and
15 they had responded and answered them.

16 Some of them, at the time they were filed, the
17 information was not current or available. And we're
18 hoping today that we can get some information today
19 that will assist us in maybe coming to an agreement.

20 JUDGE TURNER: Are you prepared, Mr. Mulcahey,
21 to give additional information?

22 ATTORNEY MULCAHEY: Yes, we are.

23 JUDGE TURNER: Okay. Good. At this point then
24 perhaps the best thing is to go off the record. I'm
25 assuming that you don't want to conduct your

1 settlement negotiations on the record and I'm also
2 assuming that you do not want me to be present. You
3 are not looking for a mediator at this point because
4 you've been through mediation; is that correct?

5 ATTORNEY MULCAHEY: Yes, Your Honor.

6 ATTORNEY CASEY: Yes.

7 JUDGE TURNER: Okay. Now, I'm willing to
8 function as a settlement judge if that's what the
9 parties want. But you can let me know if that
10 changes. All right then, let us go off the record.
11 How long do you think this will take?

12 ATTORNEY CASEY: An hour? Half an hour, hour?

13 JUDGE TURNER: Okay. I am located in 1302.

14 Also the library is in 1302, if a group needs a
15 separate meeting place. I would appreciate it if
16 someone would come and check in with me in half an
17 hour and either summon me or let me know how much
18 more time you need. Is that okay?

19 ATTORNEY CASEY: Yes, thank you very much.

20 SHORT BREAK TAKEN

21 JUDGE TURNER: Gentlemen, shall we go on the
22 record or do you have more to do off the record ---
23 on the record? Okay. Back on the record. Mr.
24 Mulcahey?

25 ATTORNEY MULCAHEY: Your Honor, we happen to

1 disagree to a proposal made by Mr. Casey on both the
2 behalf of his clients. And I'd like to read it into
3 the record and I'll be happy to produce it to writing
4 and the final restricted amendment if that's what you
5 wanted.

6 JUDGE TURNER: Sounds good to me.

7 ATTORNEY MULCAHEY: What the restricted
8 amendment would read is that, provided however, that
9 no right, power, or privilege be granted to applicant
10 to originate transportation in --- excuse me, that
11 the transportation will be limited to the geographic
12 area of ten statute miles from the City of Pottstown.
13 And one statute miles from the City of Phoenixville.

14 JUDGE TURNER: What does that do to your map?

15 ATTORNEY CASEY: Puts a couple of circles on it.

16 ATTORNEY MULCAHEY: Puts some circles on it.

17 JUDGE TURNER: And that's acceptable to your
18 client?

19 ATTORNEY CASEY: Yes, Your Honor.

20 JUDGE TURNER: Okay. Did he state that
21 correctly?

22 ATTORNEY CASEY: Yes. And Pottstown, ten miles
23 and Phoenixville in one mile.

24 JUDGE TURNER: Okay. And would it be your
25 intention to have this case then be referred for

1 modified procedure or would it be your intention to
2 have an initial decision?

3 ATTORNEY CASEY: Modified. I think we would
4 prefer modified.

5 JUDGE TURNER: All right. Do you have anything
6 to say, Mr. Casey.

7 ATTORNEY CASEY: Your Honor, on the written
8 modification file I will file an acceptance on behalf
9 of the Protestants.

10 JUDGE TURNER: Okay.

11 ATTORNEY CASEY: And then the modified procedure
12 would proceed in writing.

13 JUDGE TURNER: Will you be sure to provide me
14 with a copy?

15 ATTORNEY MULCAHEY: Yes.

16 JUDGE TURNER: You're experienced, Counsel, so I
17 don't have to tell you that it really all has to go
18 into the Secretary of the Commission. But, I find
19 that if I have a --- the Judge has a copy, if it gets
20 lost, we can always come up with it. So, I'd
21 appreciate a copy of the amendment and your
22 acceptance, Mr. Casey.

23 ATTORNEY CASEY: Did you mention statute miles?

24 ATTORNEY MULCAHEY: Ten statute miles.

25 ATTORNEY CASEY: Thank you, Your Honor, for you

1 help.

2 JUDGE TURNER: Okay. So, then are you
3 completed?

4 ATTORNEY MULCAHEY: We are.

5 ATTORNEY CASEY: Yes.

6 JUDGE TURNER: And there's no need for any
7 additional hearings?

8 ATTORNEY CASEY: Correct.

9 ATTORNEY MULCAHEY: No.

10 JUDGE TURNER: Okay. I guess another thing that
11 I really, normally should do, is close the record.
12 But, I'm not sure that this is actually a closed
13 record if it's going to modified procedure.

14 ATTORNEY CASEY: Or not before that written ---.

15 ATTORNEY MULCAHEY: Before the restricted
16 amendment.

17 JUDGE TURNER: Before the restrictive amendment.
18 So, in that case, I will issue an order closing the
19 record in referring it to modified upon receipt of
20 the restrictive amendment and the acceptance.

21 ATTORNEY CASEY: Yes.

22 JUDGE TURNER: Okay?

23 ATTORNEY CASEY: We would remain part of the
24 record until the matter is completed.

25 JUDGE TURNER: Yes. Okay? Thank you all.

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ATTORNEY CASEY: Thank you.

ATTORNEY MULCAHEY: Thank you.

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HEARING CONCLUDED AT 10:55 A.M.


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