

ORIGINAL 134

BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: A-00085095, F002, Am-a Application of Hoy Transfer, Inc. For amendment so as to permit the transportation of household goods*** computers, and other electronic equipment and business machines, and parts, materials and supplies when moving in connection therewith; between points in the counties of Blair, Centre, Clearfield, Clinton, Huntingdon, Juniata, Mifflin and Union, and from points in said counties to points in Pennsylvania, and vice versa. Prehearing conference.

Harrisburg, Pennsylvania
August 17, 1989

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Public Utility Commission

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Stenographic report of hearing held in Hearing Room G-24, Finance Building Harrisburg, Pennsylvania,

Thursday,
August 17, 1989
at 10:00 o'clock a.m.

BEFORE

HERBERT COHEN, ADMINISTRATIVE LAW JUDGE

- - - - -

APPEARANCES:

HERBERT NURICK, ESQUIRE
100 Pine Street
Harrisburg, Pennsylvania 17108
Appearing on behalf of Hoy Transfer, Inc.

JOHN FULLERTON, ESQUIRE
407 North Front Street
Harrisburg, Pennsylvania 17101
Appearing on behalf of Centre Carriers Corporation, Lindeman Moving Company, Parks Moving System, Inc.

1 JUDGE COHEN: This is the time and place set for the
2 prehearing conference in the matter of the application of
3 Hoy Transfer Inc., at Docket Number A-085095. This
4 application involves an amendment which would permit the
5 Applicant to transport household goods, computers, and other
6 electronic equipment and business machines and parts,
7 materials, and supplies when moving in connection therewith;
8 between points in the counties of Blair, Centre, Clearfield,
9 Clinton, Huntingdon, Juniata, Mifflin, and Union and from
10 points in said counties to points in Pennsylvania and vice
11 versa.

12 Appearances have been rendered this morning by
13 Herbert Nurick on behalf of the Applicant, Hoy Transfer
14 Inc., and by John Fullerton on behalf of Center Carriers
15 Corporation, Lindeman Moving Company, and Parks Moving
16 System, Inc.

17 Numerous protests were originally filed to the
18 application and we have acknowledgements from many of them
19 that they will withdraw the protest pending adoption of
20 certain restrictive amendments.

21 Those who have indicated that they would withdraw
22 their protests pending the approval of restrictive
23 amendments are Industrial Transportation, Inc. who was
24 represented by Louis J. Carter, Esquire. Krebbs Moving and
25 Storage, Inc. represented by Dwight Carter, Junior,

1 Esquire.

2 And Mr. Fullerton indicated that he was withdrawing
3 the protests of Camp Curtin Transfer, Inc., Independent
4 Freightway, Inc., J. J. Brandt Moving and Storage Co.,
5 Moving World Inc., Parks Moving and Storage Inc., B & B
6 Systems Inc., Tosh Moving and Storage Inc., A. Yeagle's
7 Moving and Storage Corporation.

8 As noted, he is still representing protestants Centre
9 Carriers Corporation, Lindeman Moving Company, and Parks
10 Moving Systems, Inc. Kennedy Transfer by their letter dated
11 November 28, 1988 indicated that they were withdrawing their
12 protest to the application and John D. Lewis, Esquire
13 advised that he was authorized to withdraw the protest which
14 he had filed on behalf of Piamingo Moving and Storage, Inc.

15 Any additions or corrections to what I have read,
16 gentlemen?

17 MR. NURICK: Yes, Your Honor. The application was
18 amended as you indicated limited to territories in Centre
19 and Mifflin counties.

20 JUDGE COHEN: Do you want to read the application the
21 way it stands in this proceeding, Mr. Nurick, into the
22 record, please.

23 MR. NURICK: Yes, I will. So as to permit the
24 transportation of household goods, personal effects, and
25 property used or to be used in a dwelling when part of the

1 furnishing, equipment, or supplies of such dwelling is an
2 incidental part of a removal by the householder from one
3 domicile to another; furniture, fixtures, equipment and the
4 property of stores, offices, museums, institutions,
5 hospitals or other establishments when a part of the stock,
6 equipment or supplies of such stores, offices, museums,
7 institutions, hospitals or other establishments when in
8 connection with the removal from one location to another;
9 articles in use including objects of art, displays, and
10 exhibits which because of their unusual nature or value
11 require specialized handling and equipment usually employed
12 in moving household goods and tabulating machines,
13 calculating machines, copying machines, computers, and other
14 electronic equipment and business machines and parts
15 materials and supplies when moving in connection therewith.

