

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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IN THE MATTER OF  
APPLICATION OF  
MT. EVEREST MOVING COMPANY, INC.  
NUMBER A-2018-3001973  
A-8917533

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AMENDED  
PETITION FOR RECONSIDERATION  
AND  
PETITION FOR REINSTATEMENT OF APPLICATION  
OF  
APPLICANT  
TO  
LETTER/ORDER OF THE COMMISSION  
DATED JULY 20, 2018

Dated July 23, 2018

Filed By:  
Kenneth A. Olsen  
33 Philhower Road  
Lebanon, New Jersey 08833  
(908) 832-9207  
PA Attorney ID No. 29681  
Attorney for Applicant

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Comes now, Mt. Everest Moving Company, Inc., a Pennsylvania corporation, with address at 261 Wabash Road, Ephrata, PA 17522 (hereinafter referred to as Applicant), by and through its Attorney, Kenneth A. Olsen, and in accordance with the Rules of Practice of the Pennsylvania Public Utility Commission ("Commission"), files this, its Petition For Reconsideration And Reinstatement of Application to the Letter/Order of the Commission, dated July 20, 2018, ("Order") in the above entitled proceeding.

I  
HISTORY OF THE PROCEEDING

On or about May 1, 2018, Applicant's Motor Common Carrier Of Household Goods In Use Service application was filed, accepted, and docketed by the Commission.

On or about May 22, 2018, the Commission's Rodney Bender, P.E., Manager, Transportation Division, Bureau of Technical Utility Services, sent a letter to the undersigned requesting additional information and data from Applicant, within ten (10) business days, about

Applicant's interstate moving experience. This May 22, 2018 letter from Mr. Bender also specifically stated that Applicant's response must be verified in writing and sent to the Commission's post office box address, "as faxes, emails and other forms of filing are unacceptable."

Although the undersigned believed the mailing instruction to the Commission's post office box unusual, especially in view of the Commission's e-Filing procedures, Applicant timely complied by sending an original Supplemented Verified Statement of Applicant, together with original cover letter, via mail to Mr. Bender on May 29, 2018. See Exhibit A attached. The originals of the Exhibit A document copies were personally brought to the post office by the undersigned to witness the sending envelope being postmarked by a postal official.

## II RECONSIDERATIONS AND EXCEPTIONS

**A. Applicant requests reconsideration of and excepts to the paragraph of the Order entitled "Failure to reply to a Commission data request."**

Applicant timely submitted an original Supplemented Verified Statement of Applicant, together with original cover letter, via mail to Mr. Bender on May 29, 2018, in compliance with and pursuant to his instructions. See Exhibit A attached. The originals of the Exhibit A document copies were personally brought to the post office by the undersigned to witness the sending envelope being postmarked by a postal official. The May 29, 2018 mailing of the Supplemented Verified Statement of Applicant and transmittal letter was made within the ten (10) business day time limit stated by Mr. Bender. Accordingly, Applicant did not fail to reply to a Commission data request.

**B. Applicant requests reconsideration of and excepts to the paragraph of the Order entitled "Failure to supply sufficient evidence of minimum of two-years' experience with a licensed household goods carrier as required by 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-I-)."**

The Supplemented Verified Statement of Applicant, verified by Applicant's president and sole officer/shareholder on May 29, 2018, amended Item 3 of Applicant's original application business plan/verified statement, submitted May 1, 2018, and stated in its introduction that it was being submitted pursuant to Mr. Bender's May 22, 2018 letter request. See Exhibit A attached.

In the Supplemented Verified Statement, Mr. Martin of Applicant verified under oath in Item 3 he was the President, and sole officer and shareholder of Applicant; he supervises and conducts Applicant's present daily operations since June, 2014; and he and Applicant have three and a half (3.5) years of experience in transporting household goods, for hire, in interstate commerce. Mr. Martin also stated that he and Applicant have two and a half (2.5) years of experience in transporting property, for hire, in intrastate Pennsylvania commerce. See Exhibit A attached

Applicant's Mr. Martin also listed his and Applicant's experiences of: (a) transporting safes, pianos, and appliances to or from points of purchase or warehouses; (b) performing furniture staging for customers, wherein new unused household goods, including everything from dishes, tableware, patio furniture, and full bedroom and living area furniture, are packed, loaded, unloaded and transported for corporate clients to four-bedroom homes to be staged for the sale of the house and thereafter removed after the house staging is completed for return to our customer; and (c) packing, loading, unloading, and transportation of household goods in use in interstate commerce since the grant of Applicant's interstate household goods operating authority in June, 2014. See Exhibit I to Applicant's original application and see Exhibit A attached hereto.

