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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

2016 SEP -2 AM 9: 50

PA P.U.C.  
SECRETARY'S BUREAU

IN RE: APPLICATION OF : PUC DOCKET  
JOEL SICHERMAN t/a : NO.: A-2016-2532991  
BESTDARNMOVERS :

**PETITION TO REOPEN**

AND NOW, comes, Cadden Bros. Moving and Storage, Inc. and Matheson Transfer Company, by their Attorneys, Richard T. Mulcahey, Jr., Schubert, Gallagher, Tyler & Mulcahey, to move pursuant to 52 Pa. Code Section 5.571, to have the above-captioned Application case reopened, and in support thereof, aver:

1. Joel Sicherman t/a BestDarnMovers, ("Applicant"), filed an Application to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania, at Docket No. A-2016-2532991.

2. Protests to the Application were filed by Cadden Bros. Moving and Storage, Inc. and Matheson Transfer Company("Protestants").

3. The Application has been assigned to Honorable Cynthia Williams Fordham, ALJ, and an Initial Hearing was held on August 8, 2016. The record was closed after receipt of Protestants' written request for a cease and desist order, based on testimony received at the hearing that Applicant rendered unlawful transportation, and Applicant's response.

4. Applicant's response dated August 13, 2016, stated that he "cease and desisted" further unlawful transportation when the instant Application was filed and that he intended to maintain that status until a certificate of public convenience was granted

5. On August 21, 2016, Protestants' witness Applicant performing unlawful household goods in use common carriage and Applicant subsequently admitted to such acts.

6. Protestants have filed a Formal Complaint against Applicant and a Motion to Consolidate the Application and Complaint Cases, along with this Petition to Reopen the record.

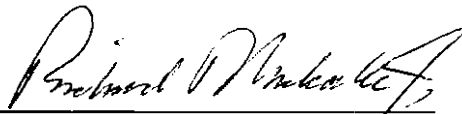
7. The unlawful transportation rendered by Applicant, which was disclosed during the August 8, 2016 hearing, and subsequent unlawful transportation, despite assurances from Applicant to the ALJ that he had ceased and desisted from said unlawful transportation, clearly give rise to material facts involving fitness that constitute grounds for requiring the reopening of the Application proceeding.

8. Due to the material changes in facts involving Applicant's fitness, a reopening of the proceeding is warranted to properly establish a conclusion of law regarding Applicant's burden of proof in this matter under 52 Pa. Code Section 41.14.

9. The timing of this Petition permits the record to be reopened because the ALJ has not rendered a final decision in this matter.

WHEREFORE, Cadden Bros. Moving and Storage, Inc. and Matheson Transfer Company respectfully request the reopening of the record in the Application case.

Respectfully submitted,

BY:   
RICHARD T. MULCAHEY, JR., ESQ.  
SCHUBERT, GALLAGHER,  
TYLER & MULCAHEY  
Attorneys for Protestants  
121 South Broad Street, 20<sup>th</sup> Floor  
Philadelphia, PA 19102-1890  
(215) 587-0107

**CERTIFICATE OF SERVICE**

I, RICHARD T. MULCAHEY, JR., hereby certify that on this date I forwarded, by first-class mail, postage pre-paid, a true and correct copy of the foregoing Petition to Reopen filed on behalf of Protestants, CADDEN BROS. MOVING AND STORAGE, INC. Association, t/a MATHESON TRANSFER COMPANY, to the following parties:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Honorable Cynthia Williams Fordham, ALJ  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107

Mr. Joel Sicherman  
t/a BestDarnMovers  
210 Division Street  
Kingston, PA 18704

Date: \_\_\_\_\_

09/31/16



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RICHARD T. MULCAHEY, JR.

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