# **PENNSYLVANIA**

**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17120**

Public Meeting held July 16, 2020

Commissioners Present:

 Gladys Brown Dutrieuille, Chairman

 David W. Sweet, Vice Chairman

John F. Coleman, Jr.

Ralph V. Yanora

Application of Reliable Movers LLC A-2019-3013695

t/a Reliable Movers

**OPINION AND ORDER**

**BEFORE THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration from Staff Action (Petition) filed on May 18, 2020, by Reliable Movers LLC, t/a Reliable Movers (Applicant or Reliable Movers). By this Petition, Reliable Movers seeks reconsideration of the Commission Secretarial Letter dated December 10, 2019, (*December 2019* *Secretarial Letter*) issued per the Commission’s Bureau of Technical Utility Services (Bureau of TUS).[[1]](#footnote-1) The *December 2019* *Secretarial Letter* denied and dismissed Reliable Movers’ Application for a Certificate of Public Convenience (Certificate) authorizing it to operate as a transporter of household goods in use. The denial was based on the Applicant’s failure to provide evidence of a minimum of two-years’ experience with a licensed household goods carrier as required by Commission Regulations at 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-l-).

The Petition and appeal of Staff action is submitted pursuant to 52 Pa. Code § 5.44 and includes a detailed statement proffered by the Applicant to establish compliance with the applicable Commission Regulations. For the reasons that follow, we shall grant the Petition, consistent with the discussion in this Opinion and Order, and remand this matter to the Bureau of TUS, to review the information submitted to establish compliance with the Commission Regulations.

**Background**

On September 26, 2019, Reliable Movers filed an Application for Motor Common Carrier or Motor Contract Carrier of Household Goods in Use (Application) with the Commission.[[2]](#footnote-2) The Application requested authority, “To transport household goods in use between points in Pennsylvania.” Application at ⁋ 10. The Application was signed by Rahul Yukich and Paula E. Yukich in their individual capacities.

The Verified Statement attached to the Application, and completed by Paula E. Yukich, represented the following to question No. 3 of the Verified Statement of Applicant:

**3. Please provide evidence of minimum of two-years’ experience with a licensed household goods carrier**

**or the equivalent as required by52 Pa. Code §3.381 (c)(1)(iii)(A)(N)(-l-).**

 “Rahul has worked as a loader/unloader for Uhaul”

Attached to the Application were the following: (1) a log of loading/unloading jobs performed by Rahul Yukich for “Moving Labor,” – *Your Move Our Movers*; (2) a log of loading/unloading jobs performed by Mr. Yukich for “Moving Helpers” covering the time period, 09/01/2017 to 09/25/2019;” (3) an IRS Notification Letter of the assignment of an EIN number to “Reliable Movers;” and (4) a copy of the registration of the fictitious name, “Reliable Movers,” with the Pennsylvania Department of State.

On October 2, 2019, a Secretarial Letter advising Reliable Movers that the application had incomplete information was issued.[[3]](#footnote-3)

Notice of the Application was published in the November 2, 2019 *Pennsylvania Bulletin,* 49 *Pa. B.* 6656, with protests due by November 18, 2019. No protests were filed.

On December 10, 2019, the Bureau of TUS denial letter was issued. In pertinent part, the letter is reprinted below:

The purpose of this Letter is to advise you that your application Docket No. **A-2019-3013695** has been **DENIED** by the Pennsylvania Public Utility Commission (Commission). The Commission has determined that a Certificate of Public Convenience shall not be granted for the following reason(s):

* **Failure to Demonstrate the Required Fitness.** Under 52 Pa. Code §3.381(c)(1)(iii)(A)(II)(-l-) you are required to demonstrate that you, the applicant, have the required knowledge, fitness, and financial ability to operate as a certificated motor carrier in the Commonwealth of Pennsylvania. You failed to provide evidence that shows you have the required two years of experience working with a licensed household goods carrier.

*December 2019 Letter*.

The *December 2019 Letter* also advised that a Petition seeking reconsideration must be filed with the Commission within twenty (20) days of the date of the letter.

