

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265**

**Application of Tribe Moving LLC
For Household Goods in Use Authority**

**Public Meeting held June 15, 2023
3038475-OSA
Docket No. A-2023-3038475**

**JOINT MOTION OF VICE CHAIRMAN STEPHEN M. DeFRANK AND
COMMISSIONER RALPH V. YANORA**

Before the Pennsylvania Public Utility Commission (Commission or PUC) for consideration and disposition is the Petition for Reconsideration from Staff Action (Petition) filed on March 28, 2023, by Tribe Moving LLC (Tribe Moving or Applicant). In its Petition, Tribe Moving seeks reconsideration of the Commission Secretarial Letter dated *March 20, 2023 (March 2023 Secretarial Letter)*.¹ The *March 2023 Secretarial Letter* denied and dismissed Tribe Moving's Application for a Certificate of Public Convenience authorizing it to operate as a transporter of household goods in use. The denial was based on the Applicant's alleged failure to provide evidence of a minimum of two-years' experience with a licensed household goods carrier, or equivalent, as required by the Commission Regulations at 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-).

In its Petition, Tribe Moving states that it is wholly owned by Mark and Carrie Mountz, co-owners and operators of Mountz Disposal Service, Inc. (Mountz Disposal) for twenty-five (25) years. The Applicant states that Mountz Disposal has over 5,000 residential customers, approximately 1,000 commercial accounts, and that it provides trash, recycling, bulk item disposal, and donation services. The Applicant explains that Mountz Disposal provides collection and transportation of household goods and other personal property that has been discarded by residential customers. As part of its business, Mountz Disposal is hired to clean out residential areas, whereby personnel are entrusted by residential customers to enter their homes or other properties to physically carry unwanted personal property to its trucks for disposal or donation.

Based on the averments in the Petition, Tribe Moving has met the standards for reconsideration by identifying considerations which appear to have been overlooked.² In three recent decisions, including the *Application of Moving by Cury, LLC*, Docket Nos. A-2022-3036613 and A-8925710 (Order entered January 19, 2023), *Application of Exceptional Movers LLC*, Docket Nos. A-2021-3029208 and A-8919919 (Order entered June 16, 2022), and

¹ See 52 Pa. Code § 5.44 (related to Petitions for reconsideration from actions of the staff).

² 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).

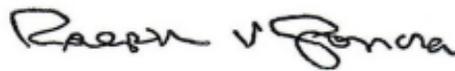
Application of Reliable Movers LLC t/a Reliable Movers, Docket No. A-2019-3013695 (Order entered July 16, 2020), the Commission granted household goods authority to applicants who demonstrated the requisite fitness by providing evidence of performing labor-only service with respect to household goods. In those cases, the Commission found that applicants with experience in “labor only moving operations” sufficiently demonstrate the equivalent standard required by Section 3.381(c)(1)(iii)(A)(II)(-1-). Given this recent Commission precedent, we agree with Tribe Moving that it has met the fitness requirement given that its co-owners have twenty-five (25) years of load and unload experience, albeit that the destination of the household goods being loaded and unloaded was disposal and/or donation centers. Because Tribe Moving has demonstrated that it has twenty-five (25) 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.

THEREFORE, WE MOVE THAT:

1. The Petition of Tribe Moving LLC for Reconsideration of Staff Action, filed on March 28, 2023, is granted, consistent with this Motion.
2. That the matter be referred to the Bureau of Technical Utility Services for such further action as may be necessary or warranted.
3. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.



Stephen M. DeFrank, Vice Chairman



Ralph V. Yanora, Commissioner

DATE: June 15, 2023