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Attorneys and Counsellors at Law

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CHARLES E. THOMAS
(1913 - 1998)

July 26, 2004

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

In re: Proposed Rulemaking Amending 52 Pa. Code Chapters 29 and 31
Docket No. L-00020157

Dear Secretary McNulty:

Enclosed are an original and fifteen (15) copies of the Comments of Krapf's Coaches, Inc. in the above referenced proceeding. If you have any questions, please contact the undersigned.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By 
Patricia Armstrong

Enclosures

cc: John Herzog (w/encl.)
Dale N. Krapf (w/encl.)

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking Amending 52 : Docket No. L-00020157
Pa. Code Chapters 29 and 31 :

COMMENTS OF
KRAPP'S COACHES, INC.
REGARDING PROPOSED RULEMAKING
GOVERNING PASSENGER SERVICE MOTOR CARRIERS

SECRETARY'S BUREAU

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I. INTRODUCTION

These comments are filed by Krapf's Coaches, Inc. ("Krapf's"), in regard to the above referenced Proposed Rulemaking which appeared in the Pennsylvania Bulletin at 34 Pa. Bull. 3258 (2004).

Krapf's is a family owned and operated transportation business. It is a Pennsylvania corporation incorporated in 1983, under the Business Corporation Law. Krapf's Pennsylvania intrastate authority includes group and party, schedule route, limousine, paratransit and airport transfer services. Krapf's also serves as the public transportation coordinator for Chester County at the behest of PennDOT. Krapf's has ICC rights between all states.

As identified in the Executive Summary and the Order of the Commission proposing these regulations, the Commission proposed modifications and additions are to the regulations currently promulgated in Chapter 29 of this Commission's Regulations. The impetus for the proposed rulemaking was changes in the appropriate levels of Commission oversight as mandated by federal preemption "as

well as the changing dynamics in the transportation market.” Order entered March 18, 2004, Docket No. L-00020157 (“Proposed Rulemaking Order”) at 1; 34 Pa. Bull. at 3258-59. Krapf’s, as a significant operator of motor carriers for the transportation of passengers, has a unique and material interest in the proposed rulemaking changes to Chapter 29.

The modifications and changes proposed to the Commission’s regulations represent an appropriate first step in addressing and implementing the rules necessary to adapt to the changing dynamics affecting the markets related to common carriers of passenger services. These modifications and changes notwithstanding, Krapf’s is concerned that the proposed regulations published for comment still contain many provisions which are either overly broad and generalized or overly burdensome and outdated. Krapf’s addresses these concerns in the comments below.

First, as heretofore noted, Krapf’s is the state agent in administering the Chester County Paratransit operations. As a result of paratransit programs such as these, including Shared Ride (Section 904(a) of Act 134 of 1996) and the County Paratransit programs, the regulation of paratransit operations has become even more critical. Under the Commission’s current regulations, “Scheme of classification,” 52 Pa. Code § 29.13, “traditional” paratransit service is lumped together with experimental services and other services, thereby making the paratransit classification, as set forth in § 29.351 et seq., the catch all classification for providers of miscellaneous services. Unfortunately, the Commission’s proposed rulemaking of § 29.351 et seq. continues to provide for the paratransit classification

as the catch all for providers of miscellaneous services. Given the very significant social role of traditional paratransit operations, Krapf's strongly believes that the regulations must narrowly and clearly provide for traditional paratransit services as a stand alone classification and that an alternative and separate catch all service classification must be developed.

Second, the regulations pertaining to scheduled route service in 52 Pa. Code §29.301 et seq. remain overly restrictive and burdensome. The municipal scheduled route service providers, such as SEPTA and CAT, are not subject to these costly and limiting provisions. If scheduled route service is to survive, the regulations must be revised and more flexibility applied to the carrier.

Krapf's Coaches, Inc. acknowledges and appreciates the opportunity provided by the Commission to submit comments on these proposed regulations and to work with the Commission Staff in reviewing and revising the regulations in Chapter 29. Krapf's provides these following comments to the proposed regulations governing passenger service in an effort to assure that the regulations implemented further the Commission's goal of adapting to the changes within the transportation market.

II. THE PROPOSED CHAPTER 29 REGULATIONS

In the following sections, Krapf's offers modifications to or revisions of particular proposed Chapter 29 regulations governing passenger service motor carriers. Language Krapf's proposes to insert appears in **bold and underlined**. Language Krapf's proposes to delete appears in **~~bold and strikeout~~**. Where

Krapf's proposal is not self-evident or further explanation is necessary, separate commentary is also provided.

1. **Section 29.13. Scheme of classification.**

The following standard classification of types of service furnished by common carriers of passengers is adopted, and the following is hereby recognized as a standard class of common carrier service. The rights and conditions pertaining to a standard class of service are specified in Subchapter D (relating to supplemental regulations). A certificated service which does not completely correspond to a standard class may be governed, where practicable, by the regulations for the standard class to which it most nearly corresponds:

* * *

(6) Paratransit service. Common carrier service for passengers, rendered on a nonexclusive basis, where the service provided is characterized by the fact that passengers who are unable to use the regular transit system regularly due to particular circumstances such as age, or physical or mental impairment, are picked up and dropped off at their destinations.

(6) (7) Other services: ~~paratransit, miscellaneous/experimental.~~ Common carrier service for passengers which differs from service as described in any one of the **five six** classes set forth in paragraphs **(1)-(5) (1)-(6)** and is provided in a manner described in the certificate of public convenience of the carrier and is

subject to restrictions and regulations are stated in the certificate of the carrier or in this chapter.

* ***Krapf's Explanatory Note:***

Service providers for traditional paratransit service offer a wholly different kind of service, requiring in some instances different vehicles and skill levels of drivers than the drivers for pub crawls, hotels, restaurant services, Amish, children shuttle services and all the miscellaneous types of services which get combined under the collective paratransit category today. The special needs of the traditional paratransit customer would be better served if this category was a stand alone classification.

2. **Other Services: Paratransit, Experimental (Section 29.351 et seq.)**

PARATRANSIT SERVICE

§ 29.351. Conditions.

This section and §§ 29.352–29.354 (relating to ~~other services: paratransit, experimental paratransit service~~) apply to operations conducted under certificates granting paratransit ~~or experimental~~ rights. These provisions apply in addition to relevant provisions of Subchapters A, B, E and F (~~relating to general provisions: common carriers~~; vehicle equipment and inspection; and driver regulations) as well as particular provisions contained in a certificate of a carrier.

~~§ 29.352. Experimental service.~~

~~In order to advance and promote the public necessity, safety and convenience, the Commission may, upon application, grant a new certificate or an amendment to an existing certificate in order to allow to be provided a new, innovative or experimental type or class of common carrier service. An application for a certificate or amendment shall state that it is an application~~

~~for an experimental service. Holders of experimental certificates shall abide by this chapter except those which the Commission shall explicitly state do not apply. Holders of experimental certificates shall abide by an additional regulations or requirements, including informational and reporting requirements, which the Commission shall stipulate upon granting the certificate. A certificate for experimental service shall be valid only until the service is abandoned, until 2 years have elapsed from the time the certificate was approved or until the Commission enacts amendments to this chapter pertaining to the new class of service represented by the experimental service, whichever event occurs first.~~

~~§ 29.353~~ 29.352. Method of operation in paratransit service.

* * *

~~§ 29.354~~ 29.353. Vehicle and equipment requirements: paratransit service.

* * *

~~§ 29.355~~ 29.354. Tariff requirements.

* * *

~~§ 29.356~~ 29.355. Consumer information.

To provide passengers with the information necessary to file a complaint, paratransit ~~and experimental~~ service carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and website to be used to lodge a complaint, or provide the following notice on the receipt for services:

* * *

OTHER SERVICES: PARATRANSIT; MISCELLANEOUS/EXPERIMENTAL

§ 29.361. Conditions.

This section and §§ 29.362–29.365 (relating to other services: miscellaneous/experimental) apply to operations conducted under certificates granting miscellaneous/experimental rights. These provisions apply in addition to relevant provisions of Subchapters A, B, E and F (relating to general provisions; common carriers; vehicle equipment and inspection; and driver regulations) as well as particular provisions contained in a certificate of a carrier.

§ 29.362. Miscellaneous/experimental services.

(a) In order to advance and promote the public necessity, safety and convenience, the Commission may, upon application, grant a new certificate or an amendment to an existing certificate in order to allow to be provided a new, innovative miscellaneous or experimental type or class of common carrier service. An application for a certificate or amendment shall state that it is an application for miscellaneous/experimental service. Holders of miscellaneous/experimental certificates shall abide by this chapter except those which the Commission shall explicitly state do not apply. Holders of miscellaneous/experimental certificates shall abide by an additional regulations or requirements, including informational and reporting

requirements, which the Commission shall stipulate upon granting the certificate.

(b) A certificate for experimental service shall be valid only until the service is abandoned, until 2 years have elapsed from the time the certificate was approved or until the Commission enacts amendments to this chapter pertaining to the new class of service represented by the experimental service, whichever occurs first.

§ 29.363. Method of operation in miscellaneous service.

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating a miscellaneous service shall have rights and be subject to the conditions as follows:

(1) Vehicles engaged in miscellaneous service may transport persons on request between points as authorized by the certificate, on an exclusive basis, or on a nonexclusive basis.

(2) No right, power or privilege is granted to provide service as described in §§ 29.301–29.305 (relating to scheduled route service), service as described in §§ 29.311–29.316 (relating to call or demand service), service as described in §§ 29.321–29.324 (relating to group and party service), service as described in §§ 29.331–29.334 (relating to limousine service), service as described in §§ 29.341–29.343 (relating to airport transfer service), or service as described in §§ 29.351–29.354 (relating to paratransit service).

§ 29.364. Vehicle requirements: miscellaneous service.

Miscellaneous service may be operated only in vehicles with seating capacities of 15 passengers or less, excluding the driver, unless otherwise specified in the certificate.

§ 29.365. Tariff requirements.

Rates shall be based on provisions contained in tariffs filed, posted and published in accordance with law and this title.

§ 29.366. Consumer information.

To provide passengers with the information necessary to file a complaint, miscellaneous/experimental service carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and website to be used to lodge a complaint, or provide the following notice on the receipt for services:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

**** Krapf's Explanatory Note:***

As previously noted, separating traditional paratransit service from the miscellaneous catch all services by issuing separate certificates of public convenience is in the public interest.

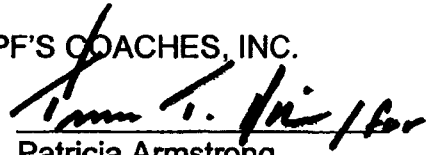
III. CONCLUSION

For the reasons stated herein, Krapf's respectfully submits that the regulations proposed by the Commission governing passenger service motor carriers, as adopted by the Commission in the March 18, 2004 Proposed Rulemaking Order, must be revised as reflected herein in order to assure that said regulations represent a clear, concise and accurate understanding as well as a modernized and more flexible application of the changing dynamics within the transportation market which affects passenger service motor carriers.

Respectfully submitted,

KRAPF'S COACHES, INC.

