



McNees Wallace & Nurick LLC
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December 21, 2022

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: 1020 Movers, LLC - Application for Motor Common Carrier or Motor Contract Carrier of Household Goods in Use
Docket No. – A-2022-3036923
Petition for Reconsideration of Staff Action**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Petition for Reconsideration of 1020 Movers, LLC d/b/a College HUNKS Hauling Junk and Moving of Commission Staff Action By Secretarial Letter Dated December 7, 2022, To Deny 1020 Movers' Application For Household Goods In Use Authority.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth R. Stark".

Kenneth R. Stark
MCNEES WALLACE & NURICK LLC

c: Certificate of Service
Rodney Bender, Transportation Manager, Bureau of Technical Utility Services (PUC)
Tatjana Roth, Transportation Supervisor, Bureau of Technical Utility Services (PUC)
David Canzoneri, Bureau of Technical Utility Services (PUC)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA EMAIL

Patrick M. Cicero, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, Fifth Floor
Harrisburg, PA 17101
pcicero@paoca.org

NazAarah Sabree, Small Business Advocate
Steven C. Gray, Esquire
Commonwealth of Pennsylvania
Office of Small Business Advocate
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Richard Kanaski, Director/Chief Prosecutor
Allison C. Kaster, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P. O. Box 3265
Harrisburg, PA 17105-3265
rkanaskie@pa.gov
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Kenneth R. Stark

Counsel to 1020 Movers, LLC
d/b/a College HUNKS Hauling Junk &
Moving

Dated this 21st day of December, 2022, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of 1020 Movers LLC, d/b/a :
College Hunks Hauling Junk & Moving for :
Household Goods in Use authority, 28 E. : Docket No. A-2022-3036923
Main Street, New Kingstown, Cumberland :
County, Pennsylvania 17072 :

**PETITION OF 1020 MOVERS LLC, D/B/A/ COLLEGE HUNKS HAULING JUNK &
MOVING FOR RECONSIDERATION OF COMMISSION STAFF ACTION BY
SECRETARIAL LETTER DATED DECEMBER 7, 2022, TO DENY 1020 MOVERS'
APPLICATION FOR HOUSEHOLD GOODS IN USE AUTHORITY**

NOW COMES 1020 Movers LLC, d/b/a College Hunks Hauling Junk & Moving (“the Applicant” or “1020 Movers”), by and through counsel, pursuant to 52 Pa. Code § 5.44(a), to petition the Pennsylvania Public Utility Commission (“PUC” or “Commission”) to reconsider the Bureau of Technical Utility Services’ staff decision to issue the Secretarial Letter dated December 7, 2022, in the above captioned matter. The Secretarial Letter denies the above captioned Application filed by the Applicant on November 10, 2022 (the “Application”).

For the reasons set forth below, the Applicant requests that the Commission rescind staff’s denial of the Application, amend the Secretarial Letter as requested in this Petition for Reconsideration of Staff Action (“Petition”), and, thereafter, issue a Secretarial Letter approving the Applicant’s Application.

In support thereof, the Applicant states as follows:

1. 1020 Movers filed the Application on November 10, 2022. The Application included a Verified Statement by 1020 Movers verifying its fitness to operate its proposed transportation service. Paragraph 3 of the Verified Statement states as follows:

1020 Movers, LLC have secured an employee who has over two years of experience working for a PUC-regulated household goods

carrier. Such experience included the transportation of household goods in use as both a driver and a crew leader. This employee also worked for a company that traveled throughout the United States making moves across the country. The owner of the company has a degree in professional engineering and previously worked as a commodity manager under the Patriot Missile System at Letterkenny Army Depot where he managed a multi-million dollar annual budget. In starting this transportation business, the owner will utilize management and financial skills gained in his prior work.

2. On November 30, 2022, PUC Staff filed a Request for Information in response to 1020 Movers' Application, asking 1020 Movers to provide evidence that:

[T]he individual identified as having two-years' experience working with a licensed household goods carrier is a managing member of the LLC, and identify the time worked, and with whom that experience was gained. Otherwise, please provide evidence that one of the managing members has evidence of a minimum of two-years' experience working with a licensed household goods carrier, or the equivalent as required by 52 Pa. Code §3.381(c)(1)(iii)(A)(II)(-I).

Request for Information, at p. 3.

3. 1020 Movers filed its Response to the data request on December 6, 2022. In its Response, 1020 Movers stated:

The individual that has at least two years of experience working with a licensed household goods carrier is Mark Carbaugh. Mr. Carbaugh has accepted an offer to be a managing member of the LLC upon the company's successful obtainment of a PUC household goods license.