Then Applicant provided an sample list of past household goods in use transportation for-hire for members of the public as follows: from Jonestown, PA to Kittery, ME in May, 2015; from Sparta, NJ to Denver, PA in August 2015; from Flemington, NJ to Lititz, PA in July 2015; from Hummelstown, PA to Ohio in December 2015; from Downingtown, PA to Barrington, NY in in December 2016; from New York, NY to New Providence, NJ in January 2017; from Lancaster, PA to Arlington, VA in June 2017; from Everson, PA to Hudson, NY in October 2017; from Nesquehoning, PA to Wall, NJ in October 2017; from West Chester, PA to Haverhill, MA in December 2017; and from Nesquehoning, PA to Long Island City, NY in May 2018. The May 29, 2018 Supplemented Verified Statement of Applicant's Mr. Martin continued with a further description of present employees and Applicant's knowledge of and familiarity with pertinent Commission regulations, and compliance with same, regarding intrastate transportation of household goods in use service. See Exhibit A attached.


Accordingly, Applicant did not fail to reply to a Commission data request, and did supply sufficient evidence of a minimum of two-years' experience with a licensed household goods carrier.

### III CONCLUSION AND PRAYER FOR RELIEF

Wherefore, the above premises being considered, Applicant seeks the relief set forth in this Commission's rules and regulations, and respectfully prays the Commission reconsider its Order, reconsider the Order's findings regarding failure to timely reply to a Commission data request and failure to supply sufficient household good carrier experience of two-years', grant Applicant's within Amended Petitions, find that Applicant has timely provided verified and sufficient documentation of its household goods carrier experience, and approve the granting of the instant application (which is unopposed).

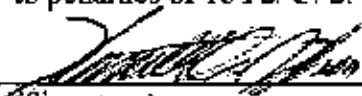
Dated: July 23, 2018

Respectfully submitted,

  
Kenneth A. Olsen  
33 Philhower Road  
Lebanon, New Jersey 08833  
(908) 832-9207  
PA Attorney Id No. 29681  
Attorney for Applicant

### Verification

I hereby state that the facts above averred and set forth are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 (relating to unsworn falsification to authorities).

  
(Signature)

July 23, 2018  
(Date)


Kenneth A. Olsen, Attorney for Applicant  
(Name and Title, printed or typed)

### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the original and true copies of the foregoing document, Applicant's Amended Petition For Reconsideration and Petition For Reinstatement of Application to Letter/Order dated July 20, 2018, upon the persons listed below, via e-Filing, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

The Hon. Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, 2<sup>nd</sup> Floor, Keystone Bldg., 400 North Street, Harrisburg, PA 17105-3265 as to an original, and no further copies on any other party inasmuch as the instant application is unopposed.

Dated this 23<sup>rd</sup> day of July 23, 2018.

  
KENNETH A. OLSEN  
Attorney for Applicant

# **Exhibit A**

Phone 908-832-9207  
Fax 908-832-5403

Admitted to Practice In  
New Jersey  
Pennsylvania

Kenneth A. Olsen  
Attorney at Law  
33 Philhower Road  
Lebanon, New Jersey 08833

May 29, 2018

Rodney D. Bender, P.E., Manager  
Transportation Division  
Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Dear Mr. Bender:

Re: Mt. Everest Moving Company, Inc.  
PA PUC Docket No. A-2018-3001973  
Household Goods In Use Application

As the Commission's records indicate, I represent Applicant, Mt. Everest Moving Company, Inc., in the above referred to matter. My Pennsylvania Supreme Court Identification Number is 29681. Please note I have also registered with your Commission to accept E-service at "kolsen53@earthlink.net."

As per your May 22, 2018 letter request for more complete data regarding Applicant's "interstate moving experience," attached hereto, for filing with your Commission, find original and one copy of Supplemented Verified Statement of Applicant, with Amended Item 3 containing the requested data/information regarding Applicant's "interstate moving experience."

Kindly acknowledge receipt on the duplicate of this letter attached. A self-addressed stamped envelope is enclosed for your convenience.