**Discussion**

**Legal Standards**

Petitions seeking reconsideration of staff actions are governed by [Section 5.44(a)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS5.44&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)) of our Regulations, [52 Pa. Code § 5.44(a)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS5.44&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)). The applicable provision states as follows:

(a) Actions taken by staff, other than a presiding officer, under authority delegated by the Commission, will be deemed to be the final action of the Commission unless reconsideration is sought from the Commission within 20 days after service of notice of the action, unless a different time period is specified in this chapter or in the act.

The instant petition was filed, May 20, 2020, more than twenty (20) days after the period that is provided for in Commission Regulations pertaining to appeals from Staff action.[[4]](#footnote-4) Consequently, because the Petition has been untimely filed, the Staff action has become the final action of the Commission and we will consider the Petition under the procedures relating to rescission or amendment of final orders.

The Public Utility Code (Code) establishes a party's right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g), [66 Pa. C.S. § 703(f) and § 703(g)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000262&cite=PA66S703&originatingDoc=I0ea70eaa107011e7b92bf4314c15140f&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.DocLink)), of the Code relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must be consistent with [Section 5.572](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS5.572&originatingDoc=I0ea70eaa107011e7b92bf4314c15140f&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.DocLink)) of our Regulations, [52 Pa. Code § 5.572](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS5.572&originatingDoc=I0ea70eaa107011e7b92bf4314c15140f&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.DocLink)), relating to petitions for relief following the issuance of a final decision.

A petition to modify or rescind a final Commission decision may only be granted judiciously and under appropriate circumstances, because such an action results in the disturbance of final orders. [*City of Pittsburgh v. Pennsylvania Department of Transportation*, 490 Pa. 264, 416 A.2d 461 (1980)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1980117460&pubNum=0000162&originatingDoc=I0ea70eaa107011e7b92bf4314c15140f&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.DocLink)). Additionally, the Commission has recognized that while a petition under [Section 703(g)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000262&cite=PA66S703&originatingDoc=I0ea70eaa107011e7b92bf4314c15140f&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.DocLink)) may raise any matter designed to convince us that we should exercise our discretion to amend or rescind a prior decision, at the same time “[p]arties …, cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them.” [*Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (Order entered December 17, 1982)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&pubNum=0000930&cite=56PAPUC553&originatingDoc=I0ea70eaa107011e7b92bf4314c15140f&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.DocLink)) (*Duick*) (quoting [*Pennsylvania Railroad Co. v. Pennsylvania Public Service Commission*, 179 A. 850, 854 (Pa. Super. Ct. 1935)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1935115540&pubNum=0000161&originatingDoc=I0ea70eaa107011e7b92bf4314c15140f&refType=RP&fi=co_pp_sp_161_854&originationContext=document&transitionType=DocumentItem&contextData=(sc.DocLink)#co_pp_sp_161_854)). Such petitions are likely to succeed only when they raise “new and novel arguments” not previously heard or considerations which appear to have been overlooked or not addressed by the Commission. *Duick* at 559.

**Merits of Petition**

In considering an appeal from Staff action, and compliance with Commission Regulations, Section 332(a) of the Code, [66 Pa. C.S. § 332(a)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000262&cite=PA66S332&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), provides that the party seeking affirmative relief from the Commission has the burden of proof. In this proceeding, Reliable Movers is the party seeking affirmative relief from the Commission. Therefore, Reliable Movers is the party with the burden of proof.[[5]](#footnote-5)

The term “burden of proof” means a duty to establish a fact by a preponderance of the evidence. *Se‑Ling Hosiery, Inc. v. Margulies*, *supra*. The term “preponderance of the evidence” means that one party has presented evidence that is more convincing, by even the slightest degree, than the evidence presented by the opposing party. Additionally, the Commission must ensure that the decision is supported by substantial evidence in the record. The Pennsylvania appellate courts have defined substantial evidence to mean such relevant evidence that a reasonable mind may accept as adequate to support a conclusion; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. [*Norfolk & Western Railway Co. v. Pa. PUC*, **489 Pa. 109,** 413 A.2d 1037 (1980)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1980106500&pubNum=0000162&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)); [*Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1984141437&pubNum=0000162&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)).

