



Andrew J. Horowitz

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June 10, 2024

Jeffrey A. Watson
Administrative Law Judge
Pennsylvania Public Utilities Commission
Via Electronic Filing and Email – jeffwatson@pa.gov

RE: *Application of Northeastern Movers, Inc.*, A-2024-3046642

Dear Judge Watson:

This letter is to address concerns raised in the Prehearing Order of June 7, 2024, in which the Tribunal *sua sponte* granted Protestants an additional five weeks to secure counsel due to their representations about my prior representation of them.¹ While I understand and respect the Tribunal's concern about due process, additional context is needed.

In their respective letters, Protestants state that I represented them without any discussion of the scope of that representation. Cadden's letter further states that I currently represent him. To be clear, I represented them in a single protest in August, 2022, *Lackawanna Movers, LLC*, A-2022-3033682. The applicant withdrew its application in September, 2022 and my representation ended.

When I agreed to represent Cadden and Matheson in the *Lackawanna* protest, I understood that they had a practice of protesting most or all new mover applications in Luzerne and Lackawanna counties and were represented in numerous protests by Richard T. Mulcahey, Jr., Esquire. In 2020, I defended another applicant against a protest by Cadden and Matheson, filed by Mr. Mulcahey, *Pennsylvania & New Jersey Industries, LLC*, A-2020-3020875.

Against this backdrop and because I regularly represent new mover applicants, I agreed to represent Cadden and Matheson in the *Lackawanna* protest under certain conditions: 1) I would not advocate any position that if successful would create law adverse to my current and future new applicant clients; 2) my agreement to represent Cadden and Matheson in future protests would be at my discretion on a case-by-case basis; and 3) I would remain free to represent new applicants in Luzerne and Lackawanna counties. I discussed these conditions with Cadden and Matheson and they consented. I have not represented Cadden or Matheson since the *Lackawanna* protest in 2022.

¹ I consulted with my county bar association's ethics hotline regarding the propriety of my discussion of this prior representation in this letter. The hotline advised me this is permissible under PA Rule of Professional Conduct 1.6(c)(4).
4864-8560-4039

This context dispels any argument that I have an established relationship with Cadden and Matheson of representing them in protests and suddenly and unaccountably took an applicant case adverse to them. On the contrary, I assisted them with a single case after they (for reasons unknown to me) ended their relationship with their long-time attorney. They are now in no worse position than they would have been in had I declined to represent them in the *Lackawanna* protest.

Cadden and Matheson were initially given approximately six weeks to find an attorney and nonetheless notified the Tribunal that they could not find one ten days before their deadline. There are numerous attorneys in Pennsylvania who have represented parties in protests before the Commission. The fact that Cadden and Matheson were unable to find counsel is therefore a reflection upon their level of effort (and perhaps budget) to do so rather than any injustice caused by my prior representation of them.

Therefore, I respectfully request that the Tribunal reconsider its Order of June 7, 2024, accept the withdrawal of the Cadden and Matheson protests, and remand this Application for processing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew J. Horowitz', written in a cursive style.

Andrew J. Horowitz, Esquire

CC: All parties (via email)