By


Patricia Armstrong

Attorney for
Krapf's Coaches, Inc.

THOMAS, THOMAS, ARMSTRONG & NIESEN
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500
(717) 255-7600

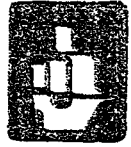
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L-00020157

July 26, 2004

Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa 17105-3265

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

To Whom It May Concern:

I'm writing in reference to proposed rulemaking under Pa. Code, Title 52, Chapter 31. There are three items in Chapter 31 that I would like to comment on. The first is in reference to Item 31.121 which details the proposal of raising the minimum insurance limits to .60 cents per pound per article. Although this is not a significant increase, the insurance requirements for a Household Goods Carrier are already draining what little profit margins are available to Carriers on Local moves.

The second issue is in regards to requiring a Household goods inventory on local moves. This is referenced in Item 31.133. As mentioned in this item, this will act as a security for items damaged, lost or misplaced, however this process will be billable on a local move.

Thank you for your time on these issues.

Respectfully,

Jim Messmer
General Manager
Maroadi Transfer and Storage Inc.

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Office of the Secretary
Pennsylvania PUC
Mr. John Herzog
P.O. Box 3265
Harrisburg, PA 17105-3265

PA PUC
SECRETARY'S BUREAU

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July 22, 2004

In reply to: Proposed changes PA Bulletin Vol. 34, No.26

Dear Office of the Secretary,

I wish to comment on the proposed changes that have been published by the PA PUC as referenced above.

First of all, for as much as others and I in our industry would agree that changes are needed and that our industry needs to be brought into the 21st Century I must ask why hasn't the PUC taken time to meet with industry leadership before publishing these suggested changes? We realize changes are needed for both industry survival and our customers.

Changes that I have comments on are as follows:

Information for Shippers- Should not be required if the customer calls for service with less then 5 working days notice. Short notice is what hampers delivery of this information sheet.

Inventory-Not necessary for moves under 40 miles or should be made optional for customers when moving under 40 miles.

Criminal Background-While I agree with this completely I think that movers who are agents for major Van Lines should be allowed to use the Van Lines background check to fulfill this requirement.

Lastly our industry needs to be given the latitude to use most methods of electronic commerce to help improve the efficiency of our business. We need to find efficiencies in this labor intense business in order to help improve our profitability and keep rates low. Electronic commerce such as, email for sending Information for Shippers, credit cards for method of payment and internet to quote small shipments.

Respectfully,
Jack McKernan

R. Jack McKernan
President
Williamsport Moving Co.
PUC A89650

3340 Wahoo Drive
Williamsport, PA 17701



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Original: 2410

Shelly Moving & Storage, Inc.

Great Valley Corporate Center
4 Lee Boulevard
Malvern, PA 19355
Tel. (610) 695-9438
Fax: (610) 296-7202

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JUL 23 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

July 23, 2004

Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Proposed Rulemaking under Docket No. L-00020157

To whom it may concern:

As a Pennsylvania household goods carrier, P.U.C. # A-102480, we wish to offer the following comments for your consideration.

31.133 Inventory

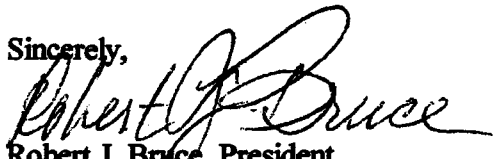
To inventory goods for local moving would cause undue burden for both movers and consumers. It would certainly increase the cost of the move to the consumer paying on an hourly basis. The average time to inventory a household goods shipment is one & one-half to three hours. In addition, it would be inefficient when the goods to be moved are for one (1) consumer and delivered the same day.

Information for Shippers

To increase carrier liability from 30 cents per pound to 60 cents per pound will increase rates to the consumer by doubling the liability. Insurance cost to carriers has increased by 40%. We cannot afford this increased liability without a substantial increase in rates.

It is our belief that most of the proposed regulations will not stop rogue movers who are now operating without authority.

Sincerely,



Robert J. Bruce, President
Shelly Moving & Storage, Inc.
PA P.U.C. # A-102480



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REVENUE COMMISSION

GRAIG A. DOLL

ATTORNEY AT LAW
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July 23, 2004

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

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PA P.U.C.
LAW BUREAU

Re: Proposed Rulemaking Amending 52 Pa. Code Chapters 29 and 31
Commission Docket No. ~~L-00021057~~

L-00020157

Dear Secretary McNulty:

Enclosed for filing is an original and 15 copies of the Comments of Craig A. Doll, Esquire. These comments are filed in accordance with the Commission's directive contained in its Order published in the Pennsylvania Bulletin of June 26, 2004.

If you have any questions, please feel free to contact me.

Very truly yours,

Craig A. Doll
Craig A. Doll

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SECRETARIAT'S BUREAU

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Proposed rulemaking Amending 52 Pa.
Code Chapters 29 and 31

Docket No. ~~E-00021057~~

L-00020157

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Comments of
Craig A. Doll, Esquire

Introduction

As a practicing attorney representing various individuals and companies engaged in the transportation of passengers, I wish to commend the Commission and its staff for its effort to update the Commission's regulations. As the undersigned's practice is concentrated in the area of passenger transportation, these comments will be restricted to the proposed amendments to Chapter 29. Further, the views expressed herein are those of the undersigned and should not be construed as the views of any existing or former client.

Section 29.332: (3) A limousine driver may not directly solicit a passenger.

Comment: While this provision prohibits a driver from soliciting passengers, the limited nature of this regulation will not stop other forms of solicitation. For example, at several airports, passenger transportation is being provided pursuant to a limousine certificate from a booth or kiosk which is not manned by the drivers of the vehicles.¹ Solicitation could take place by any individual employed by, affiliated with or otherwise working on behalf of the certificate holder defeating the intent of this regulation.

¹ Airports generally require drivers to remain with their vehicles except for brief periods of time.

Suggested Change: (3) **Individuals employed by, affiliated with or working on behalf of a certificate holder** ~~A limousine driver~~ may not directly solicit a passenger.

Section 29.334: Limousine rates shall be based solely on time and shall be contained in a tariff filed, posted and published under statute and this title. The use of meters is prohibited.

Comment: This provision would require limousines to be operated on a time basis and prohibit flat rate trips. While it appears clear that the Commission intends to prohibit limousines being operated as a call and demand type service, the regulation may not accomplish this goal.

As currently worded, this regulation does not prohibit a certificate holder from adopting a tariff, upon one day's notice, which contained rates based upon a per minute charge. Such a tariff provision would permit a service substitute similar to call and demand type service. This problem could be resolved with wording that required a minimum initial time period, i.e. no less than one-half hour.

It would also appear that by requiring all rates be based upon time, the regulation would preclude the charging of a flat rate fee for transportation to certain destinations. For example, an individual living in Harrisburg may desire to be transported to the Philadelphia International Airport to catch an aircraft. While taxicab service would be available, a customer may prefer to be transported in limousine service. Similarly, with the recent approval of slot machine legislation, a group of customers may desire to be transported to a gaming facility some distance from the point of departure. To charge by the hour could make these alternative prohibitively expensive variable depending upon traffic conditions. Since such a tariff provision would be a departure from the norm and could be

the subject of misuse, the Commission should require an application and prior Commission review and formal approval of such a provision.

Suggested Change: Limousine rates shall be based solely on time with a **one-half hour minimum initial time period** and shall be contained in a tariff filed, posted and published under statute and this title. **Upon application and prior Commission approval, a limousine tariff may additionally include flat rates for selected destinations.** The use of meters is prohibited.

Section 29.336: Consumer information

Comment: The section as written does not comport with the Commission's stated intention of providing limousine certificate holders with three options. As published, the regulation mandates two types of notices.

Suggested Change: Insert or between paragraphs (1) and (2) and provide for the third option as follows:

(3) Provide the following notice on the service contract:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.online.com. Include the company name and A-number for all complaints.

Section 29.401(3) (3) Advertising on vehicles is limited to the exterior roof of the vehicle. Advertising displayed on a vehicle shall be securely fastened and may not obscure the drivers view in any direction.

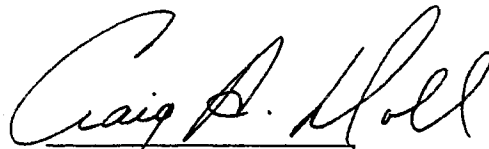
Comment: As written, this regulation would appear to prohibit the posting of rates and the phone number of the carrier, which could be considered advertising, on the vehicle. The regulation should clarify that this form of self promotion is acceptable.

Suggested Change: (3) Advertising on vehicles is limited to the exterior roof of the vehicle **with the exception of the phone number, rates or other identifying markings of the carrier.** Advertising displayed on a vehicle shall be securely fastened and may not obscure the drivers view in any direction.

Conclusion

The undersigned thanks the Commission for the opportunity to file comments to its proposed regulation changes and respectfully requests that the Commission consider these slight modifications to those proposed regulations.

Respectfully submitted,



Craig A. Doll, Esquire
25 West Second Street
P.O. Box 403
Hummelstown, PA 17036-0403

Attorney I.D. # 2814

Dated: July 23, 2004

Original 2410
O'Brien's Moving & Storage

Headquarters:
7566 Morris Court
Allentown, Pennsylvania 18106
(610) 391-8300

Other Locations:
O'Brien's Moving & Storage, Reading, PA
O'Brien's - Checkerboard Vans Moving & Storage, Tamaqua, PA
O'Brien's Moving & Storage of NJ, Somerville, NJ

July 23, 2004

John Hertzog, Assistant Counsel
Law Bureau
Office of the Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

COPY

Dear John:

This is in response to the proposed rulemaking changes to PA Code, Title 52, Chapter 31 (Docket #L-00020157). While some of the proposed changes need to be updated, some are absolutely unnecessary and cumbersome.

The proposed change (31.133) concerning Inventory of Goods does pose an undue burden to moves and is totally unnecessary. It completely ties up one worker at origin. This person must not only label and write up each piece, they must also inspect each side of each piece for damage. This is incredibly time consuming. Either we must add another man to each job or slow the entire move process down. Both options will significantly increase the cost of the move. If the P.U.C is supposed to protect the consumer, how is raising the price of every move helping them? Has anyone from the P.U.C. ever moved or gone out and watched someone move? The people being moved are totally preoccupied with everything else going on. The last thing they want to do is inspect and check off each piece at origin and destination. Especially when they are only moving a few miles.

Concerning proposed rule change (31.134) about criminal history, this is completely illegal. It is illegal to ask about criminal history on the application. So you want us to go behind their backs and do a background check?

With the Proposed rule change (31.123) concerning the payment of the estimate plus 10%, far too many factors affect the original estimate to attempt to do this on a local move. Is the P.U.C. aware that at least 90% of the time we are moving married couples, and very rarely are both parties present at the estimate. The wife has no idea what they husband wants to keep as far as work benches, tools, storage sheds, lawn equipment in garages, etc. These are heavy, time consuming items. Attics are always a problem. What is going and what will be thrown out?


