

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

3631 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17110-1533

JAMES R. CLIPPINGER
CHARLES J. DeHART, III
JAMES D. CAMPBELL, JR.
JAMES L. GOLDSMITH
P. DANIEL ALTLAND
JEFFREY T. McGUIRE*
STANLEY J. A. LASKOWSKI
DOUGLAS K. MARSICO
BRETT M. WOODBURN
RAY J. MICHALOWSKI
DOUGLAS L. CASSEL

*ALSO A MEMBER OF NJ BAR

OF COUNSEL
RICHARD L. KEARNS
CARL G. WASS

THOMAS D. CALDWELL, JR.
(1928 - 2001)

June 28, 2005

717-232-7661
FAX: 717-232-2766
thefirm@caldwellkearns.com

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

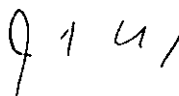
**Re: Application of Davcon Packing Services, Ltd. t/d/b/a Davcon Relocation Services
A-00117540 Folder 3**

Dear Secretary McNulty:

Please find enclosed herewith the original and three (3) copies of a Protest filed by Jack Trier, Inc., to the above Application.

A copy of the Protest has been served upon Applicant as indicated below.

Sincerely,



James D. Campbell, Jr.
CALDWELL & KEARNS

JDC:ml

Enclosure

cc: Davcon Packing Services, Ltd.

89581



RECEIVED
BUREAU OF
TRANSPORTATION & SAFETY
2005 JUN 30 PM 3:44

SECRETARY'S BUREAU
05 JUN 30 AM 8:40

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BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of Davcon Packing : A-00117540, Folder 3
Services, Ltd. t/d/b/a Davcon :
Relocation Services :

SECRETARY'S BUREAU
05 JUN 30 AM 8:40
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PROTEST

AND NOW, comes Jack Treier, Inc., 1457 Manheim Pike, Lancaster, PA 17601, (717) 397-2808, and protests the above Application.

1. The service and facilities of the Protestant and other authorized carriers are ample to meet all the requirements of the shipping public in the territory involved in this Application.

2. The approval of the Application would be prejudicial to your Protestant and other authorized carriers in this territory in that it will authorize additional competition with the potential resulting loss in revenue and less satisfactory service of the public.

3. Approval of the Application would be contrary to the public interest.

4. Your Protestant holds operating authority docketed to A-00099283. A copy of said authority is attached hereto as Exhibit "A" and made a part hereof.

5. Protestant is not aware of any amendment which would satisfy its interest, but is willing to discuss the same with Applicant or Applicant's counsel.

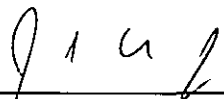
6. Pursuant to Section 333(c) of the Public Utility Law, Protestant requests Applicant or its attorney to furnish the undersigned with a list of the names and addresses of all witnesses whom it intends to call, and the names and addresses of the

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psm

supporting shippers they will represent, at least ten (10) days prior to the commencement of evidentiary hearings in this case.

WHEREFORE, Jack Treier, Inc., respectfully prays that the above Application be dismissed.

CALDWELL & KEARNS

By: 
James D. Campbell, Jr., Esq.
CALDWELL & KEARNS
3631 North Front Street
Harrisburg, PA 17110
(717) 232-7661

Dated: 6/28/05

89579

A-00099283

JACK TREIER, INC.

Household goods and office furniture in use from points in the County of Lancaster to points in Pennsylvania and vice versa.

Exhibit A

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

3631 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17110-1533

JAMES R. CLIPPINGER
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June 28, 2005

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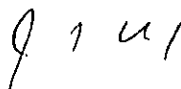
**Re: Application of Davcon Packing Services, Ltd. t/d/b/a Davcon Relocation Services
A-00117540, Folder 3**

Dear Secretary McNulty:

Please find enclosed herewith the original and three (3) copies of a Protest filed by Shelly Moving and Storage, Inc., to the above Application.

