

**ORIGINAL**

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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 FISCHER-HUGHES TRANSPORT, INC. : Docket No.  
 For amendment so as to permit the : A-00103976  
 transportation of tabulating machines, : F001, Am-B  
 calculating machines, computers, :  
 copying machines, electronic equipment, :  
 and other business machines and :  
 equipment, which because of their :  
 unusual nature or value, require the :  
 specialized handling and equipment :  
 usually employed in moving household :  
 goods; and parts, materials and :  
 supplies used in connection therewith, :  
 (1) between points in the Borough :  
 of Doylestown, Bucks County, and as :  
 more specifically described therein. :  
 Prehearing Conference :  
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Pages 1 through 10

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**JUL - 5 1990**

Hearing Room 1  
 State Office Building  
 Broad and Spring Garden  
 Streets  
 Philadelphia, Pennsylvania

Thursday, June 7, 1990

The above-entitled matter met, pursuant to notice, at 10:00 a.m.

BEFORE: THE HONORABLE HERBERT SMOLEN  
 Administrative Law Judge

**DOCHAM**  
**FOL**

BLUM-MOORE REPORTING SERVICES, INC.  
 350 S. Main Street, Suite 203  
 Doylestown, PA 18901  
 (215)-345-4676

## APPEARANCES:

WILLIAM J. LOWELL, ESQUIRE  
2310 Grant Building  
Pittsburgh, Pennsylvania 15219  
(For Applicant)

LIEDERBACH, HAHN, FOY & PETRI  
BY: SCOTT ANDREW PETRI, ESQUIRE  
892 Second Street Pike  
Richboro, Pennsylvania 18954  
(For J. C. Services, Inc., trading  
as J. C. Van Lines)

CASEY & ROSSI  
BY: Wm. H. R. Casey, Esquire  
99 E. Court Street  
Doylestown, Pennsylvania 18904  
(For Domenic Cristinzio, Inc.)

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1 ADMINISTRATIVE LAW JUDGE HERBERT SMOLEN: This  
2 is the matter of the application of Fischer-Hughes  
3 Transport, Incorporated in Docket Number A-00103976,  
4 Folder One, Amendment B.

5 My name is Herbert Smolen, Administrative Law  
6 Judge assigned by the Commission to hear the evidence  
7 in this case and to render an initial decision in  
8 writing in due course.

9 At the request of the applicant and consented to  
10 by the protestants and approved by the Administrative  
11 Law Judge, this initial hearing has been converted to  
12 a prehearing conference.

13 And for the record I have received this morning  
14 by hand delivery from Mr. Lowell, the counsel for the  
15 applicant, a confirmatory letter to the effect that  
16 all counsel have agreed that this be converted to a  
17 prehearing conference.

18 Let me ask counsel, now, counsel for the  
19 applicant that is, Mr. Lowell, do you want to bring me  
20 up to date on the status of the various protestants  
21 and to whether or not restrictive amendments have been  
22 achieved thereby removing some of those protestants?

23 MR. LOWELL: Well, we had only two protests, J.  
24 C. Services and Domenic Cristinzio, Incorporated and  
25 we've been in touch over the last several months with

1 counsel for both those protestants.

2 We had offered, A, in writing, a proposal  
3 several months back, and at that time it was not  
4 acceptable to either of the protestants. That's why  
5 we had the hearing scheduled prior to --

6 JUDGE SMOLEN: Let me ask you, what about with  
7 Mr. Petri, J. C Services, that's still outstanding,  
8 your proposal?

9 MR. LOWELL: Well, that's one of the two that we  
10 had talked about.

11 JUDGE SMOLEN: I understand that, but you had  
12 not reached any agreement?

13 MR. LOWELL: There's no agreement with either  
14 protestants as to that initial proposal. And prior to  
15 the hearing beginning this morning, I've been talking  
16 to counsel for the two protestants here and discussing  
17 possible ways in which we might achieve a compromise  
18 here about the scope of application that would both  
19 allow my client to do what it wants to do and also  
20 satisfy the interests of the two protestants.

21 JUDGE SMOLEN: Would it be fruitful then at this  
22 time to permit counsel and the parties to further  
23 engage in discussions towards restrictive amendment  
24 and go off the record and let the parties talk, if  
25 they felt like they wanted to?

1 MR. LOWELL: I think we were right in the  
2 middle. I think if we had another 10 or 15 minutes  
3 we'd be able to resolve, at least boil it down to some  
4 specific proposal, if possible, that they could then  
5 take back to their clients and discuss.

6 JUDGE SMOLEN: All right. Before we do that,  
7 and I will recess to enable the parties to continue  
8 their discussion, I note on the service list that  
9 there is listed Louis J. Carter, Esquire, party of  
10 interest.