Agent for Allied Van Lines®

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AM 10:13

If we must abide by the estimate plus 10% we would only move what we saw on the original estimate, for fear that we wouldn't get paid. Imagine the complaints the P.U.C. would get! Local move costs are very dependent on how prepared the customer is and how much they accomplished from the time of the original estimate. The issue of P.B.O's (boxes packed by owner) is an example of this. Consumers many times don't pack their boxes properly. We must take the time to open these and repack them so that the contents are not damaged. How do you account for that at the original estimate? Weather is another major problem. Rain and snow requires us to cover every item when it is being carried in and out. This is very time consuming. You can't use the same pads to cover the items and protect them while on the truck because you don't want furniture wrapped in wet blankets. Bad weather by itself slows down the move process by 10%, due to safety issues. A further complication is unforeseen things at destination. New construction also dramatically effects the time at destination. Many times there are no steps or sidewalks built yet, the driveway either isn't finished or is finished but can't be driven on, etc. Parking problems on the street at destination is another unforeseen problem that can occur. None of this can be predicted until you actually arrive at destination. This can slow down the move process incredibly. Please do not try to sell us on the point that we should build all these things into the original estimate. It would be impossible to estimate, and even if we could, the estimate would be so high that we could never book a move. Also, please do not attempt to say that the solution to this is billing for the balance after 15 days. Collection successes are less than 50% once the move is completed. Attorney fees are almost always more costly than the balance. Therefore, most times we write it off.

The proposed rule change (31.121) concerning raising the insurance limits to .60 cents per pound per article cannot be done unless the other side of the rule is changed. The price movers can charge for "valuation" should not be subject to regulation. We all have our own insurance carriers and are all charged various prices which can change every year. How can the price charged be set? Raising the limit from .30 cents per pound to .60 cents per pound is merely going to add other expenses to the mover. We need the ability to be able to price valuation individually. I totally disagree with raising the minimum limit anyway. We need to keep a gap between no valuation and purchasing valuation. O'Brien's tries to sell valuation on every move. If we raise the minimum limit, people will see little benefit in purchasing additional valuation. This will cause chaos. The number one problem between movers and consumers is damage when the consumer didn't purchase valuation. When an item is damaged (national averages are about 20% - 25% of moves) they expect full replacement cost, regardless of whether or not they purchased valuation. Whether it is 30 or 60 cents per pound, it in no way comes anywhere near the replacement cost. Therefore, you have an unhappy consumer with no recourse. This is not the case when they purchase valuation.

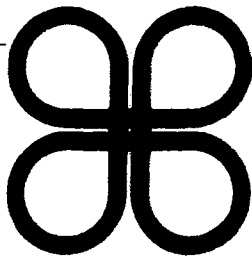
I would be glad to meet with you at any time to discuss these issues, or discuss them over the telephone. I may be reached at 610-391-8300 extension 314.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Rick Christ". The signature is written in a cursive style with a small dot to the left of the first letter.

Rick Christ
President



O'MALLEY MOVING & STORAGE

RECEIVED
2004 JUL 29 AM 10:28
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2004 JUL 26 AM 2:19
PA P.U.C.
LAW BUREAU

July 22, 2004

To: The Pennsylvania Public Utility Commission c/o John Herzog, Assistant Counsel

I would like to comment on the Commission's proposed rule making for Household Good Carriers. I strongly disagree with the P.U.C.'s "Inventory" rule for the following reasons:

I believe this does pose a burden on the carrier, mainly a financial burden. If 3 men and 1 vehicle go to a job site and the entire house must be inventoried, other men will be forced to stand about until this is completed. What if the shipper disagrees with any conditions or exceptions? How many times will the shipper argue the charges if 3, 4, or 5 men stand around until inventory is completed? Or, should the other men just sweep the warehouse until the inventory is completed; then go to the job site. Additional costs will always occur!

Additionally, carriers will not be able to service as many jobs per day, per week; due to this additional labor, resulting in obvious "slow-down".

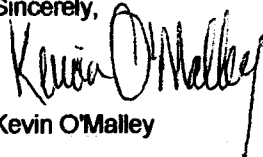
Does the Commission have any guidelines, or special forms to expedite this proposal procedure?

We live in a litigious society, and any inventory with un-agreed upon conditions are sure to be argued afterwards. For example; "That chair had no scratch.... That table wasn't marred...".

It is no secret that moving day is emotional; with two settlements, cleaning, timing, weather, and many other possible problems. Why, when this major transition is taking place, would you want to burden the shipper with an inventory and suggest they must agree with it, and pay more money to do so?

I believe this proposal rule will escalate complaints and create a burden on the carrier, the P.U.C. and most importantly, the consumer.

Sincerely,


Kevin O'Malley

505 Parkway
Broomall, PA 19008
610-604-5201
Fax: 610-604-5285

COPY



VISIT US AT www.fritzmoving.com

8

**Fritz Moving Company, Inc.
Lancaster Moving & Storage, Inc.**

130 Redners Way • Leesport, PA 19533 • 1-800-842-7258 • 610-916-9916 • Fax: 610-916-9908

July 21, 2004

L-00020157
RECEIVED

JUL 23 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. James J. McNulty, Secretary
The Office of the Secretary
Pennsylvania Public Utility Commission
P O Box 3254
Harrisburg, PA 17105-3265

Dear Mr. McNulty,

In regards to the proposed rulemaking changes for Household Goods Carrier's as outlined in the Pennsylvania Bulletin, Vol. 34, No. 26, June 26, 2004, I would like to offer the following comments and concerns:

31.133 Inventory

We feel the preparation of an inventory on all local moves is unnecessary and will place an undue burden on the carrier as well as an additional cost to the shipper. Currently damages and or shortages are noted on the carrier bill of lading. Providing an inventory on all local moves is timely and costly to both the carrier and the shipper. The inventory process will increase the overall cost to the shipper. I don't feel a time consuming inventory is necessary when damages, and shortages can be and should be noted on the bill of lading at the time of delivery.

31.121 Information to Shippers

Across the country insurance rates are skyrocketing. Carriers can't continue to absorb the increased cost of workmen's compensation coverage, health insurance, cargo insurance, etc. Proposing to increase the minimum insurance limits to 60 cents per pound per article only increases our already increased costs. I feel the commission should consider and approve an Insurance Related Surcharge to assist the carrier with the burdensome high costs of insurance and leave the limit set at 30 cents per pound per article. The consumer has the right to increase this limit by purchasing additional insurance through the carrier if they desire to do so. Let us not forget that this country's foundation is being built on small to midsized businesses many of which are local moving companies.

Thank you for your time and consideration of our comments and concerns.

Sincerely,

Fritz Moving Co.
Laura J. Matrisciano, CRP
President

2004 JUL 29 AM 10:26
Fritz Moving Co.

Original: 2410

7



Weleski
TRANSFER, Inc.

Main Office
140 W. 4th Avenue
P.O. Box 428
Tarentum, PA 15084

724.224.3330
800.245.0670
Fax: 724.224.1182
e-mail: sales@weleski.com

2004 JUL 29 AM 10:28

COPY

July 22, 2004

L-00020157

Mr. James McNulty
Office of the Secretary
Pennsylvania Public Utility Commission
P O Box 3265
Harrisburg, PA 17105-3265

Dear Mr. McNulty:

This letter is in response to the Proposed Rulemaking published in the June 26, 2004 Pennsylvania Bulletin proposing rules that effect both property and household goods common carriers. In 1909 our company started providing household goods, in use to the public within the Commonwealth of Pennsylvania. It is our highest regard to provide a professional service to the consumers who entrust their personal effects with our company. In reviewing the proposed regulations we recognize some positive changes and others which could easily impact negatively on both the consumer and carrier.

Our primary concern is the preparation of a complete inventory of all goods being moved, and specifically for "local" (under 40 mile transportation service). On this type of service the customer is charged on an hourly basis for the equipment and labor provided on the job. Preparing an inventory of all goods to be moved could result in the time and charges to increase anywhere from 25 to 50 percent. The process of preparing a complete inventory is extremely time consuming which generally will eliminate the driver, whom is the most experienced crew member from being able to become involved with or even direct the crew in the loading of the truck. Requiring as well the documenting of a receipt of every item at the time of delivery will only add additional time with the "clock running" as to hourly charges.

Another impact should this specific change become effective is the burden it will have for both the consumer and carrier. With the local moves taking longer will significantly reduce the number of moves it can perform on a daily basis, since each crew would either require an extra person being added, or the crew would be tied up for a significantly longer period of time each day. This would really show its "ugly face" during the peak season (July, August, September) when it becomes under the current scenario for shippers to find movers available to provide service. The fact that almost never will a shipper have its personal effects on a truck with any other customers draws a conclusion of why is it necessary to inventory all of the customers personal effects (except if it is moving into storage). What may be a good intention on the part of your Commission will most likely cause havoc rather than improvement.

Another area of concern is the incorrect usage of the term "insurance" and "valuation". A shipper is required to "release" every shipment at either 30 cents per pound per article; at a lump sum declaration or lastly at Full Value Replacement. The mover never issues any type of insurance policy to the customer as it doesn't hold an insurance license. The carrier does have provisions in its tariff where the shipper's valuation exceeds the base coverage at no additional charge of 30 cents per pound per article; an "excess valuation charge" will be assessed by the carrier for what amounts to the extra exposure for possible damage and financial consequences.

Another issue which is of concern to our company and certainly other moving concerns is the wording on a bill of lading headed "proof of damage/receipt". These section propose that the bill of lading may not contain any language purporting to release or discharge the carrier from

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COMMUNICATIONS BUREAU
JUL 25 11 08:55

liability for damage. At the present time our tariffs do provide for such provisions instructing the customer the limits that exist with respect to carrier's liability. Such as non liability for mechanical electrical or other operation or functioning, delays, quarantine, contents of pieces or containers, visible damage which is not noted at the time of delivery, articles of extraordinary value, dangerous goods or explosives, etc. We hope the Commission doesn't mean that we as the carrier not inform the consumer of the limitations?

Lastly, we would suggest to the Commission, allow a provision in these sections for the customer to waive a written estimate when one is not desired or appropriate. There are instances when a customer specifically does not want a visual survey of their personal effects prior to their move. Without a visual survey, it is misleading for a carrier to provide a written estimate that implies total estimated charges. Phone estimates are nothing more than a guess. A responsible household goods carrier performs estimates by surveying the customer's goods in the home prior to the move. However, this is not always feasible or desired by the consumer. We have customers that have moved with us on previous occasions and don't want a survey of estimated charges, or the owner of the goods is no longer in the geographical area of their personal effects. Consequently, they cannot be at the residence to allow the mover to do the survey.

Thank you for your review of our answer and hope that by working together toward mutually beneficial goals, the PUC, the consumers and other moving firms in Pennsylvania will be able to continue to provide quality service at a reasonable cost.

Respectfully submitted,

A handwritten signature in cursive script, reading "F. Lynn Thompson".

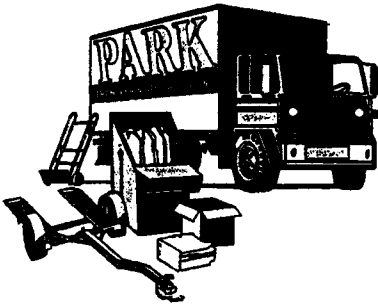
F. Lynn Thompson
Vice President

PARK TRANSFER & STORAGE CO., INC.