Response to Data Request, at p. 2.

4. On December 7, 2022, the PUC Staff issued a Secretarial Letter denying 1020 Movers' Application for failure to demonstrate the required fitness. Staff provided the following explanation for the denial:

[I]t was stated that only upon the company's successful obtainment of a PUC Household Goods Certificate would the applicant(s) meet the Commission's requirement for experience.

Denial Letter, at p. 1. Respectfully, 1020 Movers disputes the accuracy of this statement, and wishes to clarify the employment status and experience of Mark Carbaugh.

5. Section 3.381 of the Commission's regulations, 52 Pa. Code § 3.381 sets, forth the requirements for applications for the transportation of property, household goods in use, and persons. § 3.381(c)(iii)(A)(II)(l) requires applicants to complete a verified statement that “the **applicant** has a minimum of 2 years experience with a licensed household goods carrier or the equivalent” (emphasis added).

6. 1020 Movers hired Mark Carbaugh in October of 2022. Mr. Carbaugh's employment with 1020 Movers began on October 19, 2022, prior to the filing of the Application on November 10, 2022. Prior to the filing of the Application and prior to the hiring of Mr. Carbaugh by 1020 Movers, Mr. Carbaugh had already obtained over two years of household goods experience through his previous work for another PUC-licensed company. 1020 Mover's response to the request for information provides the following summary of Mr. Carbaugh's experience:

Mr. Carbaugh has held a variety of positions in the moving, transportation, logistics, and warehousing businesses, both as a leader and member of the team. Mr. Carbaugh has gained excellent customer service experience and his prior work has required attention to detail, planning, and safety measures. From March 2005 through August 2008, Mr. Carbaugh worked for Ace Moving and Storage, which holds a PUC household goods license at Utility Code 700004 under the name of Berkins A-2 Movers Inc. Through that role as a project/crew leader of movers, Mr. Carbaugh managed all elements of a move, from packing and installation to transportation, delivery, and completion of the move. After leaving Ace Moving, Mr. Carbaugh gained experience as a driver/selector for Global Supply Chain and as a Warehouse Selector for Kohls Building Supplies. As a Mainline Operator for Vitro, Mr. Carbaugh has further enhanced his skills for ensuring product quality standards,

collaboration in a teamwork environment, and adherence to safety standards.

Response to Data Request, at p. 2. As a result, Mr. Carbaugh's experience (and thus the experience of the Applicant) is not contingent on the PUC's approval of 1020 Movers' household goods license.

7. The PUC has previously denied household goods applications for failure to demonstrate the required two years' experience when the company involved sought but had not yet hired the employee with the relevant experience. *See* Application of Pennsylvania & New Jersey Industries LLC, t/a College Hunks Moving, Lehigh Valley, Denial Letter, Docket No. A-2020-3020239 (June 5, 2020); *but see* Application of Pennsylvania & New Jersey Industries LLC, t/a College Hunks Moving, Lehigh Valley, Certificate Secretarial Letter, Docket No. A-2020-3020875 (Sept. 21, 2020) (approving application after applicant hired an employee with the requisite two years' experience). In this case, however, the individual with the requisite experience, Mr. Carbaugh, had already been hired by 1020 Movers in October of 2022, before 1020 Movers filed its application on November 10, 2022. As a result, 1020 Movers, unlike an applicant that had not yet employed the individual with the requisite experience, already possessed the necessary experience at the time of its application.

8. Section 3.381 of the Commission's regulations, 52 Pa. Code § 3.381 requires "the **applicant** has a minimum of 2 years experience with a licensed household goods carrier or the equivalent" (emphasis added). Neither the regulation on its face nor the Commission's precedent requires the individual with the requisite experience to be a managing member of an LLC. *See* Application of Pennsylvania & New Jersey Industries LLC, t/a College Hunks Moving, Lehigh Valley, Certificate Secretarial Letter, Docket No. A-2020-3020875 (Sept. 21, 2020) (approving

application after applicant hired a general manager¹ with the requisite two years' experience). Even so, 1020 Movers has taken the extra step to ensure that Mr. Carbaugh will have a leadership role with the company by offering Mr. Carbaugh a position as a managing member with 1020 Movers. Mr. Carbaugh has accepted that offer. *See* Response to Data Request.

9. As a result, 1020 Movers respectfully asserts that it is in compliance with the Commission's requirements for a certificated motor carrier of household goods, and asks that the Secretary issue a new Secretarial Letter approving its application for a household goods license.

