

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Joel Sicherman t/a BestDarnMovers :
for the right to begin to transport, as a common :
carrier, by motor vehicle, household goods in use, : A-2016-2532991
between points in Pennsylvania :

Cadden Bros. Moving & Storage and Matheson :
Transfer Company :
v. : C-2016-2566201
Joel Sicherman t/a BestDarnMovers :

INITIAL DECISION

Before
Darlene Davis Heep
Administrative Law Judge

INTRODUCTION

Joel Sicherman t/a BestDarnMovers is seeking authority to transport household goods. In addition to filing Protests to the Application, Cadden Bros. Moving & Storage and Matheson Transfer Company separately filed a Complaint against BestDarnMovers alleging that BestDarnMovers was operating a household goods moving business without Commission authority in violation of Commission regulations. This decision grants the Application. This Order also sustains the Complaint and fines BestDarnMovers \$5,750 for operating in violation of the Public Utility Code.

HISTORY OF THE PROCEEDING

On March 2, 2016, the Applicant, Joel Sicherman t/a BestDarnMovers (hereinafter “BDM”) filed an Application requesting the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

The notice of the Application was published in the *Pa Bulletin* on Saturday, March 26, 2016, at 46 *Pa.B.* 1629. Protests were due by April 11, 2016.

On March 28, 2016, Richard T. Mulcahey, Jr., Esquire, filed a protest on behalf of Matheson Transfer Company.

On March 30, 2016, Richard T. Mulcahey, Jr., Esquire, filed a protest on behalf of Cadden Bros. Moving and Storage, Inc.

On August 8, 2016, a hearing in this matter was held in the Philadelphia Regional Office. Administrative Law Judge Cynthia Williams Fordham was the presiding officer. Joel Sicherman appeared on behalf of and testified in support of the application and sponsored exhibits. Richard T. Mulcahey, Jr., Esquire, represented the Protestants Matheson Transfer Company and Cadden Bros. Moving and Storage, Inc. (Protestants).

During the hearing, Mr. Sicherman testified that he had operated as a common carrier of household goods in use between points in Pennsylvania without a certificate of public convenience. Based on the testimony, Mr. Mulcahey requested a cease and desist order. ALJ Fordham asked Mr. Mulcahey to put the request in writing.

By correspondence dated August 8, 2016, Mr. Mulcahey averred that Mr. Sicherman testified during the August 8, 2016 hearing that he operated a household goods moving business without Commission authority and requested that a cease and desist order be issued to Mr. Sicherman.

By correspondence dated August 13, 2016, Mr. Sicherman stated that he “ceased and desisted” when the application was filed and that he intended to maintain that status until the certificate of public convenience was granted.

On August 22 and 23, 2016, ALJ Fordham received emails from Mr. Mulcahey with photos purportedly of BDM employees, on Sunday, August 21, 2016, operating as a common carrier of household goods in use between points in Pennsylvania.

ALJ Fordham determined that there was no basis upon which to issue a cease and desist order within the confines of the operations. ALJ Fordham further advised that the record was closed and therefore, the emails, attachments and package sent or received on August 22, and 23, 2016, are not a part of the record but that a petition to reopen the proceeding can be filed pursuant to 52 Pa.Code Section 5.571.

On September 2, 2016, Protestants filed a Complaint against BDM at C-2016-2566201, *Cadden Bros. Moving & Storage and Matheson Transfer Company v. Joel Sicherman t/a BestDarnMovers*, and requested that the Complaint action be consolidated with the instant Application. Protestants also requested that the instant Application be reopened for further hearing and presentation of additional evidence.

BDM did not object to the requests of the Protestants and only asked that the hearing be scheduled as soon as possible.

This matter was assigned to the undersigned on February 23, 2017. A telephonic status conference was held with the parties on February 27, 2017.

By Order dated February 28, 2017, the request to reopen the record was granted and this matter was consolidated with *Cadden Bros. Moving & Storage and Matheson Transfer Company v. Joel Sicherman t/a BestDarnMovers*, C-2016-2566201.

