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June 27, 2019

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Application of Kris Eckerl, t/a  
Michael's Moving and Storage  
PUC Docket No.: A-2014-2429336**

RECEIVED  
2019 JUL - 1 AM 10:33  
PA PUC  
SECRETARY'S BUREAU

Dear Ms. Chiavetta:

Please be advised that this office represents Matheson Transfer Company and Cadden Brothers Moving & Storage, Inc., Protestants of record in the above matter. By Order dated March 11, 2016, this matter was referred to the Bureau of Technical Utility Services for processing, enclosed is a copy of the Order for your easy reference. Please note that the Applicant requested authority to transport household goods in use *between points in Pike County* (emphasis added).

During a recent call to enforcement regarding this carrier's activities outside of Pike County, my clients were informed by a Commission agent that Mr. Eckerl had state wide authority. Enclosed is a copy of his Certificate of Public Convenience indicating such. After a reasonable investigation, we believe that no subsequent application for authority was filed by Mr. Eckerl for the expanded rights. Furthermore, I specifically requested by letter dated March 15, 2016, a copy enclosed, to remain a party of record to receive copies of all Commission action in this case. I received nothing.

Clearly the Commission's Bureau of Technical Utility Services issued the Certificate of Public Convenience in error. Such action apparently was due to an administrative break down at the Bureau. Moreover, the erroneous action by the Bureau has denied my clients procedural and substantive due process in violation of Pennsylvania law, its Constitution and the Constitution of the United States.

Accordingly, I am requesting that this Commission rescind the current Certificate of Public Convenience issued to Mr. Eckerl and reissue a Certificate for authority to transport household goods in use only between points in Pike County.

Rosemary Chiavetta, Secretary  
July 27, 2019

Page 2

Kindly acknowledge receipt of this request by time-stamping the enclosed copy of this letter and returning to me in the self-addressed envelope provided.

Respectfully submitted,



Richard T. Mulcahey, Jr.

RTMJR/hs  
Enclosures

cc: James J. Scanlon, Esquire (w/encl)  
Matheson Transfer Company (w/encl)  
Cadden Brothers Moving & Storage, Inc. (w/encl)

SCHUBERT ♦ GALLAGHER

LAW OFFICES



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March 15, 2016

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED  
2016 MAR 17 AM 10:07  
PA P.U.C.  
SECRETARY'S BUREAU

**Re: Application of Kris Eckerl, t/a  
Michael's Moving and Storage  
PUC Docket No.: A-2014-2429336**

Dear Ms. Chiavetta:

Please be advised that this office represents Matheson Transfer Company and Cadden Brothers Moving & Storage, Inc., Protestants in the above matter. By Order dated March 11, 2016, this matter was referred to the Bureau of Technical Utility Services for processing. I am requesting that my clients remain parties of record and that I am copied on all actions of the Commission regarding this Application.

Kindly acknowledge receipt of the enclosure by time-stamping the enclosed copy of this letter and returning to me in the self-addressed envelope provided.

Respectfully submitted,

Richard T. Mulcahey, Jr.

RTMJR/hs

cc: Matheson Transfer Company  
Cadden Brothers Moving & Storage, Inc.

RECEIVED

JUL - 1 2019

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Application of Kris Eckerl t/d/b/a :  
Michael's Moving and Storage for the right :  
to transport as a common carrier, : A-2014-2429336  
by motor vehicle, household goods in use, :  
between points in Pike County :

**ORDER REFERRING CASE TO THE BUREAU OF TECHNICAL UTILITY SERVICES  
FOR PROCESSING AS AN UNPROTESTED APPLICATION**

On June 29, 2014, Kris Eckerl t/d/b/a Michael's Moving and Storage (Applicant) filed an Application for the right to transport as a common carrier, by motor vehicle, household goods in use, between points in Pike County at Docket No. A-2014-2429336. Notice of the Application was provided in the August 30, 2014, *Pennsylvania Bulletin*, 44 Pa.B. 5743. Protests were due by September 16, 2014. Matheson Transfer Company and Cadden Bros. Moving and Storage, Inc. filed timely Protests on September 10, 2014. On September 12, 2014, J. W. McGrath filed a Protest on behalf of Pennsylvania Moving & Storage Associates, as the Executive Director of the association.

By Hearing Notice dated October 22, 2014, a hearing was scheduled for December 12, 2014, at 10:00 a.m. and the matter was assigned to me. The Hearing Notice advised the parties of the location, date and time of the scheduled hearing and stated the following: "Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney." (Emphasis in the original).

On November 3, 2014, I issued a Prehearing Order directing the parties to comply with various procedural requirements. In the Prehearing Order, I stated that the Commission's

rules require corporations, partnerships, associations, trusts or governmental agencies or subdivisions to be represented by counsel.

On December 4, 2014, Matheson Transfer Company and Cadden Bros. Moving and Storage, Inc. filed a Joint Motion for Sanctions, requesting dismissal of the Application for failure of Applicant to answer interrogatories. Applicant responded to the interrogatories on or about December 8, 2014. Tr. 9.

The initial hearing convened as scheduled. Applicant appeared *pro se* and presented testimony of Kris Eckerl. Richard T. Mulcahey, Jr., Esq. represented Matheson Transfer Company and Cadden Bros. Moving and Storage, Inc. Neither J. W. McGrath nor a counsel for the Pennsylvania Moving & Storage Associates appeared at the hearing.

The record in this case closed on January 12, 2015. The record consists of a hearing transcript of 35 pages. This case is ripe for a decision.