10. The following exhibits have been attached to this filing in support of the Petition for Reconsideration, in accordance with 52 Pa. Code §§1.31 and 5.44, and constitute verified proof of Mr. Carbaugh's employment with 1020 Movers prior to the filing of the Application in this proceeding:

Exhibit A – Redacted paystub of Mark Carbaugh from October 2022

Exhibit B – Orientation materials with signature of Mark Carbaugh, dated October 19, 2022

Exhibit C – Resume of Mark Carbaugh

Exhibit D – Verifications of Curt Wickard and Mark Carbaugh

¹ In this case, the employee with two years' experience was made a manager, **not** a member of the LLC. Pennsylvania & New Jersey Industries LLC's Application at this docket reflects that Jeff Whalen, the employee with two years' experience, was not a member of the LLC.

WHEREFORE, 1020 Movers LLC respectfully requests the Pennsylvania Public Utility Commission grant the foregoing Petition and order the following:

- (1) That the staff Secretarial Letter dated December 7, 2022 is rescinded; and
- (2) That the Secretary issue a new Secretarial Letter approving 1020 Movers LLC's Application.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Kenneth R. Stark (I.D. No. 312945)
Sarah N. Hibbert (I.D. No. 329068)
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kstark@mcneeslaw.com
shibbert@mcneeslaw.com

Counsel to 1020 Movers, LLC

Dated: December 21, 2022

<p>PAY STATEMENT</p> <p>██████████</p> <p>Detach along the perforation and retain for your records</p>	<p>DecisionHR 5801 Postal Road PO Box 818020 Cleveland, OH 44181</p>	<p>1020 Movers, LLC 28 E Main St New Kingstown, PA 17072</p>	<p>Mark Richard Carbaugh 53 Smith Rd. Gardners, PA 17324</p>
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PAY PERIOD INFORMATION				EMPLOYEE INFORMATION			
Payroll Frequency:	Bi-Weekly	Employee ID:	██████████	Employee SSN:	██████████	Federal:	██████████
Pay Period:	10/9/2022 - 10/22/2022	State(s):	██████████				
Pay Date:	10/28/2022						
Work Location:	Main 28 E Main St New Kingstown, PA 17072						

COMPANY MESSAGE

EARNINGS					DEDUCTIONS AND CONTRIBUTIONS			TAXES		
Type	Rate	Hrs/U	Current	YTD	Type	Current	YTD	Type	Current	YTD
Hourly	██████████	██████████	██████████	\$102.00				EE Social Security	██████████	██████████
Grat	██████████		██████████	\$25.50				Medicare	██████████	██████████
								PA Tax	██████████	██████████
								PA SUI	██████████	██████████
								210404EIT	██████████	██████████
								210404LST	██████████	██████████

STATEMENT SUMMARY				NET PAY DISTRIBUTION		
	Current	YTD		Bank Account	Account Type	Net Pay
Total Gross	\$127.50	\$127.50		██████████	Savings	\$109.71
Total Taxes	\$17.79	\$17.79		Live Check	-	\$0.00
Total Deductions	\$0.00	\$0.00				
Net Pay	\$109.71	\$109.71		Total Net Pay		\$109.71

College Hunks Hauling Junk and Moving Carlisle

Policy / Procedure: **TIME AND ATTENDANCE**

Published: June 2, 2022

Excellent attendance is an expectation of all employees of College H.U.N.K.S Hauling Junk and Moving, Carlisle.

Daily attendance is especially important as customers have the expectation of on time arrival for our services. Lateness and absence affect our ability to provide excellent customer service and are unfair to coworkers.

Tardiness: It is our expectation that you will be on time and ready to work by the start of your shift time. If you arrive after your scheduled time to be in, you are late. There will not be a grace period. Each tardiness will be documented. Disciplinary action up to and including termination will result from excessive lateness. We understand that lateness is unavoidable at times, but many times it is also a choice.

Absence: We understand that occasionally you may get sick and will not be able to work your shift. We require you to let us know immediately when you feel sick and feel that you may not make a shift. Please make every effort to notify us of absence before the morning of your shift. Disciplinary action up to and including termination will result from excessive absences.

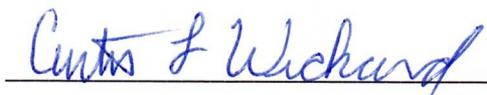
By signing below, I acknowledge that I have reviewed this policy and I agree to comply with the rules, policies, and procedures set forth herein, as well as any revisions made in the future. I also understand that if I violate the rules, policies, and procedures set forth herein that I may be subject to discipline, up to and including termination of my employment.



Employee (Signature)

10/19/22

Date



Manager

10/19/22

Date

College Hunks Hauling Junk and Moving Carlisle

Policy / Procedure: Scheduling Days Off

Published: June 2, 2022

Employees are expected to be available for the days of the week they have advised us they can work upon hire. Changes to overall availability need to be discussed with the operations manager and put into "When I Work" for approval.