A copy of the Protest has been served upon Applicant as indicated below.

Sincerely,



James D. Campbell, Jr.
CALDWELL & KEARNS

JDC:ml
Enclosure
cc: Davcon Packing Services, Ltd.

89584

PROPERTY OF THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
2005 JUN 30 PM 3:44

SECRETARY'S BUREAU

05 JUN 30 AM 8:40

DOCUMENT
* FOLDER



BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of Davcon Packing : A-00117540, Folder 3
Services, Ltd. t/d/b/a Davcon :
Relocation Services :

RECEIVED
05 JUN 30 PM 8:40
SECRETARY'S BUREAU

PROTEST

AND NOW, comes Shelly Moving and Storage, Inc., Great Valley Corporate Center, 380 Lapp Road, Malvern, Pennsylvania, (610) 695-9438, and protests the above Application.

1. The service and facilities of the Protestant and other authorized carriers are ample to meet all the requirements of the shipping public in the territory involved in this Application.

2. The approval of the Application would be prejudicial to your Protestant and other authorized carriers in this territory in that it will authorize additional competition with the potential resulting loss in revenue and less satisfactory service of the public.

3. Approval of the Application would be contrary to the public interest.

4. Your Protestant holds operating authority docketed to A-00102480. A copy of said authority is attached hereto as Exhibit "A" and made a part hereof.

5. Protestant is not aware of any amendment which would satisfy its interest, but is willing to discuss the same with Applicant or Applicant's counsel.

6. Pursuant to Section 333(c) of the Public Utility Law, Protestant requests Applicant or its attorney to furnish the undersigned with a list of the names and addresses of all witnesses whom it intends to call, and the names and addresses of the

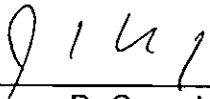
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JUN 30 2005
pam

supporting shippers they will represent, at least ten (10) days prior to the commencement of evidentiary hearings in this case.

WHEREFORE, Charles E. Groff and Sons Inc., respectfully prays that the above Application be dismissed.

CALDWELL & KEARNS

By:


James D. Campbell, Jr., Esq.
CALDWELL & KEARNS
3631 North Front Street
Harrisburg, PA 17110
(717) 232-7661

Dated:

6/28/05

89585

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 11, 1980

Commissioners Present:

Susan M. Shanahan, Chairman

James H. Cawley
Linda C. Taliaferro

Application of Shelly Moving & Storage,
Inc., for approval of the transfer to
it of all of the operating rights held
by James N. Shelly at A-00081566,
Fs. 2 & 3.

A-00102480

O R D E R

BY THE COMMISSION:

By application docketed October 3, 1980 Shelly Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to James N. Shelly under the certificates issued at A-00081566, Fs. 2 & 3.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by James N. Shelly at A-00081566, Fs. 2 & 3, be approved and that a certificate be issued to the applicant granting the following rights:

To transport, as a Class B carrier, property between points in the borough of Pottstown, Montgomery County.

To transport, as a Class D carrier, household goods in use from points in the borough of Pottstown, Montgomery County, to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, household goods in use and furniture between points in the borough of Pottstown, Montgomery County, and within ten (10) miles by the usually traveled highways of the limits

EXHIBIT A

of the said borough, and from points in the said area to points within seventy-five (75) miles by the usually traveled highways of the limits of the said borough.

To transport, as a Class D carrier, household goods in use and furniture from points not exceeding twenty-five (25) miles from the borough of Pottstown, Montgomery County, excluding Delaware County, to points in the borough of Pottstown, Montgomery County, and within ten (10) miles by the usually traveled highways of the limits of the said borough;

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1.00, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 25, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
James H. Cawley
Frank Fischl
Bill Shane

Application of Shelly Moving & Storage,
Inc. for approval of the transfer to
it of all of the operating rights held
by Jimmy Wilson, Jr., Inc. at A-00096913.