A Hearing Notice dated March 2, 2017, scheduled the hearing for March 28, 2017. The hearing was held as scheduled, with BDM owner, Joel Sicherman, representing and testifying on his own behalf and Attorney Mulcahey representing the Protestants.

During the two hearings, 10 exhibits, A1-A10, were admitted on behalf of BDM/Respondent and 11 exhibits, P1-P11, were admitted on behalf of the Protestants/Complainants.

The Protestants submitted late-filed exhibit P12 on April 13, 2017. BDM/Respondent submitted a response dated April 23, 2017, with attachments marked upon receipt as A11-A17.

All Protestants' exhibits P1-P12 were admitted. BDM Exhibits A1-A16 were admitted. Exhibit A17, a document containing hearsay, was not admitted.

The record closed on May 10, 2017, upon receipt of BDM's late-filed exhibits in the Philadelphia Office. Any other documents or exhibits submitted after May 10, 2017, have not been considered and are not part of the record.

FINDINGS OF FACT

1. Joel Sicherman t/a BestDarnMovers, BDM, is the Applicant in A-2016-2532991 (Application) and the Respondent in C-2016-2566201 (Complaint).
2. Cadden Bros. Moving and Storage, Inc. (Cadden) and Matheson Transfer Company (Matheson) are the Protestants to the Application and Complainants in the Complaint matter.
3. BestDarnMovers is requesting the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

4. Cadden has a certificate of public convenience to transport, as a common carrier, household goods, in use, between points in the Commonwealth of Pennsylvania, PUC Docket Number A-00123871.

5. Matheson has a certificate of public convenience to transport, as a common carrier, household goods in use between points in the Commonwealth of Pennsylvania, PUC Docket No. A-0068360.

6. Joel Sicherman t/a BestDarnMovers currently has a separate certificate of public convenience, issued on April 7, 2016, to transport, as a motor common carrier, property, excluding household goods in use, between points in Pennsylvania, Docket Number A-2016-2532990.

7. BDM has regular preventative maintenance on his trucks such as oil changes and tire changes. (Tr. 8).

8. BDM has not had a moving violation. (Tr. 8-9).

9. Employees of BDM watch moving practices safety videos and also watch safety videos prepared by the Department of Labor on a computer at the offices that is always available for such review. (Tr.9).

10. At the time of the hearing, Applicant had three regular employees and two on-call employees. (Tr. 10).

11. Mr. Sicherman reviews criminal docket sheets to determine whether to hire someone. (Tr. 10).

12. After a bad experience a few years ago hiring a complete stranger, Mr. Sicherman now limits his hiring to someone who knows a current employee. (Tr. 10-11).

13. BDM rents approximately 1300 square feet of office space at the Nelson Furniture Building, where the company can use the storage space if necessary. (Tr. 11).

14. The company has one truck in operation and will rent additional trucks when business requires. (A1).

15. The company has moving equipment, including dollies, stretch wrap, tools needed to disassemble and assemble furniture and U-boat carts. (Tr. 12).

16. BDM uses cell phones and the internet to communicate with employees and customers. (Tr. 13).

17. BDM communicates with the public, and obtains business, through newspapers, but mostly through recommendations from realtors and past customers. (Tr.13).

18. After a job is completed, someone from BDM calls the customer for feedback. (Tr. 14).

19. BDM has over \$40,000 in the business account. (Tr. 14, A5).

20. BDM has liability insurance. (Tr. 15).

21. BDM has preprinted invoices showing prices for movers- including packing, loading and unloading- and a standard email that is sent to customers that further explains the pricing and the services provided. (A2, A3).

22. BDM has been operating as a household goods mover since approximately 2006. (Tr. 21, 25-26).

23. Applicant has advertised the business and sought customers as a household goods mover since its inception, at least ten years prior to the hearing. (Tr. 112; P1, P2).

24. The Applicant has been aware that the Commission regulates household goods movers and that a Certificate of Public Convenience was required. (Tr. 28, P-3).

25. The Commission contacted the Applicant in March of 2016 and advised him that he needed to apply for authority. (P10, Tr. 30).