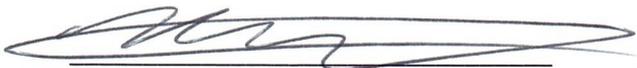
The weekly schedule is prepared on Friday for the following week starting Monday. All employees MUST request any time off for that following week by THURSDAY AT NOON, the day before the weekly schedule is prepared.

Employees are not to put any requests for time off into "When I Work" after the schedule for the week has been published. Baring emergencies, if any employee needs time off and has been schedule to work they are responsible to try to find a replacement and to notify the Operations Manager or Owner as soon as possible.

We will do our best to accommodate properly requested time off. However, it is not guaranteed and the Operations Manager or Owner must approve the request. Timely request should be made and will be approved through "When I Work".

End of month is usually a very busy time for our business. Time off requests will be denied without the proper and respectful notice to the company. Early and Mid-month request are much more likely to be approved.

By signing below, I acknowledge that I have reviewed this policy and I agree to comply with the rules, policies, and procedures set forth herein, as well as any revisions made in the future. I also understand that if I violate the rules, policies, and procedures set forth herein that I may be subject to discipline, up to and including termination of my employment.



Employee (Signature)

10/19/22

Date

Centis P. Wickard

Manager

10/19/22

Date

▶ Mark Carbaugh



Professional Summary

Valued employee with 5-year experience at current job. In addition 8 total years of work experience in glass production. I have driven forklift, ran manufacturing equipment and practiced multiple forms of lean manufacturing.

Education

Boiling Springs High School (Graduated 1992)

Experience

Project Manager (October 2022) – (Present)

1020 Movers, LLC (28 East Main Street New Kingstown Pa 17072)

- Project / Crew Leader of move labor employees
- Instructs and guides crew members on proper protecting of goods
- Leads Packing of U Hauls or Pods
- Oversees move labor jobs to verify proper move techniques
- Ensures home protection is in place to safeguard clients home

Mainline Operator (January 2014)–(Current)

Vitro (400 Park Drive, Carlisle, Pa)

- Work in accordance to lea manufacturing principles, enabling quality results
- Produce required output within established specifications and tolerances to meet goals
- Collaborate with operators as part of a team, keeping projects on task

- Performed minor process adjustments to machines to drive product quality standards
- Implemented measures for health and environmental protection, adhering to OSHA regulations

Warehouse Selector (April 2012)–(May 2014)

Kohls Building Supplies (Mechanicsburg, Pa)

- Provided efficient and courteous service to customers at all times
- Met deadlines while maintaining high quality deliverables
- Worked well with co-workers to complete task
- Responded quickly to meet customer needs and resolve problems as they arose
- Demonstrated ability to manage multiple task while remaining adaptable and flexible

Meat Cutter (January 2009)–(May 2012)

Karns (Boiling Springs, Pa)

- Prepared and replaced meat cuts and other products in display counter to appear attractive to catch the shoppers eye
- Cut, trimmed, tied and ground meats such as beef, pork, poultry and fish to prepare for cooking.
- Prepared special cuts of meats special ordered by customer
- Wrapped, weighed, labeled and priced cuts of meat
- Shaped, lace and tied roasts, using bonding knife, skewer and twine

Driver / Selector (August 2008)–(January 2009)

Global Supply Chain (Camp Hill, Pa)

- Selected orders from customer
- Delivered orders to customer
- Demonstrated ability to manage multiple tasks while remaining adaptable and flexible
- Provided product information and resolved concerns to assist customers
- Worked well with coworkers to complete task

Mover & Driver (March 2005)–(August 2008)

Ace Moving and Storage (Carlisle, Pa)

- Project / Crew Leader of movers.
- Managed all aspect of each assigned move job to completion
- Received oral instructions to determine work assignments and materials and equipment needed
- Packed containers and re-packed damaged containers
- Installed protective bracing, padding and strapped to prevent shifting and damage to items being transported
- Stacked cargo in locations such as transit sheds and in held of ships as directed using pallets and cargo boards
- Handled and moved using daily production sheets and work tickets

VERIFICATION

I, Curtis L. Wickard, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: December 20, 2022

A handwritten signature in blue ink that reads "Curtis L. Wickard". The signature is written in a cursive style and is positioned above a horizontal line.

Curtis L. Wickard, Owner

1020 Movers, LLC

VERIFICATION

I, Mark Carbaugh, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: December 20, 2022



Mark Carbaugh, Project Manager

1020 Movers, LLC