A-00102480, F. 1, Am-A

O R D E R

BY THE COMMISSION:

By application docketed February 7, 1985, Shelly Moving & Storage, Inc. a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Jimmy Wilson, Jr., Inc. a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00096913.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Jimmy Wilson, Jr., Inc. at A-00096913 be approved and that the report and order of December 11, 1980 at A-00102480 and the certificate issued pursuant thereto, be modified and amended to include the following rights:

1. To transport, as a Class B carrier, office equipment in use between points in the city of York, York County.
2. To transport, as a Class D carrier, household goods in use between points in the county of York.
3. To transport, as a Class D carrier, household goods in use from points in the county of York to points in Pennsylvania, and vice versa.
4. To transport, as a Class B carrier, property, excluding household goods in use, between points in the city of York, York County, and within an airline distance of three (3) statute miles of the limits of said city.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 25, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
James H. Cavley
Frank Fischl
Bill Shane

Application of Shelly Moving & Storage,
Inc. for approval of the transfer to
it of part of the operating rights held
by S. S. Bertz Co., Inc. at A-00105579.

A-00102480, F. 1, Am-B

O R D E R

BY THE COMMISSION:

By application docketed February 7, 1985, Shelly Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of part of the rights granted to S. S. Bertz Co., Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00105579.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by S. S. Bertz Co., Inc. at A-00105579 be approved and that the report and order of December 11, 1980 at A-00102480, as modified and amended, be further modified and amended to include the following rights:

1. To transport, as a Class B carrier, household goods in use and office furnishings in use between points in the city of Lancaster and the townships of Manheim, West Lampeter and Lancaster, Lancaster County.
2. To transport, as a Class C carrier, household goods in use and office furnishings in use from points in the city of Lancaster to other points in the county of Lancaster and vice versa.
3. To transport, as a Class D carrier, tobacco and household goods in use from points in the county of Lancaster to other points in Pennsylvania.

with the above rights numbers 1, 2 and 3 above subject to the following condition:

That all transportation except local hauling in the city of Lancaster, Lancaster County, shall be limited to shipments from one consignor or to one consignee;

with all of the above rights further subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That applicant charge to Account 1550, . Other Intangible Property, \$15,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

F I A C

McKay, t/d/b/a Moving Services Unlimited. The rights to be transferred in each case are autonomous as the base territories are Harrisburg, Philadelphia and Pittsburgh. None of the rights require stipulations or conditions to eliminate duplications.

The transferor is selling a part of its rights to the applicant for the total consideration of \$10,000.00. No tangible assets are involved. One thousand five hundred dollars (\$1,500.00) has been paid with the balance to be paid within fifteen (15) days of approval of the transfer.

The transferor has filed its annual report for 1987. The insurance of the transferor was suspended effective April 1, 1988.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.
2. There is a continuing need for the service involved herein.
3. Approval of the application is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for transfer be and is hereby approved, and that the certificate issued February 3, 1981, as amended, be further amended to include the following right:

To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling, as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, between points in the city of Harrisburg, Dauphin County, and within

ten (10) miles by the usually traveled highways of the limits of said city and from points in said city and said territory to points in Pennsylvania and vice versa;

the right above subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$10,000.00, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. Section 1102(a)(3).

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Code and the rules and regulations of the Commission relative to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1988-1989 annual assessment of the transferor.

F I Am D

Docket No. A-102480 pursuant to the Order adopted on December 11, 1980, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; and articles in use, including objects of art, displays and exhibits which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, between points within an airline distance of thirty (30) statute miles of the limits of the Borough of Pottstown, Montgomery County, and from points in said territory to points in Pennsylvania, and vice versa.

4. That the Applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing or proof of insurance and the filing and acceptance of a tariff establishing just and reasonable rates.

5. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted

To transport, as a class D carrier, household goods, personal effects and property used or to be used in a dwelling, when a part of the furnishings, equipment or supplies of such dwelling, as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment or supply of such stores, offices museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the Counties of Adams, Cumberland, Dauphin and Lebanon.