Additionally, pursuant to Section 1103(a) of the Code, [66 Pa. C.S. § 1103(a)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000262&cite=PA66S1103&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), an application for a certificate of public convenience should be granted only if the Commission finds that “the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public.” In order to make these determinations, we review the criteria to be taken into consideration for authority to transport goods in household use set forth in our Policy Statement.[[6]](#footnote-6)

With respect to an application seeking the right to transport household goods, the Commission’s consideration is governed by our Order in the [*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), 2014 WL 2876694 (Pa. P.U.C.)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=2033676692&pubNum=0000999&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)) (*Final Rulemaking Order*).

In the *Final Rulemaking Order*, we removed the requirement that an applicant seeking authority to transport household goods should establish that approval of the application will serve a useful public purpose responsive to public demand or need. However, the Commission retained requirements addressing fitness. *Final Rulemaking Order*.

Based on the foregoing, in order to approve an application for the right to transport as a common carrier, by motor vehicle, household goods in use, we must find that an applicant has sustained its burden of proving, by a preponderance of the evidence, that it possesses the requisite technical and financial fitness and propensity to operate safely and legally. *Final Rulemaking Order*; *Application of Kris Eckerl t/d/b/a Michael's Moving and Storage for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pike County*, Docket No. A‑2014‑2429336 (Order entered November 19, 2015).

In the Commission’s discussion preceding adoption of final rules in the *Final Rulemaking Order*, we stated the following:

Household goods applicants will be required to establish that they have the technical and financial ability to provide the proposed service safely and legally. Toward this end, we believe that applicants should have at least two (2) years of experience with a household goods carrier, or the equivalent. This requirement would ensure that only those applicants who are familiar with the industry would be eligible to operate. An applicant could satisfy this requirement by hiring managers with the necessary experience. We note that, notwithstanding this requirement, each application will be considered on its own merits.

*Proposed 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 September 12, 2013) (*Proposed Rulemaking Order*), 2013 WL 5232325 (Pa.P.U.C.) 2013 WL 5232325 at \*4.[[7]](#footnote-7)

As noted in the *Final Rulemaking Order*, the pertinent Regulation cited in the *April 2019* Secretarial Letter reads as follows:

(-l-) A statement that the applicant has a minimum of 2 years of experience with a licensed household goods carrier or the equivalent. This requirement shall be applicable to all applications for household goods, whether protested or not.

52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-l-).

Reliable Movers asserts in the Petition, that reconsideration is warranted. Reliable bases its request on the statement in the Commission Regulations that the applicant have a minimum of 2 years experience with a licensed household goods carrier, *or the equivalent*. Reliable Movers relies upon its principal’s experience as a loader/unloader for U-haul, *et al*, as well as the attachments to the Application, to request that we find that it has met the “equivalent” requirement in our Regulations. We reprint the Petition below:

Dear Mr. David B. Canzoneri,

In December we received a letter from the PUC stating that our application for authority was denied on the basis of not meeting the criteria of PA. Code 3.381. The letter states that I failed to provide evidence showing two years of experience working with a licensed households goods carrier. I would like to appeal this decision. Code 3.381 states that you can also meet this requirement by possessing “the equivalent.” I possess extensive experience in the moving industry to demonstrate my qualification for authority under the PUC.

Over the last 4 years I have been immersed in the moving industry as I guided crews to load, unload, and pack customer’s households into their rental trucks and pods, as well as helping Mayflower and Allied Vanline drivers load and unload tractor trailers. I have also completed numerous “in-house” moves where customers need heavy items relocated within their house such as safes, fridges, and pool tables. As a business owner my reputation is everything so I must get it right with every aspect of safety, honesty, and professionalism in the industry. I am committed to abiding by all state and federal regulations.

I am a graduate of Lehigh University, where I furthered my knowledge of business and finance at the Rausch Business School. My wife and partner Paula Yukich has over 25 years of business experience, owning local businesses such as Your One and Only Wedding boutique in Nazareth and Paula Galante photography. Additionally, she managed the logistical operations for George Fischer Corp. and Olympus Latin America handling all international accounts. She will be the one responsible for all bookkeeping responsibilities as well as customer relations and scheduling. By assigning her this dedicated role we can ensure that customers receive full attention and care both on and off the field. Paula also currently holds her CDL license so that we can have an intimate understanding of the trucking component to being a household goods mover.