18

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306 N. Eighth Street
ALTOONA, PA 16601



OFFICE OF THE SECRETARY
PA. PUBLIC UTILITY COMM.
ATTN: JOHN HERZOG

ORIGINAL

07/20/04

DEAR SIR,

IN RESPONSE TO THE PROPOSED RULEMAKING UNDER DOCKET #L -00020157 AND IN PARTICULAR TITLE 52 CHAPTER 31, I WOULD LIKE TO COMMENT ON TWO OF THOSE PROPOSALS.

(1) 31.133 INVENTORY

TO PREPARE AN INVENTORY ON MOVES UNDER 40 MILES WOULD TAKE ADDITIONAL TIME AND ADD INCREASED COST FOR A CONSUMER WHO IS PAYING AN HOURLY RATE. IN MOST CASES THE DRIVER WHO ALSO PACKS THE FURNITURE IN THE TRUCK IS THE PERSON WHO PREPARES THE INVENTORY. THIS CAN TAKE UP TO THREE HOURS, DEPENDING ON THE SIZE OF THE SHIPMENT. THE HELPERS WOULD HAVE TO WAIT ON THE INVENTORY TO BE COMPLETED TO START WORK. THE CONSUMER WOULD NEVER STAND FOR THIS.

THE OTHER OPTION WOULD BE THAT THE EMPLOYER WOULD PAY FOR THE LABOR WHILE THE INVENTORY WAS BEING PREPARED. THIS COULD ONLY BE ACHIEVED WITH A GENERAL RATE INCREASE. BOTH WAYS, THE CONSUMER PAYS.

(2) PROVIDING A WRITTEN ESTIMATE ON MOVES UNDER 40 MILES

I RECEIVE APROXIMATELY 10 PHONE CALLS A DAY FROM PEOPLE WHO WANT A "BALL PARK" COST ON LOCAL MOVES. THEY MAY BE MOVING AS LITTLE AS ONE ITEM OR AS MUCH AS AN ENTIRE HOUSEHOLD. WE DON'T HAVE THE TIME OR MANPOWER TO SEND AN ESTIMATOR TO INSPECT EVERY SITUATION IN ORDER TO GIVE A WRITTEN ESTIMATE. FOR THOSE WHO REQUEST ONE, WE TRY TO COMPLY. BUT MOST PEOPLE ARE CONTENT JUST TO KNOW THEY ARE PAYING AN HOURLY RATE, AND HAVE A BALL PARK IDEA OF WHAT THEIR MOVE MAY COST.

I RECOGNIZE THE NEED TO PROTECT THE CONSUMER, BUT ADDING RULES THAT CAN ONLY INCREASE THE COST TO THEM WILL RESULT IN MANY COMPLAINTS TO MOVING COMPANY'S AND ALSO THE P.U.C. OFFICE.

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

Corey R. Elden
COREY R. ELDEN - OWNER

DOCKETED
JUL 22 2004

Ph: (814) 943-1103
(800) 491-1103
Fax: (814) 943-6095



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PA JUL 22 PM 9:11

306 N. 8th Street
Altoona, PA 16601

Corey R. Elden, Owner
Cell: (814) 935-8045

19

(A)

Original: 2410



EST. 1887

ORIGINAL

Phone 717-243-2033
1-800-566-8663
Fax 717-243-1214

1235 Ritner Highway P.O. Box 140 - Carlisle, PA 17013-0140
E-mail: zeiglers@igateway.com www.zeiglersmoving.com

July 21, 2004

Office of the Secretary
Pennsylvania Public Utility commission
P.O. BOX 3265
Harrisburg, PA 17105-3265

Dear Sir or Madam,

L-00020157

06 JUL 23 AM 8:55
SECRETARY'S BUREAU

In regard to the proposed rule making for the Household Goods Transportation I am concerned about the changes as follows:

1. Information For Shippers:

Estimate and Rates: I understand this part and think it is clear, however if the actual move is more than the estimate, they are upset and refuse to pay the increase. I even underline this portion for them. Any suggestions?

2. Inventory

Should this be implemented on under 40 mile move - the cost for the local move will increase for the shipper. I am in favor of leaving it the same. I use the inventory on items the shipper is particularly concerned about., however I do not inventory all of the shipment.

3. Loss and damage

\$.30 per pound per article seems to be adequate.

4. Proof of Damage/Receipt

Keep the same as noted on current Information for Shippers. "Do not sign the delivery papers for the driver until delivery is completed. When you sign the delivery receipt, you accept your goods in apparent good conditions, except as noted on the receipt.

5. Complaints and information - will most likely increase at your offices. Today some shippers complaints are not valid, such as "the men talked too much, or they didn't say much." This kind of information is addressed by the carrier. We can always give the shipper the information, should they wish to contact the commission.

6. Estimates

It is important to require the carrier to give a written estimate, however putting a time limit of 48 hours is not always possible. Some shippers call to be move the next or the same day.

Sincerely,

Brenda Z. Davidson
Brenda Z. Davidson, CMC
BZD
Enclosures

DOCKETED
JUL 23 2004

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FOLDER

37

Fischer-Hughes

Transport, Inc.
450 N. Broad Street
Doylestown, PA 18901
(215) 345-0234
(800) 492-2729 (PA Intra)
(800) 445-2121 (Continental)
(215) 340-9330 FAX

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2004 AUG -4 AM 11: 53

PA PUC
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July 20, 2004

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**UNITED
UNITED
UNITED**
Van Lines

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2004 JUL 22 PM 10: 48
PA PUC
LAW BUREAU

Mr. John Herzog, Assistant Law Counsel
Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

COPY

Dear Mr. Herzog,

This letter is in response to the proposed Rulemaking under Docket No. L-00020157 and specifically concerns item 31.133 "Inventory" as well as the requirement to conduct a criminal background investigation.

The proposed rule addressing the preparation of a descriptive inventory is not unique in the household goods moving industry. As applied to moves that are being charged on an hourly basis, however, this proposal raises at least two significant concerns.

First of all, the preparation of a descriptive inventory is a time consuming process. If the intention of the Commission is for the mover not to charge for this, then truly a burden will be placed on the carrier as the additional man hours that result will not be compensable. For instance, a typical moving crew consisting of a driver and two helpers may well lose three to nine labor hours (each inventory item takes approximately one minute to tag, identify and notate pre-existing condition) before a single item can be loaded because the two helpers remain idle while the driver prepares the inventory. If this charge is borne by the shipper, on the other hand, many hundreds of dollars may be added to the cost of a move. Although the compilation of an inventory may offer certain benefits to the shipper and carrier, there is no doubt that it will significantly add to the cost of a move. At the very least, the Commission should clarify its intention as to who should bear the cost of this. Obviously carriers will seek increases if it is their responsibility and time will be required to do so. If it is to be borne by the shipper then a potential unintended consequence will be that shippers will seek out self move options or unlicensed carriers to save money.

A second issue to be considered is whether or not it is even necessary to prepare an inventory during an hourly based "local" move. A "local" move takes place under predictably different conditions than a long distance or storage move. By and large, a "local" move is accomplished in a single day on a single truck with no intermingling of other customer's goods. The "setting off" of a shipment is done only in a rare emergency and the move itself is usually a matter of a few miles between origin and destination. The

Page Two:

risk of minor or catastrophic loss is thus far less than that of a long distance move. Although the risk associated with handling remains about the same; the fresh nick or scratch is an easy problem to resolve in most cases. When it is not, our practice is to assign an independent adjustor to determine responsibility and offer an arbitration option in the exceedingly rare situation when a resolution can not be reached. I believe that most professional movers follow this practice. Those movers who do not act responsibly in this regard should receive a higher level of PUC enforcement action before this burden is placed on the rest of us.

The requirement to conduct a criminal background investigation on each employee is also an area of concern. It strikes me as yet one more level of regulation on an industry that is already over burdened with regulation. Is there any statistical data that indicates that this is a problem in the moving industry that can justify the cost and headache of this requirement? Or is this proposal simply a "feel good" solution to a non-existent problem? The cost for a single state criminal background check is currently \$30.00. Moving Companies are seasonal employers who must augment their work force by as much as 50% during the peak moving months to satisfy customer demand. On many days and usually with no advance notice, we find ourselves searching at the last minute for enough labor to get the work done. Are we to put these moves on hold while we await the results of a criminal background check? Is it worth our while to pay a \$30 fee for an employee who may work only that one day? If our truck operator must hire loading or unloading labor at a point far distant from our terminal are we required to have checked these individuals out ahead of time – even when, obviously, we have no idea who they might be until that very day? I certainly understand the Commission's concern to keep the safety of the public in mind with this background check requirement. However, I do not think that it is necessary nor do I believe that it is a practical regulation to promulgate.

I have been in the household goods moving industry since 1974. My company employ's 180 people and we operate three terminals in Pennsylvania. I hope that my insight is beneficial. Thank you.

Sincerely,

Robert M. Hughes
President

Original: 2410

LAUSCH'S

COPY MOVING & STORAGE

INC.

2004 JUL 21 AM 10:31

COMMUNICATIONS BUREAU

①

14 July 2004

PA PUC
Office of the Secretary
PO Box 3265
HARRISBURG, PA 17105-3265

Dear Sir:

L-00020157

I am writing this letter in strong opposition to the proposed rulemaking adopted by the PA PUC on March 18, 2004. I feel as though many of these rules are unrealistic and pose an undue burden on moving companies in the state of Pennsylvania. Listed below are my objections.

1. **INFORMATION FOR SHIPPERS.** I am not opposed to providing this information to customers – in fact, as required; we currently do provide this form for signature to all residential shippers. However, I feel the proposed requirement to obtain a signature 48 hours before the move is a bit unrealistic for shippers of small loads. We currently do a written, in-person estimate for most shippers, however there are occasions where we have a shipper that has only a few pieces of furniture that need to move on short-notice and we can provide those services, unless there is a requirement of 48 hours. Is the PUC honestly proposing that I refuse to perform a move on short notice simply because I could not get a signature 48 hours before the move begins?! The function of the PUC is to protect the interests of the shippers, and I agree that an “Information for Shippers” form is necessary and should be required, however I feel that a 48 hour requirement is unnecessary and burdensome.

Also, to entitle a section of the “Information for Shippers” form *Loss and Insurance* may mislead customers in believing that increased valuation is insurance. We are not an insurance company and we could not provide an insurance policy to any shipper, therefore I would feel more comfortable if the section was entitled *Loss and Increased Valuation*.

I also feel that providing a telephone number and web address to shippers will invite an undue burden upon the PUC with regards to unrealistic claims and complaints. Honestly, my experience with the PUC is that with regards to enforcement, the PUC is understaffed as it is; how on earth does the PUC propose they pay for the overwhelming amount of increased staff they would need to support this “service” to the shippers of Pennsylvania. Based on my experience with the general public I am appalled at the lack of character and values that many have in taking advantage of honest companies by trying to get something for nothing.

122 West Lancaster Avenue, Shillington, PA 19607
Phone (610) 777-6138 Fax (610) 777-7745

I am concerned that the PUC would be flooded with a horrendous amount of false claims by individuals looking to get money where there was no valid claim or complaint.

