

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**APPLICATION OF
MOVING BY CURY, LLC**

**PUBLIC MEETING OF JANUARY 12, 2023
3036613-OSA
DOCKET NO. A-2022-3036613**

**JOINT MOTION OF VICE CHAIRMAN STEPHEN M. DeFRANK
AND COMMISSIONER KATHRYN L. ZERFUSS**

Before the Commission is a timely filed Petition for Reconsideration from Staff Action by Moving by Cury, LLC (Petitioner) relating to a Secretarial Letter issued on November 16, 2022, which denied Petitioner's application for Household Goods in Use authority.¹ The denial was based on Petitioner's alleged failure to demonstrate the required fitness by not providing evidence of at least two years of experience working with a licensed household goods carrier, or the equivalent, pursuant to 52 Pa. Code § 3.381 (c)(1)(iii)(A)(II)(-1-). Moving by Cury promptly filed the Petition for Reconsideration before us today.

In its Petition, Petitioner states that it maintains fifteen years of experience with providing load and unload (labor only) moving services in connection with a family business. Petitioner claims that it has participated in over 2,000 load and unload jobs and Petitioner's application provides a list of specific tasks that Petitioner has performed with respect to load and unload service.

Petitioner also cites to two recent decisions in which the Commission granted household goods authority to applicants who demonstrated the requisite fitness by providing evidence of experience performing labor-only service with respect to household goods.² In these cases, the Commission determined that the experience requirement was satisfied.

Moreover, this case appears to be distinguishable from another recent Commission decision, which denied an application when the carrier relied on unauthorized household goods transportation service to satisfy the two-year minimum experience requirement.³ In this case, however, there has been no Commission adjudication or other competent record evidence demonstrating that Petitioner provided unauthorized household goods services.

¹ Petitioner concurrently filed two applications for authority on November 4, 2022. One application requested Motor Common Carrier of Property authority, Docket No. A-2022-3036608, and the other application, which is the subject of the instant proceeding, sought Household Goods in Use authority. On November 9, 2022, Petitioner's property application was conditionally approved pending receipt of evidence of insurance.

² *Application of Exceptional Movers LLC*, Docket Nos. A-2021-3029208 and A-8919919. Order entered June 16, 2022. Applicant had seven years of labor-only experience; and *Application of Reliable Movers LLC t/a Reliable Movers*, Docket No. A-2019-3013695. Order entered July 16, 2020. Applicant had four years of labor-only experience.

³ *Application of Lytle Property LLC*, Docket No. A-2019-3009244. Order entered January 3, 2020.

Petitioner has met the standards of reconsideration by identifying considerations which appear to have been overlooked.⁴ Because the Petitioner has fifteen years of experience providing the labor for a household goods operation, the “equivalent experience” requirement has been met to satisfy the Commission’s fitness standards, consistent with prior Commission precedent. Further, Petitioner’s property authority application has since been fully approved by the Commission, as the requisite insurance forms were filed. Thus, the Petitioner has demonstrated a willingness to cooperate and fully comply with our regulations.

THEREFORE, WE MOVE:

1. That the Petition for Reconsideration from Staff Action of the November 16, 2022, Secretarial Letter filed by Moving by Cury, LLC on November 17, 2022, at Docket No. A-2022-3036613 is granted.
2. That the matter be referred to the Bureau of Technical Utility Services for such further action as may be necessary and warranted.
3. That the Office of Special Assistants prepare an Opinion and Order consistent with this motion.


Stephen M. DeFrank
Vice Chairman


Kathryn L. Zerfuss
Commissioner

January 12, 2023
Date

⁴ See *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553, 559 (1982) (Requests for reconsideration cannot raise the same questions that were previously decided; rather, they should present new and novel arguments not previously heard or considerations that the Commission may have overlooked.)