

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

Application of Earl Bierman :
For the right to begin to transport, as a :
common carrier, by motor vehicle, :
persons in airport transfer service :
from points in the borough of New Hope, :
Bucks County, and points within an :
airline distance of twenty (20) statute :
miles of the limits of said borough, to :
the Philadelphia International Airport :
in the city and county of Philadelphia, :
and the township of Tinticum, Delaware :
County, and the Allentown-Bethlehem- :
Easton Airport in the county of Lehigh. :

JUN 25 1998

Docket No.

A-00114⁷⁵⁴~~574~~

SECRETARY'S BUREAU
JUN 24 11 09 AM '98

PREHEARING ORDER

This application was received at the Commission on March 16, 1998, docketed on March 23, 1998, and published in the Pennsylvania Bulletin for protests on April 4, 1998. Protests have been filed on behalf of Tropiano Airport Shuttle, Inc., and Lehigh Valley Taxicab Co, Inc. Therefore, the above captioned matter has been scheduled for a hearing on Friday, July 31, 1998, 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 hearing and decision.

The parties are directed to comply with the following:

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).

DOCUMENT
FOLDER

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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 into evidence at the hearing material 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. In order to facilitate the conduct of the hearing, on or before July 15, 1998, 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.

5. 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.

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

7. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to hearing. Requests for changes of initial hearings must be sent to the Chief Administrative Law Judge, P.O. Box 3265, Harrisburg, PA 17105-3265. Only the Chief Administrative Law Judge may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent hearings, if any, should be served directly on me.

8. 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 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

Dated: June 17, 1998