

# PATRICK BRIER & ASSOCIATES, LLC

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

October 30, 2019

**VIA FIRST CLASS MAIL**

Secretary PA Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Brier Moving Company, LLC – PUC Application for Motor Common Carrier or  
Motor Contract Carrier of Household Goods in Use**

Dear Sir or Madam

Please find enclosed the above-referenced application for Brier Moving Company, LLC (“Brier Moving”). Please note that on August 30, 2019, Brier Moving submitted an Application for Broker of Household Goods in Use (A-2019-3012898) along with a fee of \$350. Brier Moving was notified of this error by the Pennsylvania Public Utility Commission (“PUC”) and determined that the wrong application was filed. Accordingly, please withdraw the Application for Broker of Household Goods in Use and apply the \$350 fee to the current Application for Motor Common Carrier or Motor Contract Carrier of Household Goods in Use. In addition, I recently received communications that the Broker Application was being set for publication in the Pennsylvania Bulletin. Please note that publication for the Broker Application is unnecessary as this application is withdrawn. Any effort to expedite the publication of the new application would be greatly appreciated.

If you have any comments or questions, please do not hesitate to contact me.

Sincerely,

*Patrick J. Brier*

Patrick J. Brier

KEF

enclosures

**LEGAL & CONSULTING**

425 SPRUCE STREET, SUITE 300 | SCRANTON, PA 18503 | (570) 342-6100

[www.patrickbrierlaw.com](http://www.patrickbrierlaw.com)



Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Second Floor  
Harrisburg, PA 17120  
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## Application for Motor Common Carrier or Motor Contract Carrier of Household Goods in Use.

THIS APPLICATION IS REQUIRED TO REQUEST A CERTIFICATE OF PUBLIC CONVENIENCE (FOR COMMON CARRIERS) OR PERMIT (FOR CONTRACT CARRIERS) TO OPERATE AS A COMMERCIAL CARRIER OF HOUSEHOLD GOODS IN USE.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

Brier Moving Company, LLC

- If you are an individual who has not formed any type of corporate entity, you should enter your name **as it will appear on your insurance documents**.
- If you are filing for a partnership, but **not a limited liability partnership**, the names of all partners must be entered on this line. Those names should be entered **as they will appear on your insurance documents**. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), **even if you are the sole shareholder member**, you must enter the name **exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State**.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

\_\_\_\_\_

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Trucking" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Trucking" or "J. Doe Trucking" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?**  NO **Previous Authority?**  NO

If YES, at PUC No. A- \_\_\_\_\_

4. **Are you a business entity registered with the PA Dept. of State?**  NO

If NO, you must register (see checklist on how to register)

If YES, provide your PA Corporation Bureau Entity ID Number 6938948

(See checklist and indicate type of business entity registered)

5. **If either a Corporation or Limited Liability Company please list members (LLC) or shareholders and officers (Corporation).**

Patrick J. Brier, Jr.

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6. **Physical Address** (do not use PO Box)

1205 Harry P. O'Neill Highway

Street Address

Dunmore, PA 18512

City, State and Zip Code

267-310-7811

Telephone Number

Lackawanna

County

The address entered here should be the actual location of the business. This is the address the Commission needs in order to dispatch Enforcement Officers to inspect equipment.

7. **Mailing Address** (if different from Physical Address)

Street Address

City, State and Zip Code

This is the address to which the Commission will send all official documents issued by the Commission. If left blank, it will be assumed that the **MAILING ADDRESS** is the same as the **PHYSICAL ADDRESS**.

8. **Attorney** (if applicable)

Patrick J. Brier, Esquire

Attorney's Name & Telephone Number for this Filing

425 Spruce Street, Suite 200, Scranton, PA 18503

Attorney's Address

An attorney's name should only be entered if an attorney is filing the application for a client and the application is being sent under the attorney's cover letter.

9. **Does applicant have a USDOT Number?**

       No

       Yes, at No. Applied for 10/25/19

10. **Describe the service area proposed by this application.**  
(Use the space below or attach additional sheet if space provided is not sufficient).

**To Transport household goods in use between points in Pennsylvania.**

*Examples:*

- *To transport household goods in use between points in Pennsylvania.*
- *To transport household goods in use from points in Centre County to points in Pennsylvania, and vice versa.*

11. **Certification:**

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Household Goods in Use; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

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## Verification of Application

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Patrick J. Brier, Jr.  
(Print Name)

Patrick Brier  
(Signature)

10/29/19  
(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

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## VERIFIED STATEMENT OF APPLICANT

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE APPLICANT'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

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**Brier Moving Company, LLC**

Legal Name of Applicant

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Trade Name, if any

**1205 Harry P. O'Neill Highway**

Street Address (principal place of business)

**Dunmore**

City or Municipality

**PA**

State

**18512**

Zip Code

The Verified Statement of the Applicant factual details about your proposed transportation service. Your Verified Statement must answer all of the items listed below and on the following pages. Provide as much information as possible to prevent delay in processing your application. If you need more space to provide your answer, please attach additional pages identifying the appropriate item number.

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.

