

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SCOTT LUELLEN,  
Complainant

v.

Complaint Docket  
No. C-2016-2539599

MAROADI TRANSFER &  
STORAGE, INC.,  
Respondent

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, upon consideration of Respondent Maroadi Transfer & Storage, Inc.'s Motion for Summary Judgment and Brief in Support thereof, and any responses thereto, it is hereby ORDERED and DECREED that Complainant's Formal Amended Complaint is hereby dismissed in its entirety, with prejudice.

This proceeding is hereby considered closed and discontinued, with prejudice, as to Complainant's claims against Respondent Maroadi Transfer & Storage Inc.

BY THE COURT:

\_\_\_\_\_  
HON. STEVEN K. HAAS  
Administrative Law Judge

C-2016-2539599 - SCOTT LUELLEN v. MAROADI TRANSFER & STORAGE INC

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*REPRESENTING MAROADI TRANSFER & STORAGE, INC.*

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**NOTICE TO COMPLAINANT**

**PURSUANT TO 52 PA. CODE § 5.102 - MOTIONS FOR SUMMARY JUDGMENT AND  
JUDGMENT ON THE PLEADINGS – YOU ARE HEREBY NOTIFIED TO SERVE AN  
ANSWER OR OTHER RESPONSIVE PLEADING TO THIS MOTION WITHIN 20  
DAYS OF SERVICE, OR WITHIN THE TIME PERMITTED BY THE COURT.**

**RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

Respondent, MAROADI TRANSFER & STORAGE, INC. (hereinafter "Maroadi"), by its attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, hereby file this instant Motion and respectfully request summary judgment as to Complainant's claims, and state thereto:

1. Complainant Scott Luellen (hereinafter "Luellen") filed an Amended Formal Complaint in this action on May 3, 2016 alleging various claims against Maroadi arising out of a contract for interstate moving services.

2. Maroadi filed its Answer, New Matter and Preliminary Objections in response to the Amended Complaint on May 24, 2016.

3. By Order of Court dated June 30, 2016, this Court granted Maroadi's Preliminary Objections in part, and denied Luellen's claims to the extent Luellen was requesting monetary damages.

4. Luellen subsequently filed numerous motions requesting varied forms of relief from this Court.

5. On August 16, 2016, this Court entered an Order holding this proceeding in Abeyance and scheduling a prehearing conference to determine the issue of whether the Public Utilities Commission has jurisdiction over interstate transportation services, and particularly with respect to this instance.

6. On October 5, 2016 a prehearing conference was held with the Court and the parties during which Luellen conceded that the trip for which moving services were contracted, and from which his claims arise, originated in Pennsylvania and terminated in Massachusetts.

7. Upon Luellen confirming the interstate transaction underlying his allegations against Maroadi, the Court requested that both parties file cross motions for summary judgment on the issue of whether the Commission has jurisdiction over interstate transportation in an Order dated October 5, 2016.

**SUMMARY JUDGMENT IS APPROPRIATE AS THE PENNSYLVANIA  
PUBLIC UTILITIES COMMISSION DOES NOT HAVE JURISDICTION OVER  
INTERSTATE TRANSPORTATION**

8. The Pennsylvania Utilities Commission (hereinafter "Commission") lacks jurisdiction over transactions involving interstate commerce.

9. 66 Pa. C.S. § 701 provides in relevant part:

...any person ... having an interest in the subject matter, or any public utility concerned, may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, **of any law which the commission has jurisdiction to administer**,...(emphasis added).

10. Pursuant to 66 Pa. C.S. § 701, a Complaint must set forth claims that the Commission has the authority, or jurisdiction, to enforce.

11. In the present proceeding, Luellen's allegations arise out of an interstate transaction over which the Commission does not have jurisdiction, and therefore summary judgment in favor of Maroadi is appropriate.

12. 66 Pa. C.S. § 104 provides in relevant part:

The provisions of this part, except when specifically so provided, **shall not apply, or be construed to apply, to commerce with foreign nations, or among the several states...**(emphasis added).

13. The underlying transaction was an agreement for moving services facilitated by Respondent Maroadi as a booking agent, and entered into between the Complainant Luellen's self-proclaimed partner, and the parent company of Maroadi, Mayflower Transit, LLC.

14. The agreement provided for the transportation of Luellen's household goods from Swissvale, Pennsylvania to the Luellen's current residence in Belmont, Massachusetts.

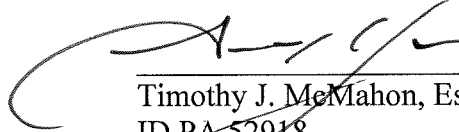
15. Pursuant to the applicable provisions of the Public Utilities Code referenced herein, the Commission lacks jurisdiction over interstate transactions, and therefore lacks jurisdiction over this proceeding, as the Complaint is premised on an alleged injury arising out of an interstate transaction.

16. Accordingly, Luellen's Amended Complaint should be dismissed in its entirety in accordance with this Court's June 30, 2016 Order.

WHEREFORE, Respondent MAROADI TRANSFER & STORAGE, INC., respectfully requests that this Honorable Court grant its Motion for Summary Judgment and dismiss Luellen's Amended Complaint in its entirety.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

A handwritten signature in black ink, appearing to read 'Timothy J. McMahon', is written over a horizontal line.

Timothy J. McMahon, Esquire

ID PA 52918

Alex K. Yoder, Esquire

ID PA 316694

100 Corporate Center Drive, Suite 201

Camp Hill, PA 17011

(717) 651-3505

Dated: October 25, 2016

**CERTIFICATE OF SERVICE**

I, Barbara E. Steel, an employee of Marshall, Dennehey, Warner, Coleman & Goggin, do hereby certify that on this 25<sup>th</sup> day of October, 2016, I served a copy of the foregoing document, via electronic mail, as follows:

Scott Luellen  
14 Marlboro Street  
Belmont, MA 02478  
SEricLuellen@gmail.com

*Barbara E. Steel*

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Barbara E. Steel