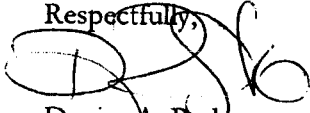
Also, I oppose the increase in the coverage for loss or damage to released goods. The proposal is for \$.60 per pound up from \$.30 per pound which is a 100% increase. When we apply to the PUC for an annual rate increase we must first of all provide an extensive amount of evidence to support the rate increase, which is usually only around 3%, why is it that the PUC would choose a 100% increase? I think that a unilateral increase of 100% is unacceptable, and a huge burden on small moving companies.

2. **INVENTORY.** I am particularly bothered by this proposal. While I feel it is necessary to provide an inventory to someone who is releasing their items to be stored in our facility, I believe requiring us to provide a written inventory for every single local shipment burdens not only our company, but burdens the shippers as well. I can even see the value and purpose to providing an inventory for a shipper moving more than 40 miles, but to require an inventory for local moves is, in my opinion, unrealistic. Perhaps with the larger moving companies moving long distances an inventory would be necessary because they can sometimes transfer a shipment from one truck to another or pack several shipments into a single truck, but our company will only deliver within the eastern portion of the state – the load will never be transferred or will never be loaded with another shipper's goods, therefore why would they require an inventory? Certainly the PUC could not be requiring that we provide this service free of charge, therefore we need to pass the cost of this service on to our customers (in that they would have to pay for the mover's time that prepared the inventory). Our company is a small family-owned company that is interested in providing a quality and trustworthy service to our community. We are not interested in over-charging our customers; however I feel if we were required to provide an inventory for every single shipment we would be providing a service that our customers do not necessarily need. I would be perfectly content with the PUC requiring that we OFFER an inventory to all shippers and if they do not want or need one, they can sign a waiver opting out of having one done.
3. **CRIMINAL HISTORY.** I am a little concerned about this proposed rule. I can certainly understand that we as movers do not want to hire and send into shipper dwellings violent criminals, sexual predators, or individuals convicted of crimes such as theft, but I am concerned about the lack of specificity in the proposed rule. Perhaps I am simply uninformed, but is there a black and white definition for crimes or moral turpitude? I am reluctant to support a rule that would discriminate against individuals that have, for example, been convicted of driving under the influence and is under court supervision. If that individual is not driving for our company I do not see the harm in them carrying furniture for a living. The proposed rule does not specify which specific crimes are acceptable and which are not. I understand that once we have obtained a criminal record some cases may be apparent if someone is eligible or ineligible for hire. I am concerned that if they have ever been convicted of a crime, such as a DUI, that has absolutely no bearing on their ability to perform their job and they pose no threat to the shipper or their co-workers, why we could not employ that individual.

Please make haste in considering the above listed points in response to the rulemaking proposal. I feel that many of the proposed rules are unrealistic and burdensome, and were perhaps created by individuals that are not familiar with the day-to-day functioning of a moving company. I understand and respect that the PUC mandate is to protect the interests of the shippers in Pennsylvania, and I would support measures to do so, but I feel that the proposed rules actually do very little to accomplish that mission.

Please contact me if you have any further questions about the points I have put forth in this letter.

Respectfully,



Denise A. Pasko
Director of Corporate Operations
Corporate Secretary

Ryan Moving and Storage, Inc. ... of Pittsburgh

185 Colonial Manor Road • Irwin, PA 15642 • 724/864-6800
1201B Brighton Road • Pittsburgh, PA 15233 • 412/331-6100
Visit Our Website: www.ryanmoving.com

July 13, 2004

COPY

Original: 2410
Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dear Sir,

L-00020157

This letter is in response to PA P.U.C. proposed changes in "52 PA Code Chapter 31 – Section 31.113".

Specifically, we question the need for a complete inventory on every household goods move (Section 31.133). The implementation of said requirement would be especially inadvisable on local moves where the shipper would be paying by the hour for the driver, helpers and van while the inventory is being prepared. At the destination there would also be chargeable time consumption while the inventory is being checked off. This process could conceivably double the cost to the householder/shipper.

On intrastate moves over 40 miles, the charges to the householder/shipper are based on the weight of the shipment and the mileage. On these shipments, the inventory preparation cost burden would be borne by the carrier. However, this cost would have to be passed back to the householder sooner or later in the form of increased rates.

- * Suggestion: Require all moves, after being loaded to be sealed with a metal customs type seal, in the presence of the shipper. Breaking the seal would be done at destination; also in the presence of the shipper/consignee.

In our humble opinion the required inventory proposal would cause many more problems than it would solve.

Regards,

Richard L. Ryan
Richard L. Ryan
C.E.O./General Manager

Cc: Ken Sataloff, Tristate
ETR
JPR



Vertical stamp: RECEIVED JUL 21 11:16:30

6

Byers Taxi Service, Inc.

Original: 2410 115 Franklin Ave., Vandergrift, PA 15690
Business Office (724) 567-6762 Dispatch Office (724) 567-5661
Garage (724) 567-7117

July 20, 2004

L-00020157

Office of the Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg PA 17105-3265

COPY

SECRETARY'S BUREAU
JUL 26 11 9:00

Dear Secretary and Commissioners,

Byers Taxi Service, Inc. PUC A-00105054 that has both Call and Demand and Paratransit Certificates. As owner, I am writing regarding your proposed changes to Title 52 Chapter 29 Motor Carriers of Passengers. I have reviewed the proposed changes as printed in the Pennsylvania Bulletin and am in agreement with the majority of them such as Subchapter F. Driver Regulations. Byers Taxi has been doing not only Criminal History record checks but also Child Abuse Background checks, pre-employment drug testing, random drug and alcohol testing, and yearly MVR's on drivers for many years.

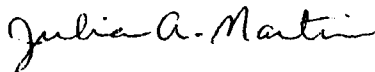
Under Call or Demand Service, section 29.314. Vehicle and equipment requirements (d) Vehicle age. I do not agree with limiting the age of taxis to 8 model years. A vehicles overall appearance, condition, reliability, years of use as a taxi and maybe mileage should be the deciding factors not age. I guarantee you that my vehicles that are 10 and 12 years old are in better condition than some half that age that are in the large cities. Talk to your enforcement officers, they can tell you who takes good care of their vehicles and who doesn't. My vehicles average 35,000 to 40,000 miles per year compared to 2 to 3 times that in the cities. There is a big difference in the type of service and customers in a rural area and a city. I believe the Commission needs to find a way to acknowledge those differences and work with both types of service providers in order to best serve the needs of different communities. 'One-size-fits-all' rules don't work in the real world.

If you decide to move forward with the age limit the one year time frame for companies to comply is unrealistic. In my case I have 25 vehicles in my fleet, I will need to replace about half of them. This would cause a financial hardship for my company and I am sure for many other companies also. I would need a fare increase which would hurt the people that need help with transportation the most (senior citizens and low and fixed income). It is a well known fact that every time there is a fare increase there is a loss in ridership. I would need to request raises from Penn DOT (senior citizen shared-ride) medical assistance, welfare to work and MH/MR programs that I provide service for, putting Byers Taxi at risk of loosing those contracts. The loss of any contract would result in the lay-off of employees and probably the loss of, or at least a reduction in benefits for the remaining employees. Some of who may decide to leave for 'greener

pastures' which would cause a reduction in service to our community. The opposite affect of what the Commission is supposed to support – good, reliable service for the public.

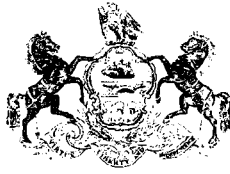
All of my vehicles provide both call and demand and paratransit service. To separate the work and dedicate vehicles to one type of service or the other would result in increased dead-head miles and inefficient service. My family has been in the taxi business since 1929. Over the years, Byers Taxi has adjusted and adapted to the transportation needs of our community. We have well maintained vehicles and monitor our drivers above and beyond your new requirements to ensure the safety of our customers. The safety of my drivers and customers is important, when a vehicle is no longer reliable it is replaced. Also our insurance company limits the age of vehicles. (currently nothing older than 1989 and requires pictures of anything older than 1994). Perhaps the Commission could consider something similar. Thank you in advance for considering my comments/suggestions. If you need more information that I may be able to help with please do not hesitate to contact me.

Sincerely,



Julia A. Martin, President
Byers Taxi Service, Inc.

Original: 2410



**Philadelphia
Parking
Authority**

3101 Market Street
Philadelphia, PA 19104-2895
(215) 683-9600

August 17, 2005

Direct Line: (215) 683-9490

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

**Re: Proposed Rulemaking Amending 52 Pa. Code
Chapters 29 and 31, Docket No. L-000201057**

Dear Mr. McGinley:

I write on behalf of The Philadelphia Parking Authority ("Authority") to express support for the proposed rulemaking approved by the Pennsylvania Public Utility Commission ("PUC") on August 11, 2005 amending 52 Pa. Code Chapters 29 and 31, Docket No. L-00020157.

The Authority has worked with the PUC for the past two (2) years regarding the regulation of taxicab and limousine service in the Southeastern Pennsylvania, as the Authority is now responsible for regulating those services in Philadelphia. Many of the transportation companies affected by the proposed rulemaking fall under both the jurisdiction of the PUC and the Authority. The PUC's proposed regulations will result in a more synergistic system of rules regulating the affected industries in this region.

The Authority was aware of the subject matter of this proposed Rulemaking when it created its own regulations in the Fall of 2004, and modeled several provisions of its regulations in those proposed by the PUC now. The PUC's prohibition of meters in limousines (§29.334) is among the more crucial issues addressed. We fully agree with the statement "that meters are unique to taxi service and should not be utilized in luxury limousine service." We further agree that limousine service should be hired on a time basis and not a mileage basis that is more akin to taxicab service. These provisions echo those in our regulations at §13.1 and §34.a.x. prohibiting the use of meters and mileage-based tariffs by limousines. These sections state:

Any vehicle whose tariff is based upon actual mileage shall be equipped with a sealed meter that is calibrated in accordance with the approved tariff. Luxury Limousines, Exclusive Buses and Hospitality Vehicles are prohibited from using meters. A Luxury Limousine that has had a metered rate in affect with the PUC as of September 1, 2004 may continue to use that meter for one year after the transfer date.¹

Limousine rates for exclusive service shall generally be based upon a reserved time, usually with an hour minimum and usually based upon a garage-to-garage time periods. This is a clear differentiation from call or demand service.

¹ This phase-out would end April 10, 2006.

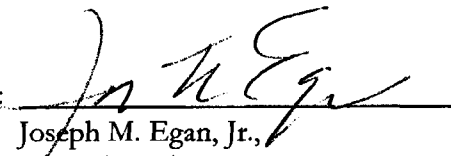
We note that this type of a distinction between taxis and limousines is more important as technology – especially the cell phone – has eroded the distinction between a street hail and an advance reservation. Improved communications now make it possible for advance reservation limousine to provide almost the same response as call or demand service. The proposed rulemaking will maintain the important distinction between these two services, particularly in markets that overlap with Philadelphia where taxicabs require medallions and limousine rights are open-ended.