On May 21, 2015, I issued an Initial Decision denying without prejudice the Application of Kris Eckerl t/d/b/a Michael's Moving and Storage after finding that the case presented by the Applicant was substantially and critically undeveloped with respect to meeting the Commission's "needs standard" under 52 Pa.Code § 41.14(a), and with respect to meeting the Commission's "financial fitness standard" under 52 Pa.Code § 41.14 (b)(1). In addition, the Initial Decision dismissed the Protest filed by Pennsylvania Moving & Storage Associates for lack of prosecution.

On June 8, 2015, the Applicant filed "Exceptions" to the Initial Decision. On June 12, 2015, Matheson Transfer Company and Cadden Brothers Moving and Storage, Inc. (Protestants) filed Replies to Exceptions. On June 22, 2015, the Applicant filed "Addendum Exceptions," and on June 25, 2015 the Protestants filed a letter response seeking to strike the Addendum Exceptions from the record.

The Commission considered the Exceptions, filed on June 8, 2015, and the Addendum Exceptions, filed on June 22, 2015, to be a Petition to Reopen the Record (collectively, Petition) pursuant to 52 Pa. Code § 5.571, and the Protestants' Replies to Exceptions to be an Answer to the Petition (Answer) and their letter filing as a Motion to Strike the Addendum Exceptions (Motion).

By an Opinion and Order entered on November 19, 2015, the Commission noted that its Order in *Final Rulemaking Amending 52 Pa. Code Chapters 3, 5, 23, 31, 32, and 41; Household Goods in Use Carriers and Property Carriers*, Docket No. L-2013-2376902 (Order entered June 19, 2014) (*Final Rulemaking*) removed the requirement to establish that approval of the application will serve a useful public purpose responsive to a public demand or need but retained requirements addressing fitness. The *Final Rulemaking* became effective upon publication in the *Pennsylvania Bulletin* on May 23, 2015, or two days after the issuance of the Initial Decision. Because there was a change of law, specifically related to the public need requirement, since the hearing and the issuance of the Initial Decision, the Commission found that the Applicant had satisfied his burden to show grounds for reopening the record pursuant to 52 Pa. Code § 5.571(b). The Commission vacated the Initial Decision issued on May 21, 2015, and remanded the Application to the Office of Administrative Law Judge for such further proceedings.

By Hearing Notice dated December 28, 2015, a hearing was scheduled for Wednesday, March 2, 2016, at 10:00 a.m.

A Prehearing Order was issued on January 7, 2016, advising the parties of the date and time of the scheduled hearing and informing them of the procedures applicable to this proceeding.

On March 1, 2016, James J. Scanlon, Esq. submitted a Notice of Appearance on behalf of the Applicant.

The hearing on remand convened as scheduled. James J. Scanlon, Esq. represented the Applicant and Richard T. Mulcahey, Jr., Esq. represented the Protestants. At the beginning of the hearing, Mr. Mulcahey stated that the Protestants wished to withdraw their respective Protests.

The Commission's regulation at 52 Pa. Code § 3.381(c)(1)(iii) provides that if all protests to an application for household goods in use authority are withdrawn at or prior to the hearing, the Commission may consider the application without holding an oral hearing, based on verified statements filed by the applicant. With the Protest of Pennsylvania Moving & Storage Associates dismissed for lack of prosecution, the Protests filed by Matheson Transfer Company and Cadden Brothers Moving and Storage, Inc. were the only remaining Protests filed against the Application. With the Protests filed by Matheson Transfer Company and Cadden Brothers Moving and Storage, Inc. withdrawn, this Application shall be referred to the Commission's Bureau of Technical Utility Services for further review under the procedure set forth at 52 Pa. Code § 3.381(c)(1)(iii).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Application of Kris Eckerl t/d/b/a Michael's Moving and Storage, Docket No. A-2014-2429336 is reassigned from the Pennsylvania Public Utility Commission's Office of Administrative Law Judge to the Pennsylvania Public Utility Commission's Bureau of Technical Utility Services for review pursuant to 52 Pa. Code §3.381(c)(1)(iii).

Date: March 11, 2016

  
\_\_\_\_\_  
Eranda Vero  
Administrative Law Judge

A-2014-2429336 Application of Kris Eckerl t/a  
Michael's Moving and Storage

SERVICE LIST

KRIS ECKERL PRESIDENT  
MICHAELS MOVING & STORAGE  
126 SNOWSHOE DR  
DINGMANS FERRY PA 18328  
570-828-8238

**-ACCEPTS ELECTRONIC SERVICE-**

RICHARD T MULCAHEY JR, ESQUIRE  
SCHUBERT GALLAGHER TYLER & MULCAHEY  
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*REPRESENTING MATHESON TRANSFER CO & CADDEN BROS.MOVING*

J W MCGRATH EXECUTIVE DIRECTOR  
PENNSYLVANIA MOVING & STORAGE ASSOCIATES  
C/O JWM ASSOCIATES  
PO BOX 526  
MARLBORO NJ 07746  
732.890.8563

JAMES J. SCANLON ESQUIRE  
400 BROAD STREET  
MILFORD PA 18337

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF: A-8916668

*Application of Kris Eckerl T/A Michaels Moving And Storage, 126 Snowshoe Dr., Dingmans Ferry, Pike County, Pennsylvania. To transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. A-2014-2429336*

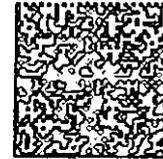
**EFFECTIVE: October 11, 2016**

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate as a motor carrier.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 11<sup>TH</sup> day of October, 2016.



Secretary



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LAW OFFICES

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