26. Applicant has operated without authority while this matter has been pending. (P11, Tr. 81-82).

DISCUSSION

With respect to both the Application of BDM and the Complaint against BDM filed by the Protestants/Complainants, the burden of proof is upon the party bringing the action. Section 332(a) of the Public Utility Code (“Code”), 66 Pa.C.S.A. § 332(a), generally provides for the party seeking affirmative relief from the Commission to bear the burden of proof.

BDM has the burden of establishing that this Application should be approved and a certificate of public convenience issued. Cadden and Matheson have the burden of showing that the Complainant violated the Public Utility Code, regulations or a Commission Order. *Id.*; 66 Pa.C.S. § 701.

A. Application

The procedure to obtain certificates of public convenience are set out in 66 Pa.C.S.A. §1103, etc. seq. It provides in pertinent part as follows:

(a) General rule.--Every application for a certificate of public convenience shall be made to the commission in writing, be verified by oath or affirmation, and be in such form, and contain such information, as the commission may require by its regulations. A certificate of public convenience shall be granted by order of the commission, only if

the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public.

66 Pa.C.S.A. §1103(a).

Generally, the specific criteria the Commission uses in determining whether to approve a motor carrier application is set forth in the policy statement codified at 52 Pa.Code § 41.14:

§ 41.14. Evidentiary criteria used to decide motor common carrier applications— statement of policy.

(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.

(b) An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally. In evaluating whether a motor carrier applicant can satisfy these fitness standards, the Commission will ordinarily examine the following factors, when applicable:

(1) Whether an applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory requested.

(2) Whether an applicant and its employees have sufficient technical expertise and experience to serve the territory requested.

(3) Whether an applicant has or is able to secure sufficient and continuous insurance coverage for all vehicles to be used or useful in the provision of service to the public.

(4) Whether the applicant has an appropriate plan to comply with the Commission's driver and vehicle safety regulations and service standards contained in Chapter 29 (relating to motor carriers of passengers).

(5) An applicant's record, if any, of compliance with 66 Pa.C.S. (Relating to the Public Utility Code), this title and the Commission's orders.

(6) Whether an applicant or its drivers have been convicted of a felony or crime of moral turpitude and remains subject to supervision by a court or correctional institution.

A demonstration of “need” is not required for household goods applicants. See 52 Pa. Code § 3.381, which provides:

Applications for transportation of property, household goods in use and persons.

...

(c) *Protests.*

(1) *Applications for passenger or household goods in use authority.*

(i) *Content and effect.*

(A) A person objecting to the approval of an application shall file with the Secretary and serve upon the applicant and the applicant’s attorney, if any, a written protest which shall contain the following:

...

(VII) A protest to a household goods in use application is limited to challenging the fitness of the applicant, including whether the applicant possesses the technical and financial ability to provide the proposed service and whether the applicant lacks a propensity to operate safely and legally.

The Commission noted in a published statement:

...we find that it is appropriate to eliminate the requirement that an applicant for household goods in use authority establish that approval of the application will serve a useful public purpose, responsive to a public demand or need. Further, the Commission will not consider the effect that a new carrier in the household goods industry might have on existing carriers.

...

Household goods applicants are still required to establish that they have the technical and financial ability to provide the proposed service safely and legally.

Household Goods in Use Carriers and Property Carriers, Pennsylvania Public Utility Commission Docket No. L-2013-2376902, 45 Pa.B. 2468 (2014).

It is the Protestants’ position that the Application should be denied because the Applicant has operated for years without authority, showing that the Applicant lacks the propensity to operate legally and has a deliberate disregard for the law. However, Applicant is a current holder of a Commission certificate. As a current certificate holder, BDM is entitled to

the continuing presumption of fitness to perform its services, *Lehigh Valley Transp. Servs. v. Pa. PUC*, 56 A.3d 49, 54 (Pa. Commw. Ct. 2012). Citing *In Re Blue Bird Coach Lines, Inc.*, 72 Pa. P.U.C. 262, 274 (1990). Although the Applicant has operated without Commission authority, which is further discussed herein, the record supports granting the application when the relevant factors are considered.

