

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Northeastern Mover, Inc	:	
for approval to transport household goods	:	
in use between points in Pennsylvania.	:	A-2024-3046642

PREHEARING ORDER

Northeastern Movers, Inc (Applicant) filed an Application for approval to transport household goods in use between points in Pennsylvania (Application) dated February 20, 2024.

Notice of the application was published in the Pennsylvania Bulletin on March 9, 2024. The notice provided that the deadline for the filing of protests was March 25, 2024.

On March 11, 2024, a Protest was filed by Matheson Transfer Co., (Matheson).

On March 19, 2024, a Protest was filed by Cadden Bros. Moving and Storage (Cadden).

On March 25, 2025, a prehearing order was entered. The prehearing order provided, in part, that the telephone hearing would be held on Monday, April 29, 2024, and reminded the parties to provide the undersigned presiding officer and the parties with any documents filed or provided to the undersigned in this proceeding.

Protestants are identified in their protests as Matheson Transfer Co., and Cadden Bros. Moving and Storage. The signature line for the Protest of Cadden Bros. references Cadden Bros. Moving & Storage Inc., indicating that this Protestant is a corporation.

There are no individual or business references on the face of the Protest filed by Matheson Transfer Co., other than the use of “Co.” typically used to reference “Company”. Although it appears that Cadden Bros. Moving & Storage Inc. is a corporation, it is unclear on the face of the Matheson Protest as to whether Matheson is an individual operating under the name Matheson Transfer Co., or if Matheson is a partnership, corporation, trust, association, or governmental agency or subdivision.

Although individuals may represent themselves in Commission proceedings, all others, including partnerships, corporations, trusts, associations, or governmental agencies or subdivisions, as Applicants or Protestants, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.

On April 12, 2024, an Interim Order was entered requiring Cadden Bros. Moving & Storage to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to enter an appearance on behalf of Cadden Bros. Moving & Storage, prior to the evidentiary hearing in this proceeding on April 29, 2024. In addition, in the event that Matheson Transfer Co., was not operating as an individual or is organized or operating as a partnership, corporation, trust, association, or governmental agency or subdivision, Matheson Transfer Co., was ordered to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to enter an appearance on behalf of Matheson Transfer Co., prior to the evidentiary hearing in this proceeding which was scheduled for April 29, 2024.

On April 19, 2024, Applicant filed Applicant’s Motion For Summary Judgment On Protest Of Matheson Transfer Co., and Applicant’s Motion For Summary Judgment On Protest Of Cadden Bros. Moving & Storage, Inc (Motions). The Motions included Certificates Of Service certifying that the Motions were served by First Class Mail on the Protestants on April 19, 2024. The undersigned presiding officer was not listed on the Certificates of Service and was not served with a copy of the Motions. In addition, the Motions did not include a Notice to Plead directed to the Protestants.

Given that the evidentiary hearing was scheduled for Monday, April 29, 2024, there was not sufficient time to permit Protestants to file their answer or other responsive pleading prior to the hearing, it was necessary to cancel the evidentiary hearing.

On April 23, 2024, an Interim Order was entered requiring Cadden to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to enter an appearance on behalf of Cadden Bros. Moving & Storage, on or before May 24, 2024. Matheson Transfer Co. was directed to file a status report setting forth whether it is operating as an individual or is organized or operating as a partnership, corporation, trust, association, or governmental agency or subdivision, on or before May 24, 2024. In the event that Matheson is organized or operating as a partnership, corporation, trust, association, or governmental agency or subdivision, it was directed to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to enter an appearance on behalf of Matheson Transfer Co., on or before May 24, 2024. In addition, the evidentiary hearing scheduled for April 29, 2024, was cancelled.

On May 10, 2024, Cadden filed a letter dated May 10, 2024, addressed to the Commission advising Cadden was formally withdrawing its protest because it was unable to find adequate representation in such a short period of time, “as Andrew Horowitz, most recently and currently is my representation.” Cadden added that Lackawanna, Luzerne and surrounding counties do not need another mover and that Cadden would respectfully support the Commission’s final decision. The letter from Cadden does not indicate that a copy was provided to attorney Horowitz, counsel for the Applicant, Northeastern Movers, Inc., nor the undersigned presiding officer.

On May 13, 2024, Matheson filed a letter dated May 10, 2024, addressed to the Commission advising that Matheson was unable to retain counsel with sufficient knowledge in PUC matters and that Matheson has used Andrew J. Horowitz in the past. Matheson advised that it would like to remove its protest to the Application of Northeastern Movers. The letter from Matheson does not indicate that a copy was provided to attorney Horowitz, counsel for the Applicant, Northeastern Movers, Inc., nor the undersigned presiding officer.