If you have any questions relative to any of the above or attached, or require additional information, do not hesitate to contact me. Your courtesies and considerations are appreciated.

Respectfully yours,



Kenneth A. Olsen

KAO:amo

Enc.

cc with enc.: Mt. Everest Moving Company, Inc.



**SUPPLEMENTED  
VERIFIED STATEMENT OF APPLICANT**

**Mt. Everest Moving Company, Inc.**

*Legal Name of Applicant*

*Trade Name, if any*

**261 Wabash Road**

*Street Address (principal place of business)*

**Ephrata**

*City or Municipality*

**PA**

*State*

**17522**

*Zip Code*

This Supplemented Verified Statement of the Applicant regarding Applicant's detailed information concerning interstate household goods moving and transportation is being provided pursuant to the May 22, 2018 letter request of Rodney D. Bender, P.E., Manager, Transportation Division, Bureau of Technical Utility Services, Pennsylvania Public Utility Commission.

1. Identify the person making the Verified Statement on behalf of the applicant. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number.

My name is Conrad Martin, and I am the President and sole officer and shareholder of Applicant. As such, I am authorized to give this statement.

2. List the applicant's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.

Neither I, nor the Applicant, is affiliated with any other carrier by means of ownership, control, stock voting, or as being an officer or director.

3. Please provide evidence of minimum of two-years' experience with a licensed household goods carrier as required by 52 Pa. Code §3.381(e)(1)(iii)(A)(II)(+).

AMENDED

As the President, and sole officer and shareholder of Applicant, I supervise and conduct Applicant's present daily operations since June, 2014. I and Applicant have three and a half (3.5) years of experience in transporting household goods, for hire, in interstate commerce. I and Applicant have two and a half (2.5) years of experience in transporting property, for hire, in intrastate Pennsylvania commerce.

These experiences include the transportation of safes, pianos, and appliances to or from points of purchase or warehouses. Applicant also performs furniture staging for customers, wherein new unused household goods, including everything from dishes, tableware, patio furniture, and full bedroom and living area furniture, are packed, loaded, unloaded and transported for corporate clients to four-bedroom homes to be staged for the sale of the house and thereafter removed after the house staging is completed for return to our customer. Such furniture staging requires the same skills and equipment that will be utilized in the transportation of household goods in use.

Applicant also has much experience in the packing, loading, unloading, and transportation of household goods in use in interstate commerce. Since the grant of its interstate household goods operating authority in June, 2014, Applicant has transported household goods in use for-hire for members of the public as follows: from Jonestown, PA to Kittery, ME in May, 2015; from Sparta, NJ to Denver, PA in August 2015; from Flemington, NJ to Lititz, PA in July 2015; from

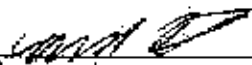
Himmelstown, PA to Ohio in December 2015; from Downingtown, PA to Barrington, NY in December 2016; from New York, NY to New Providence, NJ in January 2017; from Lancaster, PA to Arlington, VA in June 2017; from Everson, PA to Hudson, NY in October 2017; from Nesquehoning, PA to Wall, NJ in October 2017; from West Chester, PA to Flaverhill, MA in December 2017, and from Nesquehoning, PA to Long Island City, NY in May 2018

Applicant presently employs the services of two (2) persons, one of whom serves as administrative office personnel and the other as a full time driver, packer, and foreman. Applicant also utilizes the services of a part-time helper. Applicant's driver(s), helper(s), and office/administrative staff are familiar with Pennsylvania the streets, roads, and highway locations.

As President of Applicant, I have become familiar with this Commission's regulations at 52 Pa. Code § 29.501 et seq., § 31.27 et seq., § 31.121 et seq., and § 32.11 et seq. regarding driver and vehicle regulations, shipper/shipment information regulations, and insurance regulations for transporting household goods in use between points in Pennsylvania. The operations proposed herein will be to transport household goods, in use, for hire, between points in Pennsylvania for the public. All of Applicant's drivers and employees receive the required training to offer professional, personalized, on-time, and courteous service to all customers and clients. Applicant already holds authority to transport property between points in Pennsylvania. See Exhibit 1 attached hereto.

### Verification of Supplemental Statement

The undersigned deposes and says that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief. The undersigned understands that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
(Signature)

5/29/18  
\_\_\_\_\_  
(Date)

Conrad Martin, President  
\_\_\_\_\_  
(Name and Title, printed or typed)