From 2018-2019 Paula and I advertised Reliable Movers through the U-Haul movinghelper portal and completed over a hundred jobs maintaining a 5 star average. These jobs were for customers who needed us to load or unload their U-haul moving truck. I made sure that my crew strived for excellence in every aspect of the job. From disassembling furniture, wrapping it with blankets secured with shrink wrap, to strategic placement in the truck based on the shape and weight of items, I insisted the job was done right each and every time. Our goal was to provide the utmost customer service as we carefully handled their furniture like it was our own.

 We first wrapped and loaded the heaviest pieces into the front of the truck where they would have the most stability. The weight was balanced from left to right in order not to have an irregular weight distribution that could potentially cause a truck to tilt over, or sway from side to side. Next, medium weight items (typically boxes) were placed on top of these heavy base items, and then light “chowder” items filled in the gaps and space up to the ceiling. After securing the tier with straps the next tier would be formed in the same way—following the pattern of heavy base/medium items/light irregular items. A “fat tier”, comprised of couches, love seats, refrigerators, appliances was incorporated in the tiers to accommodate the bulkiest items. Flat screen televisions were packed in special boxes to avoid breakage and mattresses in mattress bags to avoid any potential contact with dirt while being loaded or unloaded. Last in the truck we loaded the items that we didn’t want mixed in with the household furniture such as dirty garage items, exercise equipment, and tools. Customers were informed that they could not transport certain hazmat materials such as anything containing gasoline, explosives, or flammables.

Once the customer reached their destination, our teams would expeditiously unload the truck, placing every piece where the customer requested, unwrapping it, and reassembling as necessary. We always exercised caution not to damage any walls, floors, or fixtures. I always encouraged prophylactic safety measures such as making sure walkways were clear of potential trip hazards, removing hanging mirrors that could potentially be smashed into around a corner, or shoveling snow or ice off the driveway and porch. Safety must be a priority each and every job.

By instilling these techniques and methods into my crew, we prioritized safety and proper techniques through every aspect of the job. Although it is a rewarding business to simply load and unload trucks, I am ready to take it to the next level by having our own trucks and providing a more complete service to our customers. We ask that Reliable Movers be given the operating authority to transport goods between households in Pennsylvania and hope that this letter clarifies our experience.

Sincerely,

Rahul Yukich

Paula E. Yukich

*See* Petition.

We note that the Petition is not signed by Rahul and Paula Yukich. Neither is there a Certificate of Service attached. Also, the Petition is directed to an individual in the Bureau of TUS – not the Commission Secretary.

**Disposition**[[8]](#footnote-8)

Based on our review of the verified statements of the Applicant, the instant Petition, and the delineation of experience proffered by the Applicant, we find that reconsideration of the *December 2019 Secretarial Letter* is warranted. The Petition has raised new or novel arguments and considerations or matters that have been overlooked by the Bureau of TUS in the *December 2019 Secretarial Letter*.

The Reliable Movers Petition addresses the requirement in the applicable Commission Regulation that goes to the question of whether the Applicant possesses the requisite technical fitness regarding the Application. The Applicant has provided evidence of service for a period of time in excess of two years in the loading and unloading of household goods in Mr. Rahul Yukich’s employment, along with Paula Yukich, with the following companies, U-haul, “Moving Labor,” and “Moving Helpers.” The Yukich’s employment with these companies, by Applicant’s own admission, are not certificated household goods carriers. Notwithstanding, work history may be a consideration which the Commission may evaluate on a case by case basis in reaching a determination of the issue of whether an applicant has the technical fitness to provide a proposed service for the transportation of household goods in use. *See Re: Petition of Baker’s Moving, LLC for Waiver of 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-l-)*, Docket No. P-2018-3000219 (Order entered May 3, 2018) (*Baker’s Moving*).