We also applaud other proposed changes such as setting maximum age limits on vehicles used in livery service, gathering lists of all vehicles in livery service annually, improved appearance standards, and closer monitoring of drivers, just to mention a few.

The Authority hopes that after a three-year effort of close scrutiny, the Commonwealth adopts the proposed rulemaking order. These changes will greatly aid in improving the quality of taxicab and limousine service throughout the State, a goal that the Authority and the PUC share.

If the Authority may be of further assistance, please do not hesitate to contact me.

Sincerely,
The Philadelphia Parking Authority

By: 
Joseph M. Egan, Jr.,
Executive Director

JME/dgw/ob

cc: Joseph T. Ashdale,
Chairman
Vincent J. Fenerty, Jr.,
First Deputy Executive Director
Joseph Petaccio, Jr.,
Chairman, Taxicab & Limousine Advisory Board
Dennis G. Weldon, Jr.,
Senior General Counsel

MALONE MIDDLEMAN, P.C.

12

Original: 2410

ATTORNEYS AT LAW
NORTHBRIDGE OFFICE PLAZA
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WEXFORD, PENNSYLVANIA 15090

2004 JUL 26 AM 10:49

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Writer's E-Mail Address: middleman@mlmpclaw.com

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Of Counsel

July 26, 2004

*Also Admitted in West Virginia
+Also U.S. Patent Attorney
-Also Admitted in Massachusetts
^Also Admitted in Florida

VIA FEDERAL EXPRESS

COPY

RECEIVED

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

JUL 26 2004

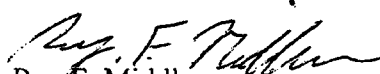
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Proposed Rulemaking Order
Docket No. L-00020157
Our File No.: 26003/04527

Dear Mr. McNulty:

Enclosed please find an original and fifteen copies of comments to the Proposed Rulemaking regarding 52 Pa. Code Chapters 29 and 31, Docket No. L-00020157. These comments are submitted on behalf of the Pennsylvania Taxi and Paratransit Association (PTPA); The Yellow Cab Company of Pittsburgh; Airport Limousine Service, Inc.; Checker Cab Company; and YC Holdings, Inc.

Very truly yours,


Ray F. Middleman

RJM/can

Enclosures

cc: James D. Campolongo (w/enc.)

REPORT THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PROPOSED RULEMAKING ORDER

DOCKET NO. L-00020157

**COMMENTS TO ORDER ON BEHALF OF PENNSYLVANIA
TAXI AND PARATRANSIT ASSOCIATION, THE YELLOW CAB
COMPANY OF PITTSBURGH, AIRPORT LIMOUSINE SERVICE, INC.,
CHECKER CAB COMPANY AND YC HOLDINGS, INC.**

Ray F. Middleman, Esquire
Pa. I.D. No. 40999

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Of Counsel

July 26, 2004

*Also Admitted in West Virginia
+Also U.S. Patent Attorney
~Also Admitted in Massachusetts
^Also Admitted in Florida

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Advance Notice of Proposed Rulemaking Order
Docket No. L-00020157
Our File No.: 26003/04527

Dear Mr. McNulty:

Please accept the following written comments to the proposed changes to Title 52 of the Pennsylvania Code, Chapters 29 and 31, as published in the *Pennsylvania Bulletin* on or about June 26, 2004. These comments are submitted on behalf of the Pennsylvania Taxi and Paratransit Association (PTPA); The Yellow Cab Company of Pittsburgh; Airport Limousine Service, Inc.; Checker Cab Company; and YC Holdings, Inc.

COMMENTS

I. Chapter 29

§§29.101/29.502

These two sections read in para materia require that a certificated carrier who leases vehicles to qualified drivers must insure that those drivers have valid driver's licenses. In its comments, the Commission has gone so far as to state that it (the Commission) takes a "zero tolerance stance on this

issue.” While the commentators herein certainly support all efforts to refine the provisions of those regulations affecting passenger safety, they assert that there must be a reasonable balance between what the Commission seeks to achieve – total safety for passengers using regulated carriers – and what is financially and technically feasible.

The Commission cannot take a “zero tolerance” stance on the issue of lease driver licensing because there exists no means for any carrier to comply with the demand. This is born out in two specific instances:

- 1) Each DMV license inquiry through existing commercial services costs approximately \$7.00 to \$12.00 per inquiry. These services, in some instances, further require two or three days to complete their investigation. Furthermore, there is no possible way for the DMV to account for driver license suspensions or invalidations which are “in the process.” It takes days or weeks for Court determinations to reach the DMV computers. The Commission would charge certificated operators with the possession of knowledge that the Commonwealth, itself, does not possess. There is no technical means for carriers to instantaneously and accurately check the validity of the driver’s license of each lease driver as they seek to obtain their daily lease vehicle.
- 2) The cost of such inquiry into the validity of driver licensing at every leasing – as aforesaid at \$7.00 to \$12.00 per inquiry – would require significant commensurate increases in fares for the passenger public. For Yellow Cab, the daily cost of checking licenses would be in excess of \$3,000.00!

The commentators would note that the very case(s) which the PUC references in its comments (i.e. PUC v. Yellow Cab Company of Pittsburgh, Docket No. A-00049926C9803-9812) established, on the record, that there was no feasible way to check the validity of driver’s licenses in an instantaneous fashion. While the Commission cites the Yellow Cab cases for support of the position that it is the carrier’s responsibility to ensure proper licensing of drivers, the record in that case is replete with sworn, credible testimony that it is impossible to guarantee the accuracy of any licensing check and that no system is available for instant status checks.

Central to the Yellow Cab case was the fact that the lease drivers at issue were all requested to show their driver’s licenses to Yellow Cab before leasing their vehicle. All of the drivers had seemingly

valid picture licenses which were produced to Yellow Cab. The issue, of course, was that Yellow Cab had no means of instantaneously determining the actual validity of the licenses as shown. In fact, the testimony at the hearing demonstrated that there could be months between a Court's determination that a license be suspended and the time that the DMV computer actually reflected the suspension.

Further, the commentators herein find it a significant departure from the Commission's seeming adoption and use of Federal Regulations (see e.g. §§29.41; 29.44; 29.508) for there to be a requirement so far in excess of the Federal driver's license checks – which are annual in requirement.

Finally, the Commission sets its zero tolerance level without the offer of any help to its regulated/Certificated carriers. Certainly, the Commission has the ability to provide access to the Commonwealth DMV database to allow for records and licensing checks at little or no cost to the carriers and, therefore, at no cost to the passenger public.

The Commission sets a burden upon the shoulders of its certificated carriers which is impossible to bear. In fact, the Commission itself – were it to run a taxi service – could not comply with its own regulations. It would be far more reasonable to require annual or semi-annual driver's license checks in compliance with existing Federal motor carrier requirements.

§29.313

With respect to log sheets or manifests, it is asserted that the requirements of §29.313 are vague and burdensome.

First, the Commission needs to provide a format or template for the required log sheets/manifests. In that way, all carriers can be assured that completion of the form will comply with Commission requirements. There is too much leeway for differences in reporting format from carrier to carrier.

Second, alternative collection of the data should be acceptable to the Commission without petition. Carriers who have computerized dispatching and metered vehicles can track the same data electronically. If the purpose of the log sheets is to be able to track consumer complaints, then the electronic collection is far better than reliance upon the vagaries of driver compliance.

The record-keeping requirement is certainly understandable from a safety and accountability perspective. It is simply an inherently difficult system to keep in place. Drivers are more concerned about driving safely and getting their fares from point A to point B. Log sheets are, in the real world, viewed as a distraction and/or a necessary evil. Electronic dispatch and metering, where in place, keep a record of the time and place of the initial flag drop (via GPS), the length and cost of the trip, as well as the final destination. This process relieves the driver from having to fill out a log sheet entry for every trip.

Finally, it is suggested that the contemporaneous maintenance of log sheets is an unnecessary contrivance by the Commission in order to maintain additional revenues from its vehicle/driver inspection process. The commentators herein are aware of no specific instance where the maintenance of a contemporaneous log sheet has been – or conceivably could be – of any importance or relevance to the safe operation of a passenger vehicle.

§29.314

Meters, while generally affordable, are clearly not economically viable in rural areas of the Commonwealth. In sparsely populated areas, it continues to make sense that zone usage is the only financially feasible means of charging some customers. The commentators hereto assert that meters should be required only in first and second class cities and any other city, borough or township having a population of 50,000 or more.

§29.317

There is no reasonable manner in which a company like The Yellow Cab Company of Pittsburgh can retain and correlate, by driver, a year's worth of log sheets and expense information. The reason that the drivers are LEASE DRIVERS is because they are responsible for tracking their own expenses and revenue. The Internal Revenue Service agrees with this proposition as it places the burden on the lease driver, not the carrier, to track income and expenses.

All lease drivers are offered the opportunity to copy their log sheets and leases/expenses every day. To require a company like Yellow Cab to track 350± lease drivers' daily logs – segregated by driver

- would require additional manpower beyond that which presently exists. Having additional manpower equates to higher lease rates and higher tariffs.

The Commission needs to provide the lease driver the opportunity to compile his own records and documentation. To require the certificated carrier to not only hold the log sheets, but to then sort them, tabulate them and provide totals for each lease driver is burdensome to the point of being punitive.

§29.318

The Commission needs to insure a means by which the cab identification numbers and other information contained in the decals remains permanently affixed. All of the commentators are concerned that they will be penalized for not having visible, readable decals because they are not properly made for the purpose of longevity.

The wear and tear on decals is enormous and, certainly, not controlled by the certificated carrier. Any decal placed in the passenger compartment is exposed to passenger destruction, alteration and/or removal. To the extent that the decals will be another element of vehicle inspections by the PUC, it is strongly urged that the Commission not penalize carriers for destruction of decals in areas of the vehicles which are not totally under the control of the driver or the carrier.

§29.332(3)

The commentators herein continue to object to the Commission's language regarding the actions of limousine drivers in "directly" soliciting passengers. In the same manner that the Commission gives no actual temporal guidance with respect to what exactly does or does not constitute "advance reservation" for limousine service, it now prohibits only "direct" solicitation of passengers – whatever that may be. While we ordinarily would give words their usual and common meaning, the word "direct" does not fully take all possibilities into consideration. Does holding a sign up at the airport or at a hotel saying "Limousine for hire" constitute a "direct" solicitation? Does the Commission intend only to prevent a limousine driver from verbally accosting hotel and airport patrons, or can a kiosk be set up in the hotel

lobby for making "reservations" for limousine service? Can a limousine driver accept a passenger who approaches the driver and requests service? Can a hotel doorman direct passengers to a limousine?

The vagaries of the proposed changes hamper operators in determining what they can and cannot do -- as well as hampering enforcement officers in knowing what, exactly, constitutes a violation. Blurring the line between taxi service and limousine service is not helpful to either category of operator. The Commission needs to make its intention more specific with regard to this section.

§29.402

The commentators herein adamantly object to the restrictions set forth with respect to advertising space on vehicles.