Patrick J. Brier, Jr. - Applicant

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

Managing/Sole member

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

*I have worked for 3 years in Philadelphia, PA for Mambo Movers. (PA PUC # A-00115371). My experience included virtually all aspects of the moving business including scheduling prospective moves both in, and out of state, interacting with clients on a daily basis to provide estimates, handle complaints, such as broken or damaged items, and to manage scheduling. In addition, I managed crew on the moving day, coordinated logistics, handled money and managed customer interactions. I provided cost estimates during the move, while coordinating with the next customer to ensure job confirmation and location (in the case of multiple jobs scheduled on the same day). I am DOT Medically Certified and proficient operating vehicles GVWR of 26,000 lbs. or less. I have knowledge of applicable PennDOT and FMCSRA rules and regulations for trucking.*

4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to including office machines that will be utilized, and the facility to house vehicles. As a carrier of household goods in use, applicant should include a description of storage facilities, if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers.

*The primary facility is located at 1205 O'Neill Highway, Dunmore, PA 18512. The space will consist of an office and adjoining parking/loading, unloading area of approximately 1,000 square feet, with the option for a neighboring space of approximately 5,000 square feet should the need arise.*

*Office equipment includes one Apple Minicomputer, monitor, keyboard and mouse, printer as well as a personal cell phone, which will be used to field and book jobs, as well as conduct social media for the company.*

*Currently, Brier Moving Company, LLC does not own a vehicle. We are in the process of setting up an account to rent appropriately sized trucks from local Ryder or Penske Truck Rental locations. Company currently does not have a location to house vehicles. By keeping overhead low, we plan on purchasing a box truck in 2020. At that time, we will begin looking into housing locations for the vehicle.*

*Brier Moving Company, LLC will not be offering storage for customers. Therefore, a description of storage facilities is not applicable at this time.*

*All records will be maintained on site in locked, fire-proof and water-proof filing cabinets. Financial records will also be maintained by Eckersley & Ostrowski CPAs, 434 Lackawanna Ave, Scranton, PA as well as on-site filing for all required PUC documents. With regard to electronic files, we plan to back-up files on a daily basis and use an external hard drive to store files in the Cloud. This will provide safe storage of digital files. We will also use a secure http and frequently change passwords. There will be limited, controlled access to files in a privately accessible area of the office. Encrypted hard drive using Bitlocker from Microsoft will be used. Storage space will also include an area for supplies such as furniture pads, dollies, plastic wrap, straps, tools and packing supplies.*

*Drivers will be required to carry their DOT med card at all times, along with their PA State Driver's License.*

*Customer requests for transportation will be received either over the phone, from the hours of 9AM-5PM, Monday through Friday, and 9AM-1PM, Saturday and Sunday, or via email. A website is being developed to offer customers a straightforward moving experience. Phone calls and emails will be entered into a calendar and spread sheet, noting the time of day the move should take place, appropriately sized truck, the contents of the move, customer contact information, and whether the job is pending or confirmed to take place.*

*Vehicle dispatch will take place the day of the service. As noted above, we plan to be renting vehicles to start, therefore dispatch will occur at a local Penske or Ryder location. Patrick J. Brier, Jr. will be the sole driver to start. Therefore, communication will be maintained between myself and the customer through cell phone communication.*

5. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the territory you will be serving. In addition, please explain:
  - a. Your hiring standards for drivers;
  - b. Your system for conducting criminal background checks;
  - c. Your driver training program;

- d. Your system for conducting driver license checks;
- e. Your policies regarding alcohol and drug use by your drivers.

*I plan on hiring one additional driver, for a total of two (2) drivers. This number of drivers is appropriate for the size of territory we plan to and the physical nature of the work. For example, driving from Scranton, Pennsylvania to Philadelphia, Pennsylvania is normally 2.5 hours, without traffic. If a job were to start in Scranton at 9AM, depending on the size of the move, the truck would be loaded by 12PM (medium size move). We would then drive 2.5 hours to Philadelphia, and after stopping for lunch, the time would be approximately 3:00PM or 3:30PM. To unload would take approximately 3 hours. Accordingly, by the time the job is complete, it would be approximately 6:30PM-7:00PM. Finally, the drive back would be approximately 3 hours, for a total workday of approximately 13 hours. For one driver to handle driving all day would be too much. Having two (2) drivers cuts the driving time in half. For safety and efficiency, I intend on hiring two (2) drivers.*

*5(a) All drivers must have in their possession a valid Pennsylvania Driver's License and a Department of Transportation Med Card. The range of trucks is between 10,000-26,000 GVW. Drivers must also be familiar with the rules and regulations of PennDOT, USDOT and FMCSA.*

*5(b) We plan on using Career Builder Employment Screening to conduct criminal background checks.*

*5(c) We will be hiring non-CDL drivers, so they will receive on the job training from a DOT med card carrying employee of Brier Moving Company, LLC. Brier Moving will also offer to pay for driver classes necessary to complete the requirements for a non-CDL DOT med card.*

*5(d) By completing and submitting the Pennsylvania Request for Driver Information form. Form DL-503 Request for Driver Info (online).*

*5(e) Brier Moving Company, LLC has a zero-tolerance policy for the use of alcohol or drugs by our drivers. We will strive to create and maintain a safe work environment for both employees and customers. Safety will be the number one priority at Brier Moving Company, LLC. By conducting regular drug and alcohol tests through an appointed physician, we will ensure a safe and drug free work environment.*

6. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below.