The documents provided by Reliable Movers are suggestive of work experience in the provision of household goods in use service that may satisfy the “equivalent” standard. *See Baker’s Moving*. Also, all services performed by Mr. Rahul and Paula Yukich in their provision of services and/or employment with these companies do not appear to be in violation of the prohibition against the provision of service without first having obtained a certificate of public convenience that we have found improper. *See* *Application of Lytle Property LLC*, Docket No. A-2019-3009244 (Order entered January 3, 2020); 2020 WL 128692 (*Lytle*).[[9]](#footnote-9)

We find the circumstances presented by Reliable Movers to be distinguished from the considerations in *Lytle*. In *Lytle*, the Commission was faced with an applicant whose entire submission to satisfy the requirements of 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-l-), consisted entirely of uncertificated service:

This Commission has previously found that providing prior illegal motor carrier service will not preclude that motor carrier applicant from ultimately obtaining certification from the Commission.10 However, we cannot permit a household goods carrier applicant to use its previous illegal operations as the basis to satisfy the two-year minimum experience requirement.11 To allow this would violate the Commission’s Regulations which require that the household goods carrier demonstrate two-years’ experience with a *licensed* household goods carrier. This requirement goes to the question of whether the applicant possesses the requisite technical and financial fitness regarding the applicant.12

The Applicant admits to having provided service for a period of time in excess of two years. Notwithstanding that work history may be a consideration which the Commission may evaluate on a case by case basis on the issue of whether an applicant has the technical fitness to provide a proposed service for transportation of household goods in use, the documents provided are not persuasive of work experience in the provision of household goods in use service outside of Applicant’s own, unlicensed, operations. *See Re: Petition of Baker’s Moving, LLC for Waiver of 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-l-)*, Docket No. P-2018-3000219 (Order entered May 3, 2018).

Based on the foregoing, because Applicant has presented no acceptable new details regarding its compliance with the applicable Commission Regulation, we believe that it is appropriate to deny reconsideration of the appeal of Staff action in the *April 2019 Secretarial Letter*.

10 *See BIE v. Uber Technologies, Inc., Gegen, LLC, Rasier LLC, and Rasier-PA, LLC*, Docket No. C-2014-2422723 (Order entered September 1, 2016) (*Uber*); *also* [*Capital City Cab Serv. v. Pa. PUC*, 138 A.3d 119, 130 (Pa. Cmwlth. 2016)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=2038692145&pubNum=0007691&originatingDoc=Ie719e7f7c2c511e7b73588f1a9cfce05&refType=RP&fi=co_pp_sp_7691_130&originationContext=document&transitionType=DocumentItem&contextData=(sc.History*oc.UserEnteredCitation)#co_pp_sp_7691_130) citing [*Brinks, Inc. v. Pa. PUC*, 500 Pa. 387, 456 A.2d 1342, 1344 (1983)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1983113716&pubNum=0000162&originatingDoc=Ie719e7f7c2c511e7b73588f1a9cfce05&refType=RP&fi=co_pp_sp_162_1344&originationContext=document&transitionType=DocumentItem&contextData=(sc.History*oc.UserEnteredCitation)#co_pp_sp_162_1344).

11 We note that in *Uber*, the Commission was not making a determination as to whether prior illegal operations could serve as the basis to meet a two-year minimum experience requirement with a licensed carrier (as transportation network companies are not subject to such a requirement). Rather, in *Uber*, the Commission found that prior illegal operations did not preclude the applicant from ultimately obtaining certification from the Commission.

12 Additionally, we do not find it in the public interest to incentivize illegal carrier operations in the Commonwealth by permitting household goods carriers to utilize such operations as a basis to obtain a license from the Commission.

*Lytle* at 8-9.

Based on the foregoing, we conclude that the Applicant has presented acceptable new details regarding its compliance with the applicable Commission Regulation, and we believe that it is appropriate to grant reconsideration of the appeal of Staff action in the *December 2019 Secretarial Letter*.

Based on the foregoing, we shall remand the matter to the Bureau of TUS for evaluation and processing.