- (1) Whether an applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory requested.

BDM has the requisite moving equipment, truck and tools. It also has work space and available storage. The bank record provided by BDM shows that at least \$40,000 is available for the operation of the business. Although not supported by documentation, Mr. Sicherman testified credibly that the company has a line of credit of \$25,000. (Tr. 14). Supporting this is documentation showing that BDM's principal has a credit score of over 770. (App. Ex. 3).

- (2) Whether an applicant and its employees have sufficient technical expertise and experience to serve the territory requested. The lauding letters from customers and testimony that BDM has operated a moving business, including a Commission authorized property (as opposed to household goods) moving business and a business providing packing and manpower services, supports a finding of technical expertise and experience. (A5).

- (3) Whether an applicant has or is able to secure sufficient and continuous insurance coverage for all vehicles to be used or useful in the provision of service to the public.

There is nothing in the record suggesting that BDM would be unable to secure insurance for the business and its vehicles. BDM is already operating under Commission authority a business for moving property other than household goods, which requires insurance, (See 52 Pa.Code § 41.14 and 52 Pa. Code § 3.381, Secretarial letter at A-2016-2532990). Also, Mr. Sicherman has testified that he has liability insurance. Nothing was presented to the contrary.

(4) Whether the applicant has an appropriate plan to comply with the Commission's driver and vehicle safety regulations and service standards contained in Chapter 29 (relating to motor carriers of passengers).

Mr. Sichertman keeps his employees abreast of safety practices and methods through internet video tutorials available for viewing at all times at the company offices. While there is nothing in the record to suggest that BDM will not maintain these internet training opportunities for its employees, as part of the granting of this Application, BDM will be required to submit a more formalized training schedule.

(5) An applicant's record, if any, of compliance with 66 Pa.C.S. (Relating to the Public Utility Code), this title and the Commission's orders.

No evidence of non-compliance or violations in the operation of BDM's business currently authorized by the Commission was presented. However, other business activities not authorized by the Commission are discussed and addressed below.

(6) An applicant's propensity to operate legally.

The Protestants established that the Applicant has for years operated a household goods moving business without a certificate of public convenience issued by the Commission. Given that, protestants contend, the Application should be denied because the Applicant has demonstrated a propensity to operate outside of the confines of the law and in support reference *DF Bast v PUC*, 397 PA 246 (1959) and *Bunting Bristol v PUC*, 418 PA 286 (1965). In both cases, the applicant operated without authority and that formed a basis for denying the application seeking authority.

However, more recently, it was determined that operation without Commission authority alone does not preclude a carrier from obtaining lawful authority in a subsequent proceeding before the Commission. *See BIE v. Uber Technologies, Inc., Gegen, LLC, Rasier LLC, and Rasier-PA, LLC*, Docket Number C-2014-2422723; *Capital City Cab Serv. v. Pa. PUC*, 138 A.3d 119, 130 (Pa. Commw. Ct. Apr. 19, 2016) citing *Brinks, Inc. v. Pennsylvania Public Utility Commission*, 500 Pa. 387, 456 A.2d 1342, 1344 (Pa. 1983). Given

the Commission's decisions in these recent cases, that transgression of operating without authority will not be a basis upon which to deny the Application.

The Application requesting the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania and that Application will be granted.

B. Prior Operation without Authority Complaint

A public utility must first file an application for a certificate of public convenience before it can lawfully begin to offer, render, furnish, or supply service within the Commonwealth. Title 66 Pa.C.S.A. §1101. A public utility includes any person or corporations owning or operating in this Commonwealth equipment or facilities for transporting goods as a common carrier. See Title 66 Pa.C.S.A. §101. This includes the activity for which BDM currently seeks a certificate of convenience, namely, to serve as a common carrier of household goods in use. See 52 Pa. Code § 3.381.