16 Here's the amendment. It was a territorial
17 amendment. Between points in the counties of Centre and
18 Mifflin and from points in said counties to points in
19 Pennsylvania and vice versa.

20 Now, in addition to the withdrawals which the Judge
21 noted, I have here that Lytle's Transfer and Storage, Inc.
22 and Gearhard's Moving Storage, Inc. withdrew their protests.

23 JUDGE COHEN: Who were they represented by?

24 MR. NURICK: William J. Lavelle and he had a letter
25 -- by the way that amendment was dated November 23, 1988.

1 JUDGE COHEN: I have a letter April 8, 1988 --

2 MR. FULLERTON: What happened -- we don't have to put
3 this in the record.

4 JUDGE COHEN: Wait a minute. There was a petition to
5 intervene and now they're in there as a protestant.

6 MR. FULLERTON: I represented Yeagle and then
7 something got mixed up and Bill got involved and then he
8 bowed out.

9 MR. NURICK: I have a letter and you may not have a
10 copy, but here's a letter from Mr. Lavelle withdrawing those
11 two, Lytle and Gearhard dated December 1, 1988.

12 MR. FULLERTON: But it's moot because Yeagle is out
13 anyway. I withdrew its protest among others.

14 MR. NURICK: Well, this is not Yeagle. I'm talking
15 about Lytle and Gearhard.

16 MR. FULLERTON: I'm sorry.

17 MR. NURICK: You're right. The other one is moot.

18 JUDGE COHEN: We will take note that we have a letter
19 of December 1, 1988 from William Lavelle to Mr. Harry Rich
20 of this Commission authorizing withdrawal of protest of
21 Lytle's Trasfer and Storage, Inc. and Gearhart's Moving and
22 Storage, Inc. Thank you, Mr. Nurick.

23 MR. NURICK: Yes, sir. So as far as as my records
24 reflect the only three remaining protestants are the three
25 named by you that Mr. Fullerton is representing this

1 morning, Centre Carriers Corp., Lindeman Moving Co., and
2 Parks Moving Systems, Inc.

3 MR. FULLERTON: That's correct.

4 JUDGE COHEN: All right. The next logical question
5 is any chance of further restricting amendments or working
6 something out?

7 MR. FULLERTON: That's the purpose of the prehearing
8 today is we are going to try to see what we can do and if
9 you'll give us a little recess -- why don't you do this, why
10 don't you go back and do what you want to do?

11 JUDGE COHEN: There is an indication that the
12 protestants and the applicant are going to try and work
13 something out that may or may not --

14 MR. FULLERTON: We are going to confer.

15 JUDGE COHEN: And we'll stand adjourned until counsel
16 needs to return. Thank you.

17 MR. NURICK: Thank you.

18 (Whereupon, a recess was taken.)

19 MR. NURICK: Your Honor, we had very, I think,
20 fruitful negotiations as a result of which we are prepared
21 to make an amendment which will, and I think you'll hear,
22 eliminate one protestant at this time. The amendment has to
23 do with territory as well as the final part of the commodity
24 description and I'll just read in the final part of the
25 description because the first part was in there and you can

1 have that if that is okay with you, Judge.

2 JUDGE COHEN: All right.

3 MR. NURICK: The final part of the description will
4 read and tabulating machines, calculating machines, copying
5 machines, computers and other electronic equipment and
6 business machines which because of their unusual nature or
7 value require specialized handling and equipment usually
8 employed in moving household goods and parts, materials, and
9 supplies when moving in connection therewith.

10 One, between points in the county of Centre and from
11 said points -- I'm sorry -- from points in said county to
12 points in Pennsylvania and vice versa. Two, now in this
13 one, Your Honor, I have names out of stationery. I have to
14 get the precise names but these are the companies and there
15 might be an Incorporated, an Inc. or something.