Spot advertising and advertising with the vehicle, as well as "wrap" advertising of the entire vehicle, are key revenue generators for common carriers. The generation of additional revenue via advertising, in light of rising costs of operation (i.e. gasoline price increases; requirements herein for newer vehicles, etc.), allows carriers to keep their tariffs lower so that the public does not feel the "pinch" from rising costs. Also, the prospect of attracting advertisers is a strong incentive to maintain fleets, since advertisers will not wish to associate their products with anything but clean and well running vehicles.

There should also be available the right to accept special event advertising such as the All-Star game, the NCAA regional basketball tournament, or like events.

The commentators agree that the advertisements should not obscure the driver's view, but are at a loss to understand how limiting advertising helps the public passenger. As long as the cab number, PUC authority, and company name are not obscured or hidden, exterior advertising should be permissible, with the limitation that cabs must remain easily recognizable as cabs by the general public.

As for interior advertising, the commentators can see no reason not to allow the same to occur. As long as the advertisements are safe and do not obscure any required decals or information required by the PUC, there is no compelling reason not to allow carriers to defray the costs of operation by deriving revenue from advertising.

§§29.314/29.333

With respect to the vehicle age of both taxis and limousines, the commentators suggest that there needs to be a provision for the carriers to petition for exception to the eight year model year rule.

Specifically, there are in existence several of the old "Checker" style taxicabs which, from a nostalgic perspective, remain a popular means of taxi transport. Most of those vehicles are over 20 years of age and remain exceedingly safe – especially if upgraded with seatbelts.

Similarly, a limousine company owning a vintage Rolls Royce or older Cadillac limousine may find those vehicles in great demand and safe for public use.

While recognizing the need to keep public safety paramount by requiring an updated and modern taxi and limousine fleet, there exist safe and useful older vehicles which are much in public demand. Special application should be permitted on a case-by-case basis upon inspection of the specific vehicles at issue.

§29.504

If the Commission intends to require certificated carriers to incur the not insubstantial cost of yearly drivers' history reports, then the Commission should relieve the carrier of the obligation of becoming the guarantor of the validity of its drivers' licenses. As referenced above, the DMV driver's history is expensive to obtain and is not even accurate as of the date it is obtained. The testimony of record in the PUC v. Yellow Cab case cited above makes clear that there can be a lapse of weeks and even months between the date of the issuance of a license suspension and the time that the suspension actually is downloaded to the DMV computer base.

The Commission's position is not possible to support. Having no means to instantaneously determine the validity of a seemingly valid photo driver's license, it is not possible for the carriers to do what the Commission requests. The commentators suggest that drivers should be responsible to report a suspension or revocation of license to the Commission.

§29.505

While certainly a safety oriented directive, the Commission has to appreciate that the investigation of criminal histories and driving record histories is not without expense – expense that eventually is passed on to the consumer.

The most noteworthy provision of §29.505 is that the Commission, having required the criminal record check of each driver, only prohibits the qualification of felons and those who committed crimes of moral turpitude as drivers if they are "incarcerated, on probation, parole and/or furlough." One wonders how an incarcerated individual can operate a taxi or limousine. Levity aside, and intending no outright discrimination, the Commission should disqualify all drivers who have pled guilty or been convicted of a felony/violent crime or a crime of moral turpitude – regardless of their status with respect to parole, probation or furlough. If the welfare of the public is at issue, perhaps felons and people lacking in moral turpitude should not be allowed to operate taxis or limousines at all.

Driver Dress Code

The commentators believe that Chapter 29 should also include a drivers' dress code, mandating clean clothing, collar shirts, full-length trousers and closed toe shoes.

Thank you for your kind attention to these comments.

Very truly yours,


Ray F. Middleman

RFM/car

**WALLS/DELAWARE VALLEY
HAVERTOWN/WESTTOWN MOVERS**

**1241 Bon Air Road
Havertown, Pa. 19083
610-449-6528 610-446-7600
FAX 610-449-2766**

2004 AUG -9 AM 10:13

REVIEW COMMISSION

Public Utility Commission
Office of the Secretary
P. O. Box 3265
Harrisburg, Pa 17105-3265

Attention: John Herzog
Assistant Counsel
Law Bureau

COPY

PA PUC
SECRETARY'S BUREAU

2004 AUG -4 AM 11:55

RECEIVED

RE: PROPOSED RULEMAKING ON INVENTORY

This would require a costly and un-necessary expense for our customers including extra manpower and paper work on each and every moving job.

- 1- Small business today is already full of to many rules and regulations, exorbitant insurance premiums, tariffs and excessive taxation.
- 2- Mandatory inventory regulations would make the cost of every move higher. This would put a strain on the limited income and senior citizens we serve. Our company police is to proudly supply the public by providing a cost effective trouble free move.
- 3- The PUC should be a help to our business not a hindrance, enough already with thinking up new rules for us to follow. Let us get to work providing our expertise and experience where it's needed the most.
- 4- Our services are already regulated on an hourly basis, this proposed change would increase our cost with the extra time needed to inventory items on pick and then again on delivery. An extra employee would be required on every job just to count when that person could be packing and moving.
- 5- We are a family owned and operated moving company providing professional service with guaranteed on time pick and delivery. We would not be able to guarantee on time pick up and delivery if we have to spend valuable time on inventory. Small local movers like ourselves show up on time load and pack our truck and immediately go to the delivery address. We do no commingle our customer's belongings and are strongly opposed to the proposed rulemaking on inventory.

C. James Link
Owner/Operator

C. James Link

Original: 2410
J. H. Bennett
Moving & Storage, Inc.

A FAMILY TRADITION SINCE 1914

2004 JUL 30 11:13:49
04 JUL 22 AM 9:19

SECRETARY'S BUREAU

July 19, 2004

Office of the Secretary
Pennsylvania Public Utility Commission
P O Box 3265
Harrisburg, PA 17105-3265

Sirs:

I am commenting on the proposed Rulemaking under Docket No. L-00020157, to make changes in regulations found in the Pa. Code.

I am the owner of my company and have been working in the moving industry since 1962. Our company is now in its'90th year and we have taken great pride in serving our customers honorably and well.

Though I see that the intent of some of these changes is the overall protection of the consumer, in many cases, the rules are not practical and would make it impossible to follow the letter of the law and often to the detriment of the shipping public. Since there is no differentiation between a large move or a small one, and there does not seem to be a realization that a local move is quite different from a move over forty miles the rules as proposed will require a major change in the way we do business.

31.121 Information for Shippers

If it is a requirement that this be provided to the shipper at least 48 hours in advance, does it then follow that any requests for moving service inside that time frame must and cannot be serviced? There are too many circumstances to mention wherein a shipper requests immediate service.

With regard to collection of charges, there is not protection granted to the carrier against shipper who do not perform services they intended whether it be packing or adding items to be moved. The laws are protecting the consumer from the carrier and basically assume any under estimates or cost variance is the fault of the carrier. This is patently not so.

31.133 Inventory

You propose that an Inventory be completed on every move. Inventories are presently not done on local moves. Since charges are based on the time consumed loading and unloading the van, this will greatly increase the cost to any shipper and will in some cases, cause what may be a one day to become a two day move. The burden of the inventory on a local move will be placed directly on the shoulders of the consumer since

2000 Customer Choice Award Winner



Page two
July 19, 2004

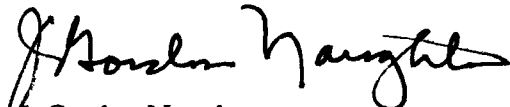
they will bear the cost of the increased time. Moves over forty miles based on weight are always inventoried.

31.134 Criminal History

This seemingly innocuous rule change will most dramatically affect the way movers do business. We do not even closely mirror most industries that have the ability to plan ahead. Planning ahead to a moving company is at best three weeks out. The result is major peaks and valleys, both yearly and monthly. Many carriers use Temporary help agencies, independent contractors who in turn hire their service crew. Part time employees are a part of doing business. This would not be an unrealistic rule to follow for drivers, and crew leaders but it will in fact cripple the industry at the service crew level. Using a national service could speed reports and perhaps have returns of information in 7 to 10 days. Smaller carriers who cannot afford this type of service could be wallowing in paperwork for weeks.

Though I do not have specific facts, (the Commission does) I am told there are carriers operating in the larger metropolitan areas illegally, and with little regard for any rules and carriers who have been fined for repeated violations, yet nothing is done to correct these illegal acts. If current regulations are not enforced, I do not see the value of new regulations. There is no reason to believe these people would comply and at the same time additional burdens will be placed on both the consumer and carriers.

Respectfully submitted,



J. Gordon Naughton

16

Robert B. Cellitti
Moving & Storage
249-269 Walnut Street
Sunbury, PA 17801
Phone (570) 286-5212
"Sunbury's" Leading Mover

COPY
2004 JUL 20 11:10:49

UNITED
Van Lines®

July 16, 2004

L-000 20157

Office of the Secretary
Pennsylvania Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Bulletin, Vol. 34, No. 26, June 26, 2004 Proposed Changes.

We have read the proposed changes in this bulletin and although agree with some of these changes, we feel that a couple of these proposals would put unnecessary expense on both the Carrier and the Shipper. The first change that we feel would add both an extra expense to the Shipper as well as the Carrier is 31.133 Inventory. Although we do already make an inventory on our Intra PA moves over 40 miles and agree that this is necessary, we disagree with making a detailed inventory on Local hourly moves and feel that this would add additional unnecessary charges for the Shipper. It would take 1 to 2 hours to complete an inventory adding about \$40.00 to \$80.00 additional to each move. The Shipper would have to pay the additional amount of money to cover this extra expense as the Carrier cannot afford to cover this additional cost, it would be extremely costly to the Carrier to cover at no expense to the Shipper the additional lost man hours. On most local moves, the shipper is the only customer on the truck and is loaded and delivered in one day.

The next item that we disagree with is 31.134 Criminal History Reports on Employees. This type of report would be very costly for a Carrier to obtain creating an additional expense on an already financially stressed business because of today's economy and the recent increases in Insurances that we must now pay. We have had no criminal problems with our employees on the job and do a thorough check on our employees when we hire them.

We hope that you will take in to consideration our comments on these items as we are already hurting as an industry and putting additional financial burdens on either Carriers or Shippers could hurt all of us in the long run. Thank you.

Sincerely,

Todd R. Cellitti

Todd Cellitti, President
Robert B. Cellitti Moving & Storage, Inc.

RECEIVED

JUL 16 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Original: 2410

COPY
RECEIVED



July 13, 2004

Mr. James McNulty
Office of the Secretary
P.O. Box 3265
PA Public Utility Commission
Harrisburg, PA 17105-3265

2004 JUL 14 PM 1:25
SECRETARY BUREAU

MORGAN MOVING AND STORAGE, Ltd.
190 Yarnell Road
Pottstown, Pennsylvania 19465
Telephone (610) 327-3100
Fax (610) 327-8585
info@morganmoving.com

L - 00020157

Dear Mr. McNulty:

This letter is in response to the Proposed Rulemaking Order published in the June 26, 2004 in the Pennsylvania Bulletin, and deals specifically with the proposed rules that pertain to Common Carriers of Property and Household Goods in Use. Our observations and suggestions are from the perspective of a company that has earned a favorable reputation on both a local and state level by successfully and professionally providing moving and storage services for almost 30 years in Pennsylvania. While there are a number of changes or additions in this recent proposal that are positive from both a consumer and provider perspective, there are a few proposed changes that will be significantly harmful to both consumers and carriers in PA.