BDM currently has authority to transport, as a motor common carrier, property, excluding household goods in use. The Protestants filed a Complaint alleging that BDM has been operating a household goods moving business without authority. The Protestants provided as evidence copies of advertisements and listings wherein BDM purports to be a household goods mover or offered household goods moving services. There is a Telephone Yellow Book listing of BDM under "movers" and BDM is also listed on Angie's List among businesses that move household goods. (Tr. 59-61; P4, A6). The Protestants also introduced through the testimony of Mr. Cadden of Cadden Bros. Moving & Storage and Mr. Sands from Matheson Transfer Company that both men had encountered BDM offering household goods moving services. (Tr. 60-64; Tr. 85-95). Additionally, through Mr. Sands, photos were introduced showing BDM employees using a BDM truck authorized for property moving services, marked with the A- (Application) number authorizing that business, while moving household goods. (Tr. 85-95; P7-P9)

In its defense, BDM introduced an email dated August of 2016 where it offered “labor” for moving rather than complete moving services. (App. Ex. 3). The evidence presented by the Protestants outweighs this, however. Further, BDM has admitted through the testimony of Mr. Sichertman that prior to the instant Application filed in 2016, the company operated a household goods moving business since at least 2006 without authority. (Tr. 25-26).

The evidence supports a finding that BDM operated in violation of 66 Pa. C.S. §1101.

Penalties

The Public Utility Code provides for penalties where there is a Code violation. It states in relevant part:

If any public utility ... shall violate any of the provisions of this part, or shall do any matter or thing herein prohibited; or shall fail, omit, neglect or refuse to obey, observe, and comply with any regulation or final direction, requirement, determination or order made by the Commission, ... such public utility, person or corporation for such violation, omission, failure, neglect, or refusal, shall forfeit and pay to the Commonwealth a sum not exceeding \$1,000, to be recovered by an action of assumpsit instituted in the name of the Commonwealth. In construing and enforcing the provisions of this section, the violation, omission, failure, neglect, or refusal of any officer, agent, or employee acting for, or employed by, any such public utility, person, or corporation shall, in every case be deemed to be the violation, omission, failure, neglect, or refusal of such public utility, person or corporation.

66 Pa.C.S. § 3301(a). BDM has authority to transport, as a motor common carrier, property, excluding household goods in use but has held itself out as a mover of household goods without Commission authority and without an Application filed pursuant 52 Pa. Code §3.381 in violation of 66 Pa. C.S. §1101.

The factors to be considered in determining a penalty are set out in 52 Pa.Code § 69.1201(c). See also *Joseph A. Rosi v. Bell Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000), 2000 WL 1407936 (Pa. P.U.C.). On November 29, 2007, the Commission adopted, *Final Policy Statement for Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations*; Docket No. M-00051875, 37 Pa. B. 6755 (Order published December 22, 2007) (52 Pa.Code Chapter 69). Each is addressed below.

- (1) Whether the conduct at issue was of a serious nature... such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing, or technical errors, it may warrant a lower penalty.

While not quite fraudulent, it is undisputed that BDM knowingly and deliberately operated for years without Commission authority. This was more than an administrative oversight and warrants more than a low penalty.

- (2) Whether the resulting consequences of the conduct at issue were of a serious nature such as personal injury or property damage, the consequences may warrant a higher penalty.

There was no evidence of serious consequences such as property damage or injury resulting from the unauthorized operation.

- (3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.

Operation of the business without Commission authority was clearly an intentional act by BDM. This warrants a high penalty.

- (4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These

modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

In 2016, BDM did act on its obligation to seek authorization by filing an Application with the Commission. Also, after the Applicant was advised by a Commission enforcement agent that BDM lawfully as a household goods mover, the company did not directly advertise or represent itself or act as a household goods moving company for a very brief period. (Tr. 69). However, as evidenced by the testimony of Mr. Cadden and photographs taken, BDM resumed moving household items while the application was pending. (P8-11, Tr. 81-82).

- (5) The number of customers affected and the duration of the violation.

This is unknown. However, there is no evidence of adverse effects and therefore this factor will not have bearing on the penalty.

- (6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.