4. That the Shelly Moving & Storage, Inc., shall not engage in any transportation authorized herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing of insurance and the filing of a tariff establishing just and reasonable rates.

5. That the certificate holder shall comply with all of the provisions of the Public Utility Code now existing or as may be amended, and with all pertinent regulations of this Commission now in effect, or as may be prescribed by the Commission. Failure to comply will be sufficient cause to suspend, revoke, or rescind the rights and privileges which are conferred by this certificate.

6. That the authority granted herein, to the extent

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

3631 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17110-1533

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James J. McNulty, Secretary
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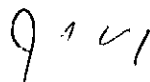
**Re: Application of Davcon Packing Services, Ltd. t/d/b/a Davcon Relocation Services
A-00117540, Folder 3**

Dear Secretary McNulty:

Please find enclosed herewith the original and three (3) copies of a Protest filed by Charles E. Groff and Sons Inc., to the above Application.

A copy of the Protest has been served upon Applicant as indicated below.

Sincerely,



James D. Campbell, Jr.
CALDWELL & KEARNS

JDC:ml
Enclosure
cc: Davcon Packing Services, Ltd.

89583

RECEIVED
BUREAU OF
TRANSPORTATION & SAFETY
2005 JUN 30 PM 3:44

RECEIVED
SECRETARY'S BUREAU

05 JUN 30 AM 8:40



3

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of Davcon Packing : A-00117540, Folder 3
Services, Ltd. t/d/b/a Davcon :
Relocation Services :

05 JUN 30 AM 8:41
SECRETARY'S BUREAU

PROTEST

AND NOW, comes Charles E. Groff and Sons Inc., 1284 Cloverleaf Road, P. O. Box 84, Mount Joy, PA 17552, (717) 653-1357, and protests the above Application.

1. The service and facilities of the Protestant and other authorized carriers are ample to meet all the requirements of the shipping public in the territory involved in this Application.

2. The approval of the Application would be prejudicial to your Protestant and other authorized carriers in this territory in that it will authorize additional competition with the potential resulting loss in revenue and less satisfactory service of the public.

3. Approval of the Application would be contrary to the public interest.

4. Your Protestant holds operating authority docketed to A-00111137. A copy of said authority is attached hereto as Exhibit "A" and made a part hereof.

5. Protestant is not aware of any amendment which would satisfy its interest, but is willing to discuss the same with Applicant or Applicant's counsel.


6. Pursuant to Section 333(c) of the Public Utility Law, Protestant requests Applicant or its attorney to furnish the undersigned with a list of the names and addresses of all witnesses whom it intends to call, and the names and addresses of the

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JUN 30 2005
plm

supporting shippers they will represent, at least ten (10) days prior to the commencement of evidentiary hearings in this case.

WHEREFORE, Charles E. Groff and Sons Inc., respectfully prays that the above Application be dismissed.

CALDWELL & KEARNS

By: 
James D. Campbell, Jr., Esq.
CALDWELL & KEARNS
3631 North Front Street
Harrisburg, PA 17110
(717) 232-7661

Dated: 6/28/05

89582

SECTION 1
RULES AND REGULATIONS

ITEM 5 - SCOPE OF CARRIER'S OPERATING RIGHTS

Rates and provisions named in this tariff, or as amended, are limited in their application on Pennsylvania intrastate traffic to the extent of the operating rights set forth below.

Certificate No. A-00111137

1. To transport, as a Class D carrier, household goods in use from points in the borough of Elizabethtown, Lancaster County, to other points in Pennsylvania, and vice versa;

with Right No. 1 subject to the following condition:

That the rights, powers and privileges hereby granted pertaining to transportation destined to points in Pennsylvania excluding the county of Lancaster, shall be limited and restricted to transportation originating or terminating at a farm.