16 JUDGE COHEN: I would suggest that you submit, at
17 your convenience, a draft of the latest restrictive
18 amendment as a result of this conference today and send us
19 two additional copies so we can send them down to the file
20 room.

21 MR. NURICK: I'll do that, Your Honor. I'm going to
22 be away after tomorrow.

23 JUDGE COHEN: At your convenience. No problem.

24 MR. NURICK: Because I want to check with the
25 shippers. Many times it's one thing on stationery, but the

1 actual name is something else but we all know who we are
2 talking about. What I have here is for Avtex Fibers,
3 Lewistown, Lewistown Hospital, Geisinger Medical
4 Group-Lewistown and the Central Pennsylvania Conference of
5 the United Methodist Church between points in the county of
6 Mifflin and from points in said county to points in
7 Pennsylvania and vice versa. That's the amendment. Mr.
8 Fullerton?

9 MR. FULLERTON: Well, based on the acceptance but,
10 see, I don't think that it's proper for me at this time to
11 do anything until we see it in writing but assuming
12 everything is in order, the protest of Centre Carrier
13 Corporation will be withdrawn and the protest of Lindeman
14 and Parks will remain.

15 JUDGE COHEN: The next matter will be, I assume, to
16 set dates for hearing.

17 MR. NURICK: I'm going to ask that the hearing be
18 held in Lewistown because that's where the shippers are.

19 JUDGE COHEN: We have been to the courthouse up there
20 a couple times. We are talking about next month?

21 MR. NURICK: The date that sticks out, and I just
22 want to double check my calendar and make sure I don't have
23 something that's not marked in this one, would be October 25
24 and 26.

25 JUDGE COHEN: You have two days of hearing up there?

1 MR. NURICK: If that's okay. I thought we'd try to
2 cover --

3 JUDGE COHEN: That's within commuting distance. It
4 doesn't require staying overnight.

5 MR. NURICK: Right.

6 MR. FULLERTON: I would suggest that you check with
7 Mr. Huntingdon to see if he has Herbie or me tied up with
8 anything.

9 JUDGE COHEN: Yes, check with the schedulers.

10 MR. NURICK: Does that date seem to be okay with you,
11 Judge?

12 JUDGE COHEN: It's open right now, yes. In Lewistown
13 at 10:00. All right. We'll keep those dates pending final
14 approval by the schedulers and if those dates are not
15 satisfactory for some reason, I'll have Bud give you a call
16 with some alternate dates. Let me just ask you right now,
17 are you free any other date that month?

18 MR. NURICK: I appear to be. I don't know that I
19 have everything marked on this pocket calendar.

20 JUDGE COHEN: Let's see what happens with the 25th
21 and 26th and I'll call you and Bud will know what dates
22 you're not available.

23 MR. NURICK: We'll work together. We'll make sure we
24 are both available.

25 JUDGE COHEN: All right. Then we'll tentatively

1 schedule them for the 25th and 26th of October at 10:00 in
2 Lewistown. Anything further, gentlemen?

3 MR. NURICK: I have nothing further at this time. I
4 want to show my thanks to everybody for coming and trying to
5 resolve this. I think it was a very good session and that's
6 what it ought to be.

7 JUDGE COHEN: The purpose of the prehearing is to see
8 if we can work things out and I appreciate your efforts.

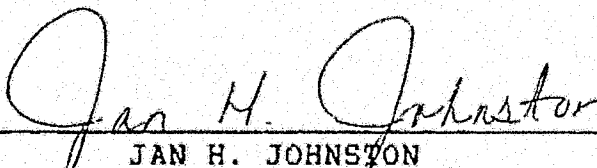
9 MR. NURICK: I did give names of shippers and
10 addresses under the 333C at the prehearing conference today.

11 JUDGE COHEN: Very well. Then we stand adjourned
12 until tentatively October 25th in Lewistown.

13 MR. NURICK: Thank you.

14 (Whereupon, at 1:00 p.m., the hearing was concluded.)
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1 I hereby certify that the proceedings and evidence
2 are contained fully and accurately in the notes taken by me
3 during the hearing of the within cause, and that this is a
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