On May 15, 2024, the undersigned presiding officer received an email from Andrew Horowitz, who stated that he represents Applicant, Northeastern Movers, Inc., and which provided the undersigned presiding officer with the letters from Cadden and Matheson, both dated May 10, 2024, neither of which show they were copied to the undersigned presiding officer or Attorney Horowitz. The email from Attorney Horowitz requests that “In light of the fact that there are no longer pending protests, we respectfully request that this application be forwarded back to the Secretary’s Bureau for processing.”

On May 31, 2024, Attorney Horowitz, counsel for Applicant, provided an email to the undersigned presiding officer proposing that an order be entered transferring this case to TUS. As the email from Attorney Horowitz did not indicate that it was copied to the Protestants, Cadden or Matheson, the email was considered *ex parte*, and was provided to the Commission Secretary to address the *ex parte* communication.

Constitutional due process requires notice and an opportunity to be heard be provided to the parties. In addition, the Commission regulations require partnerships, corporations, trusts, associations, or governmental agencies or subdivisions, be represented by an attorney. Although Attorney Horowitz did not file the initial pleading in this case or file a notice of appearance with the Commission, he has represented that he represents the Applicant, Northeastern Movers, and has made filings on behalf of Applicant. In addition, Cadden and Matheson, if they operate as a partnerships, corporations, trusts, associations, or governmental agencies or subdivisions, must be represented by an attorney in order to participate in the hearing in this proceeding. Accordingly, due process requires that Cadden and Matheson be provided a reasonable opportunity to obtain legal counsel.

When the interim order was entered on April 23, 2024, based upon the averments set forth in the pleadings, the undersigned presiding officer concluded that 30 days was a sufficient period of time for protestants to obtain counsel. However, the letter filed by Cadden dated May 10, 2024, stated that Cadden was withdrawing its protest because it was unable to find adequate representation in such a short period of time, and stated that Andrew Horowitz, most recently and currently is Cadden’s representation. In addition, the letter from Matheson dated

May 10, 2024, stated that Matheson was unable to retain counsel with sufficient knowledge in PUC matters and that Matheson has used Andrw J. Horowitz in the past. Based upon the above representations of the Protestants, the 30-day time period previously provided to Protestants, under the circumstances, may not have been sufficient to appropriately address these issues and for the parties to secure legal counsel.

Under the circumstances, the following order will be entered.

THEREFORE

IT IS ORDERED:

1. That the deadlines provided to Cadden Bros. Moving & Storage, set forth in the Interim Order entered on April 23, 2024, to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to enter an appearance on behalf of Cadden Bros. Moving & Storage, in accordance with 52 Pa.Code §§ 1.21-1.25, is hereby extended until July 19, 2024.
2. That the deadlines provided to Matheson Transfer Co., set forth in the Interim Order entered on April 23, 2024, to cause a status report setting forth whether it is operating as an individual or is organized or operating as a partnership, corporation, trust, association, or governmental agency or subdivision, or to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to enter an appearance on behalf of Matheson Transfer Co., in accordance with 52 Pa.Code §§ 1.21-1.25, is hereby extended until July 19, 2024.
3. That Protestants, Cadden Bros. Moving & Storage and Matheson Transfer Co. are hereby provided additional time to obtain legal counsel to represent them in this proceeding, until July 19, 2024.
4. That on or before July 12, 2024, Cadden Bros. Moving & Storage and Matheson Transfer Co., shall each file brief status reports advising the status of obtaining legal

representation of the parties in this proceeding, identifying legal counsel who is participating in this proceeding, setting forth if any party requires additional time to obtain legal counsel, clarifying any issues raised in the letters from Cadden Bros. Moving & Storage and Matheson Transfer Co., dated May 10, 2024, and Cadden Bros. Moving & Storage and Matheson Transfer Co., shall clarify if it is their intention to proceed with their Protests and participate at a hearing with legal counsel or to withdraw their protests.

5. That the Parties shall comply with all other terms of the Prehearing Order entered on March 25, 2024.

Date: June 7, 2024

/s/
Jeffrey A. Watson
Administrative Law Judge

A-2024-3046642 -APPLICATION OF NORTHEASTERN MOVERS INC FOR APPROVAL TO TRANSPORT HOUSEHOLD GOODS IN USE BETWEEN POINTS IN PENNSYLVANIA

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