For several years, Applicant knowingly committed a violation on each occasion that a household goods customer was provided moving services, supporting a higher penalty.

- (7) Whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations or attempts to interfere with Commission investigations may result in a higher penalty.

BDM was advised by the Commission that it was acting without the required authority in violation of the law and regulations and yet continued to operate, suggesting a higher penalty.

- (8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

After meeting Commission requirements, BDM will have authority to operate and therefore it is not anticipated that this violation will arise in the future.

- (9) Past Commission decision in similar situations.

In *Donald Fix, t/d/b/a Don Farr Moving Company*, C-2009-2127784, a fine of \$7,050.00 was issued for the company's violation of regulations pertaining to hiring and operations.

In *Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Adam Jared Findon t/a Friendly Movers*, Docket No.C-2010-2148797, Findon admitted to only one violation of holding himself out to provide transportation by advertising on the online website "Craig's List" while not holding a certificate of public convenience issued by the Commission. The matter was settled for a fine of \$300.

In *Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. A Plus Moving & Storage, Inc.*, Docket No. A-00120300C0401, the company was fined \$1,000 for holding itself out as an authorized moving company. Unlike here, where BDM provided unauthorized household goods moving services for about a decade, A Plus had only done so for about a year.

- (10) Other relevant factors.

Mr. Sichertman admitted to knowingly operating without authority. He testified, essentially, that he was intimidated by the possibility of another company filing a protest.

(Tr. 36-39). He testified that he started the business in 2006 and ran it on an ad hoc basis for a couple of years. (Tr. 25). Subsequently, he ran a complete household goods moving business without Commission authority. Ms. Sicherman also stated that if the 2014 amendment to the application and protest had not eliminated “need” as a protest consideration, he would most likely have not filed an Application. (Tr. 39). This suggests a higher penalty.

Based on the above, BDM is fined \$250 per year for the years 2006-2008 (\$750), \$500 per year for the years 2009- 2015 (\$3500), plus \$1,500 for operating without authority during the period that this Application was pending, \$500 of which is for operating after advised by the Commission that the Company was in violation, for a total of \$5750.¹

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties in this proceeding. 66 Pa. C.S. §701.

2. Applicant Joel Sicherman t/a BestDarnMovers had the burden of proof with respect to the Application and sustained that burden. 66 Pa. C.S. §332(a).

3. Protestants Cadden Bros. Moving & Storage and Matheson Transfer Company had the burden of proof with respect to the Complaint against the Applicant and sustained that burden. 66 Pa. C.S. §332(a).

4. Joel Sicherman t/a BestDarnMovers violated the Public Utility Code, 66 Pa. C.S. §1101, by holding itself out to transport household goods for compensation between

¹ For the years that the Applicant operated *ad hoc*, the Applicant is fined a lower amount, considering that he may have been unaware of the requirements. For the years, thereafter, the fine per year is doubled because Applicant should have become aware of the requirements. Once this Application process had begun and Applicant received the warning from the Commission agent, the Applicant undoubtedly knew that he was operating without authority and continued to do so and therefore the additional \$1500 penalty for that period of operation is imposed.

points in Pennsylvania without holding a certificate of public convenience issued by the Commission. 66 Pa. C.S. §1101.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Application of Joel Sicherman t/a BestDarnMovers for authority is approved pending payment of the penalty
2. That the protests of Cadden Bros. Moving & Storage and Matheson Transfer Company are denied.
3. That Applicant prepare and file in this action a formal plan and schedule of training for its employees and operators.
4. That upon filing of the plan and schedule, payment of the penalty and compliance with the requirements below, that a certificate of public convenience be issued to Applicant, the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.
5. That the Complaint filed by the Cadden Bros. Moving & Storage and Matheson Transfer Company against Joel Sicherman t/a BestDarnMovers, at Docket No. C-2016-2566201, is sustained and granted.
6. That Joel Sicherman t/a BestDarnMovers. pay a civil penalty of Five Thousand Five Hundred Dollars (\$5,750.00) as provided for in section 3301 of the Public Utility