11 Do you have any idea what that's about?

12 MR. LOWELL: I have no idea unless Mr. Carter  
13 asked to be put on the service list for orders from  
14 the Commission. But he has not filed any protests and  
15 has not been in touch with our office.

16 JUDGE SMOLEN: There's a letter filed November  
17 7, 1989 to the secretary of the Public Utility  
18 Commission, from Mr. Carter requesting his name be  
19 placed on the docket as an interested party to receive  
20 copies of all notices and orders. So he's not a  
21 protestant or an intervencor.

22 All right, with that then we'll stand in brief  
23 recess to allow the parties to continue their  
24 discussions and I'll ask the reporter to call me when  
25 these discussions have been concluded.

1 We're in recess.

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3 (At this time, a short recess was taken.)

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5 JUDGE SMOLEN: Back on the record.

6 Mr. Lowell, do you want to import for the record  
7 the results of your conference, if any?

8 MR. LOWELL: We have explored a number of  
9 possibilities and have not been able to resolve the  
10 situation today. The way we had to leave it is that  
11 there is some tentative proposals on for  
12 consideration.

13 Counsel for protestants are going to go back and  
14 confer with their clients about these proposals and  
15 see if we're on the right track or if there is some  
16 other way to come up with -- to reach an accommodation  
17 on this. And they're going to get back to me on those  
18 discussions and see where they are at that point.

19 JUDGE SMOLEN: In view of this fact, that this  
20 is a prehearing conference, let me ask you, in  
21 assuming that you're unable to reach any agreements  
22 either with Mr. Casey or with Mr. Petri, when will you  
23 be prepared to proceed with your direct case?

24 MR. LOWELL: Do we need about two weeks for you  
25 to clear this with your people, 10 days, two weeks?

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MR. CASEY: Yeah.

MR. PETRI: That would be fine.

JUDGE SMOLEN: I'm not sure when they'll be scheduled.

MR. LOWELL: I just want to work forward, if we could set maybe two weeks roughly to discuss this again and see if we're going to be able to reach an accommodation. If we aren't, we'll keep working and let you know if we're sort of at a deadend at that point, and then we'll notify you and arrange to have the case rescheduled for a hearing at which point the idea then would go forward with testimony in support of the application.

JUDGE SMOLEN: Let me go off the record.

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(Whereupon, an off the record discussion took place.)

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JUDGE SMOLEN: Let's go back on the record.

At a brief off the record discussion, we have determined that hearings, if indeed the case goes forward, that is if there are no restrictive amendments, should take place within approximately a month from today.

Now, I asked counsel for applicant, how many

1 days he anticipated needing for his direct case.

2 MR. LOWELL: I would think if we had two days we  
3 would be able to finish it.

4 JUDGE SMOLEN: Do you want those days  
5 necessarily consecutive days or does it matter?

6 MR. LOWELL: I think it would be more helpful  
7 from our standpoint to complete it at one setting.

8 JUDGE SMOLEN: And in the location here?

9 MR. LOWELL: Here in Philadelphia would be fine.

10 JUDGE SMOLEN: Any problem, Mr. Casey?

11 MR. CASEY: No, that's fine. We don't want to  
12 go to Pittsburgh.

13 JUDGE SMOLEN: Let me ask the questions, are  
14 there any outstanding discovery issues at this  
15 particular time as far as counsel is concerned?

16 MR. LOWELL: Neither side is really engaged in  
17 discovery. I was requested to present a list of  
18 witnesses on our side and I have given the list of  
19 about eight or 10 perspective witnesses with the idea  
20 as we get closer to the hearing, the next set of  
21 hearings, we'll supplement that if need be with  
22 additional names.

23 JUDGE SMOLEN: All right then, if there are any  
24 discovery problems -- I'll assume whatever discovery  
25 there is outstanding will be addressed by counsel, and

1 if there are any discovery issues in which do arise,  
2 then I'm available by telephone conference between and  
3 among counsel to resolve any problems.

4 Anything further that we have to discuss today  
5 for the prehearing?

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7 (At this time, there was no response.)

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9 JUDGE SMOLEN: Hearing no response, then we'll  
10 adjourn today's prehearing conference.

11 I thank all the parties for appearing. The  
12 hearing is adjourned.

13 MR. LOWELL: Thank you.

14 MR. CASEY: Thank you.

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16 (Hearing Adjourned at 10:55 a.m.)

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C E R T I F I C A T I O N

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2 I HEREBY CERTIFY that the proceedings and  
3 evidence are contained fully and accurately in the  
4 stenographic notes taken by me upon the foregoing  
5 matter on Thursday, June 7, 1990, and this is a  
6 correct transcript of same.

7 *Carol J. Angiolillo*

8 CAROL J. ANGIOLILLO  
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11 (The foregoing certification of this  
12 transcript does not apply to any reproduction of the  
13 same by any means unless under the direct control  
14 and/or supervision of the certifying reporter.)  
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