

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Delauter's A-1 Services :
for the right to begin to transport, as a :
Common carrier, by motor vehicle, :
Household goods in use between points :
in York County and from points in York :
County to points in Lancaster, Dauphin, :
Cumberland and Adams Counties and from :
Points in Lancaster, Dauphin, Cumberland :
And Adams Counties to points in York :
County :

A00121541 F0002

A-00122443

**DOCUMENT
FOLDER**

ORDER DIRECTING REPUBLICATION OF APPLICATION

On December 5, 2005, Delauter's A-1 Services, Inc. (Delauter's) filed an application with the Commission to transport household goods in use between points in York County and from points in York County to points in Lancaster, Dauphin, Cumberland and Adams Counties and vice versa. The Commission caused notice of this application to be published in the Pennsylvania Bulletin dated March 11, 2006 at 36 Pa.B. 1194 as follows:

DOCKETED
DEC 21 2006

A-00122443. Delauter's A-1 Services, Inc. (388 Newcomer Road, Windsor, York County, PA 17366) a corporation of the Commonwealth-- household goods in use, from points in York County to points in Lancaster, Dauphin, Cumberland and Adams Counties, and vice versa.

The notice stated that the deadline for filing protests was April 3, 2006.

On March 20, 2006 Zeigler's Storage and Transfer, Inc. (Zeigler's) filed a protest to the application. On March 22, 2006 Shelly Moving & Storage, Inc. (Shelly) and Warners Moving & Storage, Inc. (Warners) filed protests to the application. On April 3, 2006 Gastley's Moving & Storage, Inc. (Gastley's), M.F. Rockey Moving Company (Rockey) and Camp Curtin Transfer, Inc. (Camp Curtin) all filed protests to the application. I will refer to the entities that have filed protests in this proceeding collectively as the Protestants.

RJP

By notice dated July 20, 2006, the Commission scheduled an initial hearing in this case for August 22, 2006 and assigned the case to Administrative Law Judge (ALJ) Kandace F. Melillo. ALJ Melillo issued a prehearing order on July 25, 2006 addressing, *inter alia*, requests for continuance, subpoena procedures, attorney representation and the Commission's policy encouraging settlements. By notice dated July 26, 2006, the Commission rescheduled the initial hearing in this proceeding for September 5, 2006 at 10:00 a.m. in Hearing Room #2 of the Keystone Commonwealth Building in Harrisburg and reassigned the matter to me. By notice dated September 6, 2006, the Commission rescheduled the hearing in this proceeding for November 16 and 17, 2006 at 10:00 a.m. in Hearing Room #2 of the Keystone Commonwealth Building in Harrisburg.

I conducted the initial hearing as scheduled on November 16, 2006. Edward R. Paskey, Esquire represented Delauter's, which presented five witnesses and sponsored twenty-four exhibits. James D. Campbell, Jr. Esquire represented the Protestants which presented four witnesses and sponsored six exhibits. During the hearing, the testimony of the witnesses and a review of Delauter's application revealed two mistakes in the notice published in the Pennsylvania Bulletin.

First, Delauter's application states that it is applying for the right to begin to transport, as a common carrier by motor vehicle, household goods in use between points in York County and from points in York County to points in Lancaster, Dauphin, Cumberland and Adams Counties and from points in Lancaster, Dauphin, Cumberland and Adams Counties to points in York County. The notice published in the Pennsylvania Bulletin omitted the portion of the application requesting authority to transport household goods between points in York County.

Second, John Delauter, the owner of Delauter's testified that at the end of 2005, he had caused the corporation, Delauter's A-1 Services, Inc., to be dissolved. Mr. Delauter testified that effective January 1, 2006, the corporation no longer existed. Effective January 1, 2006, the business was operating as a sole proprietorship named Delauter's A-1 Services at the same address as the now dissolved corporation. The notice published in the Pennsylvania Bulletin lists the corporation as the applicant even though it no longer exists.

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. Schneider v. Pa. P.U.C., 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied when the administrative agency provides the parties notice and the opportunity to appear and be heard.

In this case, the notice published in the Pennsylvania Bulletin did not provide notice to parties who may wish to protest Delauter's application for authority to transport household goods between points in York County. The notice published in the Pennsylvania Bulletin may also be confusing because it lists the applicant as a corporation that no longer exists. In order to correct these errors, I will direct that the Commission's Bureau of Transportation and Safety cause Delauter's application to be republished in the Pennsylvania Bulletin with the applicant's correct name and the portion of the application requesting authority to transport household goods between points in York County.

In addition, I will hold the record open in this proceeding until notice of the application is republished in the Pennsylvania Bulletin. If the Commission receives additional protests as a result of the republication, further hearings will be scheduled in this matter.

ORDER


THEREFORE,

IT IS ORDERED:

1. That the Pennsylvania Public Utility Commission's Bureau of Transportation and Safety cause notice of the application that is the subject of this proceeding to be republished in the Pennsylvania Bulletin with the applicant's correct name and the portion of the application requesting authority to transport household goods between points in York County.

2. That the record in this proceeding is held open until notice of the application is republished in the Pennsylvania Bulletin.

Date: November 17, 2006


David A. Salapa
Administrative Law Judge