<b>YEAR</b>	<b>MAKE</b>	<b>MODEL</b>	<b>SEATING CAPACITY*</b>	<b>VEHICLE ID #</b>	<b>MILEAGE</b>

*Brier Moving Company, LLC will eventually use one (1) to two (2) trucks in business. As stated in response to Question #4 on page 5 of this form, Brier Moving Company, LLC plans on renting one (1) box truck through either Penske or Ryder for the time being. We plan to use, at most, two (2) vehicles in business because the location of Brier Moving Company, LLC (outside of Scranton, PA) will allow for both local and long distance moves (between Philadelphia and Pittsburgh). Having at least two (2) trucks will allow us to fulfill more requests for moving services and do so in a time frame that is convenient to the customer. Again, Brier Moving Company, LLC will not own any vehicle in the beginning.*



7. Describe your vehicle safety program. Please include the following in your explanation:
- Your periodic vehicle maintenance plan
  - Your system for ensuring your vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards (67 Pa. Code, Chapter 175).

*Maintenance will be performed daily on vehicles once Brier Moving Company, LLC acquires vehicles. Ensuring the vehicles are consistently maintained and have inspections and emission requirements will be a priority. Any work needed to ensure safe vehicles will be performed by a state-certified mechanic. Fire extinguisher, safety triangles and insurance certificates will be in the vehicles at all times.*

*In addition, it will be the policy of Brier Moving Company, LLC that all Brier Moving Company, LLC vehicles will be used only for company business and will be operated by authorized persons who meet the driver criteria in the vehicle safety program. This restriction applies to rental vehicles authorized for use on company business. All employees must comply with federal, state and local laws and policies when they are on company business. Employees must not use alcohol, drugs or medications that could impair their judgment or ability to drive. Patrick J. Brier, Jr., or another appointed manager will maintain the right to determine an employees' job readiness.*

*Employees who drive on company business must have a valid driver license and satisfactory driving record. A violation of this policy may result in revocation or restriction of an employee's authorization to drive a company-owned or rented vehicle, demotion, suspension or dismissal.*

*All employees must sign a statement indicating that they have read and understand this policy and the consequences for violating it.*

8. Please explain what steps you have taken to determine if you can obtain insurance and pay the required insurance premiums.

*Brier Moving Company, LLC has sought insurance quotes from two (2) firms located in northeastern PA. Both firms have extensive experience in writing commercial plans. In order to demonstrate permanent evidence of insurance, we have requested both firms to include the following in their respective proposals:*

*Form H for Cargo Liability Insurance.*

*Form E for Bodily Injury and Property Damage Insurance consistent with the requirements of 75 PA C.S. section 1711.*

*In order to pay premiums, we are in the process of acquiring a line of credit, along with the capital listed in page 10.*

9. State whether the applicant has been convicted of a misdemeanor or felony. If applicant is partnership, limited liability partnership, corporation, or limited liability company this question applies to all members, officers, and/or shareholders. If "YES", explain.

YES     NO

10. Financial Data. Complete the "Statement of Financial Position", which follows this page. Please feel free to also provide additional information explaining why you believe you have sufficient funds to ensure your transportation business can provide reliable service to the public in a safe manner.

*See attached chart.*

## Verification of 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.

Patrick J. Brier, Jr.  
(Signature)

10/29/19  
(Date)

Patrick J. Brier, Jr.  
(Name and Title, printed or typed)

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Statement of Financial Position (Balance Sheet)

As of (date) 9/30/2019

ASSETS

Current Assets		
Cash	\$18,000	
Other Current Assets (specify)	\$0	
Total Current Assets		\$18,000
Tangible Assets		
Motor Vehicle Equipment	\$0	
Property (buildings, land, etc.)	\$0	
Office Equipment		\$2,000
TOTAL ASSETS		\$20,000

LIABILITIES

Current Liabilities (Due within one year of date)		
Loans	\$0	
Credit cards/revolving credit	\$0 <sup>1</sup>	
Other Liabilities (Attach schedule)	\$0	
Total Current Liabilities		\$0
Long Term Liabilities (Due after one year of date)		
Mortgage	\$0	
Long term commercial loan	\$0	
Other Liabilities (Attach Schedule)	\$0	
Total Long Term Liabilities		\$0
TOTAL LIABILITIES		\$0

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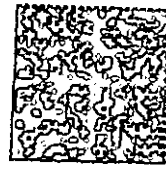
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<sup>1</sup> Brier Moving Company, LLC is in the process of applying for a \$50,000 line of credit from Wayne Bank, N.A.

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# FIRST CLASS MAIL

m b k | myers brier & kelly,  
ATTORNEYS AT LAW

425 Spruce Street | Suite 200 | Scranton, PA 18503

TO:

Secretary PA Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

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