2. To transport, as a Class D carrier, household goods in use, between points in the township of Upper Leacock, Lancaster County, and within fifteen (15) miles by the usually traveled highways of the limits of said township;
3. To transport, as a Class D carrier, household goods in use from points in the township of Upper Leacock, Lancaster County, and within seven and one-half (7 1/2) miles by the usually traveled highways of the limits of said township to points in the counties of Lancaster and Berks, and vice versa;
4. To transport, as a Class D carrier, household goods, in use, from points within fifteen (15) miles by the usually traveled highways of the borough of Elizabethtown, Lancaster County, to points in Pennsylvania within ninety (90) miles by the usually traveled highways of the limits of said borough, and vice versa;
5. To transport, as a Class D carrier, household goods in use between points in the borough of Terre Hill, Lancaster County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough;
6. To transport, as a Class D carrier, household goods in use, from points in the borough of East Earl, Lancaster County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa;
8. To transport, as a Class D carrier, milk from farms located in the township of Mount Joy, East Donegal, West Donegal, Rapho, East Hempfield, and West Hempfield, Lancaster County to Hershey, Dauphin County and to the city of Lancaster, Lancaster County;
9. To transport, as a Class D carrier, farm products and supplies from farms in the townships of Mount Joy, East Donegal, West Donegal, Rapho, East Hempfield and West Hempfield, Lancaster County, to points within an airline radius of ten (10) statute miles of the limits of said townships;

(Item 5 continued on next page)

Abbreviations, reference marks and symbols are explained on last page of tariff.

SECTION 1
RULES AND REGULATIONS

ITEM 5 - SCOPE OF CARRIER'S OPERATING RIGHTS (Cont'd)

with Rights Nos. 8 and 9 subject to the following condition:

That no right, power or privilege is granted to render service between Florin, Lancaster County, and Harrisburg, Dauphin County and intermediate points on the Lancaster-Harrisburg route of the Central Storage and Transfer Company.

10. To transport, as a Class D carrier, household goods in use from points in the townships of Mount Joy, East Donegal, West Donegal, Rapho, East Hempfield and West Hempfield, Lancaster County to points within forty (40) miles of the point of origin;
11. To transport, as a Class D carrier, kerosene stoves, from points in the borough of Morgantown, Berks County and within an airline distance of five (5) miles of the limits thereof to points in Pennsylvania;
12. To transport, as a Class D carrier, property between points in the borough of Mount Joy, Lancaster County, and within five (5) miles by the usually traveled highways of the limits of said borough;
13. To transport, as a Class D carrier, crushed stone, tobacco and tombstones from points in the borough of Mount Joy, Lancaster County, and within five (5) miles of the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa;

with Rights Nos. 12 and 13 subject to the following condition:

That no right, power or privilege is granted to transport raw oils, materials or finished products of the silk industry.

ITEM 10 - GOVERNING PUBLICATIONS

- (a) For rates, rules, regulations and provisions applicable to the transportation of household goods and related articles, in use, see Tariff Freight Pa. P.U.C. No. 53 (Carrier Directory), loose-leaf revisions thereto and successive issues thereof, issued by Tristate Household Goods Tariff Conference, Inc., Agent.
- (b) Where rates are based on mileage, the distance shall be computed from Mileage Guide No. 40, PA. P.U.C. No. 40, issued by Tristate Household Goods Tariff Conference, Inc., Agent.

ITEM 15 - DEFINITION OF A SHIPMENT

A shipment is a lot of freight tendered to the carrier by one consignor at one place at one time for delivery to one consignee at one destination on one bill of lading.

Abbreviations, reference marks and symbols are explained on last page of tariff.

CALDWELL & KEARNS

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

3631 NORTH FRONT STREET
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DOUGLAS L. CASSEL
*ALSO A MEMBER OF NJ BAR

OF COUNSEL
RICHARD L. KEARNS
CARL G. WASS
THOMAS D. CALDWELL, JR.
(1928 - 2001)

July 5, 2005

717-232-7661
FAX: 717-232-2766
thefirm@caldwellkearns.com

Via Hand Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Application of Davcon Packing Services, Ltd. t/d/b/a Davcon Relocation Services
A-00117540 Folder 3**

Dear Secretary McNulty:

Please find enclosed herewith the original and three (3) copies of a Protest filed by Phillip J. Mertz and John M. Mertz, co-partners t/a Mertz's, to the above Application.