**Conclusion**

For the reasons set forth above, we shall grant the Petition, consistent with this Opinion and Order; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition for Rescission or Amendment of Staff Action filed by Reliable Movers LLC, t/a Reliable Movers, on May 20, 2020, is granted, consistent with the discussion in this Opinion and Order.

2. That the Secretarial Letter issued on December 10, 2019, is rescinded, consistent with this Opinion and Order.

3. That the Application filed by Reliable Movers LLC, t/a Reliable Movers, is remanded to the Commission’s Bureau of Technical Utility Services for processing, consistent with the discussion in this Opinion and Order.

** BY THE COMMISSION,**

 Rosemary Chiavetta

 Secretary

(SEAL)

ORDER ADOPTED: July 16, 2020

ORDER ENTERED: July 16, 2020

1. We note that Reliable Movers filed the Petition on May 18, 2020, more than twenty days after the issuance of the *December 2019 Secretarial Letter.* Therefore, we shall treat the Petition as a “Petition for Rescission or Amendment of Staff Action,” as discussed *infra*. [↑](#footnote-ref-1)
2. The Applicant, at various entries, refers to itself as an “LLC,” Limited Liability Company. The record contains evidence of registration of the name, “Reliable Movers” under the fictitious name procedures of the Pennsylvania Department of State. There is no indication in the record of the formation of a LLC. We will, therefore, address the Petition without requiring the Applicant to be represented by counsel. *See*, 52 Pa. Code §§ 1.21; 1.22; *also* [*Famille S. Trust v. Duquesne Light Company,* Docket Number C-2014-2440650 (Order entered March 16, 2017)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=2041294636&pubNum=0004031&originatingDoc=I3487e9b3047811eab8aeecdeb6661cf4&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)); *St. Philip the Apostle Church v. City of Lancaster -- Bureau of Water,* Docket No. C-2010-2206276 (Final Order entered March 25, 2011); [*Cars R Us c/o Holman Copeland v. Philadelphia Gas Works*, Docket No. C-2008-2033437 (Order entered February 4, 2010)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=2022620602&pubNum=0004031&originatingDoc=I3487e9b3047811eab8aeecdeb6661cf4&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)).

  [↑](#footnote-ref-2)
3. The letter advised that page one of the Application was incomplete, *i.e*., missing. [↑](#footnote-ref-3)
4. The Petition has been recorded on the Commission dockets as filed, May 20, 2020. The Petition does not contain a Certificate of Service and, as noted, *infra*, was not directed to the Commission Secretary, but to the Bureau of TUS. [↑](#footnote-ref-4)
5. *See Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the counties of Chester, Delaware, Montgomery, Philadelphia, and Bucks, to points in Pennsylvania*, Docket Nos. A-2012-2334103, and A-8915269 (Order entered November 5, 2015); 2015 WL 7008844 (Pa.P.U.C.), citing [*Se‑Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1950109677&pubNum=0000162&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)). [↑](#footnote-ref-5)
6. *See* [52 Pa. Code § 41.14](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000636&cite=52PAADCS41.14&originatingDoc=Idd67a63d89a311e5b4bafa136b480ad2&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)). [↑](#footnote-ref-6)
7. *Accord*, *Final Rulemaking Order*, “Commentators generally supported our proposal regarding increasing standards for technical and financial fitness for applicants. We note that we have historically examined each application for authority on the merits of the individual application.” [↑](#footnote-ref-7)
8. Before addressing the contentions raised in the Petition, we note that any issue or contention that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. [↑](#footnote-ref-8)
9. *See also Application of Penny Saver Direct, Inc., T/d/b/a Two Guys & a Truck, for the Right to Begin to Transport, as a Common Carrier, by Motor Vehicle, Household Goods in Use, Between Points in the Counties of Erie and Crawford, and from Points in Said Counties, to Points in Pennsylvania, and Vice* Versa, Docket No. A‑00116710 (Order entered September 7, 2001); 96 Pa. P.U.C. 288, 2001 WL 1359773 (Pa. P.U.C.), discussing propensity to operate legally by an applicant for transportation of household goods in use, using lease agreements by shippers. [↑](#footnote-ref-9)