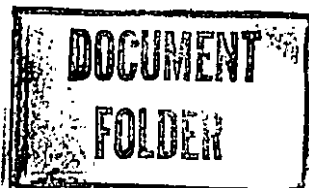
A copy of the Protest has been served upon Applicant as indicated below.

Sincerely,

James D. Campbell, Jr.
CALDWELL & KEARNS

JDC:ml
Enclosure
cc: Davcon Packing Services, Ltd.

89871



DOCKETED

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per

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2005 JUL -7 11 56:56
BUREAU

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Application of Davcon Packing : A-00117540, Folder 3
Services, Ltd. t/d/b/a Davcon :
Relocation Services :

RECEIVED
GENERAL INVESTIGATION BUREAU
JUN 15 11 21 AM '21

PROTEST

AND NOW, comes Phillip J. Mertz and John M. Mertz, co-partners t/a Mertz's, 150 Sylvan Retreat Road, Columbia, PA 17512, (717) 392-7635, and protests the above Application.

1. The service and facilities of the Protestant and other authorized carriers are ample to meet all the requirements of the shipping public in the territory involved in this Application.

2. The approval of the Application would be prejudicial to your Protestant and other authorized carriers in this territory in that it will authorize additional competition with the potential resulting loss in revenue and less satisfactory service of the public.

3. Approval of the Application would be contrary to the public interest.

4. Your Protestant holds operating authority docketed to A-00105112. A copy of said authority is attached hereto as Exhibit "A" and made a part hereof.

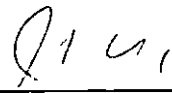
5. Protestant is not aware of any amendment which would satisfy its interest, but is willing to discuss the same with Applicant or Applicant's counsel.

6. Pursuant to Section 333(c) of the Public Utility Law, Protestant requests Applicant or its attorney to furnish the undersigned with a list of the names and addresses of all witnesses whom it intends to call, and the names and addresses of the

supporting shippers they will represent, at least ten (10) days prior to the commencement of evidentiary hearings in this case.

WHEREFORE, Phillip J. Mertz and John M. Mertz, co-partners t/a Mertz's, respectfully prays that the above Application be dismissed.

CALDWELL & KEARNS

By: 

James D. Campbell, Jr., Esq.
CALDWELL & KEARNS
3631 North Front Street
Harrisburg, PA 17110
(717) 232-7661

Dated: July 5, 2005

89876

A-00105112

PHILLIP J. MERTZ AND JOHN M. MERTZ, CO-PARTNERS T/A MERTZ'S.

1. Household goods in use between points in the County of Lancaster.
2. Household goods in use from points in the County of Lancaster to points within 50 miles by the usually traveled highways of the limits of the City of Lancaster, Lancaster County, and vice versa.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Application of Davcon Packing : A-00117540, Folder 3
Services, Ltd. t/d/b/a Davcon :
Relocation Services : Protest of Phillip J. Mertz and John M. Mertz,
: co-partners t/a Mertz's

CERTIFICATE OF SERVICE

James D. Campbell, Jr. hereby certifies that he caused a copy of the above-described Protest to be served to the following parties by the United States Postal Service, First Class Mail, postage prepaid addressed as follows:

Davcon Packing Services, Ltd
115 Chapel Lane
Ephrata, PA 17522

DATED: July 5, 2005

JDC

JAMES D. CAMPBELL, JR., ESQUIRE
CALDWELL & KEARNS
3631 North Front Street
Harrisburg, PA 17110
(717) 232-7661

89877

SECRETARY'S BUREAU

JUL 5 2005 1:21 PM

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