Section 31.121 - Information for Shippers & Section 31.133 - Inventory

Of primary concern is the proposed requirement to complete an inventory of all goods being moved, whether the move is across town or across the state. It is important to remember that when a shipper in PA moves locally (defined as moving less than 40 miles), he is charged by the hour for the time needed to load, drive, and deliver his goods to the new residence. Preparing an inventory of all goods to be moved will result in the time (and therefore the charges to the consumer) to increase anywhere from 25 to 50 percent. Preparing a descriptive inventory is a time consuming, detailed task that effectively eliminates the driver (usually the most experienced crew member) from being able to become involved with or even direct the crew in the loading of the truck. Further, documenting receipt of every item at the time of delivery is also time-consuming for both the customer and the crew. However, since the customer is being charged by the hour, it is the consumer who will have to pay significantly more for the move.

For example, a local move that could normally be accomplished with two crew members would most likely require adding a third man to the crew if an inventory is required, and the entire move process would be slowed down because items could not be loaded until they are fully inventoried. A consumer with a small shipment of three or four rooms (perhaps an elderly person on a fixed income), who might normally expect moving charges to range from \$350.00 to \$450.00, would then be required to pay at least \$600.00 for their small move. For a larger move, the need to prepare an inventory would add an even higher amount to a final bill. On average, it takes 20 to 30 minutes to inventory one average room of household goods. Upon delivery it takes additional time for the customer and the crew to document receipt of each and every item that was placed on the truck. If an item or items are not checked off by the customer at the time of delivery, and the house must be searched to locate these boxes or other items, one or two hours additional time at the delivery end can be anticipated. For a large move that might

normally take nine to ten hours to accomplish, several additional hours would be needed. When a local move takes twelve or more hours to complete, the customer is inconvenienced, the crew is more physically exhausted, more damage is likely to occur, and more injuries are likely to happen. The alternative is to take two days to perform a move that could have been accomplished in one...not a good solution for a customer or a carrier.

The burden of taking extra time to inventory and check off items can be seen clearly from the financial perspective of the consumer, but it also places a financial hardship on a carrier who would have to significantly reduce the number of moves it can perform on a daily basis, since each local crew would either require an extra person be added, or the crew would be tied up for a significantly longer period each day. In the peak summer months, when it is already difficult for shippers to find a mover with the availability to move them, there would be many, many families who would not be able to have necessary moving service provided for them.

The PUC should take note of the fact that some of the county's largest van lines have performed studies and trials on the consequence of eliminating descriptive inventories for interstate shipments, since they know how time consuming this process is for both drivers and shippers. Based on an extensive study performed in 2002, SIRVA, the parent company for North American Van Lines, Allied Van Lines and Global Van Lines, has released information to its agents suggesting that they should consider eliminating descriptive inventories in favor of simply making a numbered list of items put on a truck. Please review this excerpt from the results of their study:

Approximately 150 haulers, spanning the entire "quality" spectrum, took part in this test, which involved over 1400 shipments of various types and weights. In this test, haulers listed only the items to be transported. The condition of those items was not listed. We were pleased and pleasantly surprised at the following results.

- *Hauler labor costs decreased.*
- *Customer satisfaction increased.*
- *Claim severity and frequency decreased.*

We believe based on test hauler anecdotal evidence, that these positive results were achieved because:

- *The potential confrontation and conflict between haulers and customers over item condition descriptions were effectively eliminated.*
 - *Time formerly spent on the inventory process was used to better manage the loading crews and to more effectively and efficiently load the trailer.*
 - *Haulers were able to load shipments faster. The average time to load the average shipment decreased by approximately two hours.*
-

Further, the only reason a list of items is suggested is that with several shipments on board a single truck moving interstate, a list does make it easier to identify the separate shipments on board. In the case of local moving, however, there are never more than one family's goods on board a truck at any given time. For a local move, goods are almost always loaded and unloaded from the truck in a single day, so the potential to mix items from different shipments does not exist.

So in summary, it would appear that the perceived advantages, if any, of inventorying local moves are insignificant, when measured against the impact of the additional cost to the consumer.

Section 31.121 - Information for Shippers

The second concern noticed in the proposal is the repeated and incorrect use of the term "Insurance" rather than "Valuation" when describing a carrier's liability with respect to household goods. This same concern was expressed to the PUC in a letter from our company dated May 26, 2004. In that letter which was a result of a revised estimate form prepared by Milbin Printing, supposedly on the advice and direction of the PA PUC, we explained our concern with this confusion between *Valuation* vs. *Insurance*. Please review the following excerpt from that previous letter:

To clarify some differences, valuation is a transportation charge that specifies the limit of liability that a mover has when handling HHG. Beyond the minimum .30/lb/item liability that is mandated by Pennsylvania Code, the consumer has the option to increase a mover's total liability based on the type and amount of coverage he wants the mover to have. There is no provision with Valuation that allows for coverage or liability for only certain of the goods on a moving truck. By regulation, a consumer must realistically declare a total amount of liability that represents the true value of replacing all goods being moved. Most companies also offer, at a reduced cost, the option for a consumer to share liability with the mover by choosing a valuation option that includes a deductible. The rates for these valuation plans are filed with the Tariff Bureau.

Insurance is a very different concept. First, unless a mover is also a licensed insurance broker, it would be improper (and we're told by our insurance company, illegal) for the mover to sell or to even imply that he is selling an insurance policy. Also, with an insurance policy, liability can be established for only those certain items for which a customer indicates he wants coverage, not necessarily an entire household. Finally, when a consumer purchases insurance, (as opposed to valuation) he is removed from the option of sharing liability for damage when he is seeking compensation from a third party provider. (Similar to homeowner's property insurance, for example, where a consumer's deductible does not apply if compensation for damage is being provided by a third party insurance company representing the party who caused the damage.)

We have always been very careful never to mislead customers by using the term "insurance" when discussing valuation plans, as this would be presenting them with false information about liability. However, the proposed rules clearly and erroneously indicate that the consumer is purchasing insurance from his mover, not establishing valuation. This proposed language and the improper use of the word "insurance" when "valuation"

is what is meant is both misleading to the consumer, and it also puts the mover in a libelous position.

Annex A: Section 31.121 - Information for Shippers & Section 31.132 – Bill of Lading

Thirdly, we have a significant concern with the wording found on page 52 of the Annex A under the heading 'Proof of Damage/Receipt' and again on page 60 under "Section 31.132 Bill of Lading". In these sections, there is a proposed change stating that "the Bill of Lading may not contain any language purporting to release or discharge the carrier from liability for damage." To the contrary, PA Code contains extensive and specific instruction to shippers about limits that exist with respect to a carrier's liability. Both the PA Code and the existing PA Tariff 54 specify many exceptions to a carrier's liability for mechanical electrical or other operation or functioning, delays, quarantine storage in transit, contents of pieces or containers, visible damage which is not noted at the time of delivery, articles of extraordinary value, dangerous goods or explosives, etc., etc., etc. Surely the PUC does not mean to recommend that a carrier should not make the consumer aware of these limitations in writing on the Bill of Lading. Nor does it seem likely that it wishes to advise shippers to refuse to sign a delivery receipt if they have been informed in writing on the Bill of Lading that these limitations exist by PA law. To the contrary, we believe that it must be the intent of the PUC (as opposed to the wording in this proposed rule) to require carriers to be very clear in their explanation to the consumer about issues that limit a carrier's liability.

Section 31.22 – Estimate of Charges

Additionally, we commend the PUC for the proposed change that would delete the current regulation 31.130, which is a sample "Estimate of Charges Form." We would, however, suggest that any proposed delineations of contents for an estimate form be specifically spelled out in the proposed rule so that interested parties can have an opportunity to comment on them. For example, we would ask the PUC to reconsider the current requirement that the heading of the estimate form must be imprinted in letters not less than ½ inch high the words "Estimated Cost of Services." A more standard printed heading and one that allows for a more attractive and functional form would call for a heading of not more than 3/8 inch, which would certainly be of adequate height to make it clearly stand out and easily recognizable.

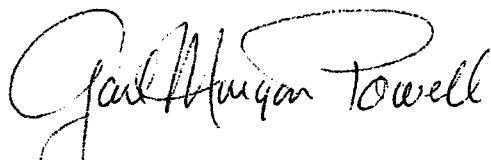
Section 31.121 Information for Shippers & Section 31.122 Estimate of Charges

Finally, we would suggest that the Commission allow a provision in these sections for the customer to waive a written estimate when one is not desired or appropriate. There are many times when a customer specifically does not want (or cannot accommodate) a visual survey of their belongings prior to a move. Without a visual survey, it is misleading for a carrier to provide a written estimate that implies total estimated charges. An estimate based on a phone conversation only is nothing more than a wild guess. Therefore, responsible household goods carriers perform estimates by surveying the customer's goods in the home prior to the move. However this is not always feasible or desired by the customer.

For example, in cases when the owner of the goods is not living near the residence where the household goods are located and has no agent to act on his behalf prior to move day, a phone conversation would typically be the only reasonable course of action. There are also customers who have moved repeatedly with the same carrier, and they do not feel the need for a survey or an estimate. These shippers are familiar with the carrier, the services that carrier provides, the rates and rules that apply, etc, and they simply desire to set a move date. There are also customers who, for various reasons, call a carrier only a day or two (or less) before they want to move. There may not be time available, given such short notice, to perform an estimate, nor are the customers asking for that to be done. They need to do an immediate move and simply want to set it up with a respected carrier. There are also cases where a carrier is asked to deliver goods from a self-storage unit to a residence. An estimate cannot typically be performed in such cases without providing a crew to unload and then reload the entire storage unit. These cases described are not really unusual in the moving industry. There is rarely a week that goes by that we don't receive at least one such request. Therefore the shipper should have the ability to waive the requirement for an estimate when it is appropriate to do so, and/or they simply do not desire one.

We thank you for your review of the above information respectfully submitted by our company. We believe that by working together toward mutually beneficial goals, the PUC, the consumers, and the carriers in Pennsylvania can continue to improve the quality of service that is offered in our state.

Sincerely,
MORGAN MOVING & STORAGE, LTD.



Gail Morgan Powell
V.P. Administration

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MORGAN MOVING & STORAGE, LTD.
10/10/91 10:47:00 AM

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July 18, 2004

Office of the Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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JUL 20 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. John Herzog,

After reviewing the proposed rule making under Docket NO. L-00020157 to make changes and regulations found in the PA Code, Title 52, Chapters 29 and 31, I am responding to Chapter 31 regarding "property" and "household goods".

Below are my concerns and comments regarding the following proposals.

Inventory

It is very timely and costly to inventory the household goods of a customer. I can fully understand doing an inventory of the goods if they are going into a storage area or on a long distance carrier in order not to confuse the goods with that of another shipment.

I disagree with doing an inventory of the goods on a short, house-to-house move. Many times the customer is not ready for the move to begin with and the customer is still packing the goods while the workforce is trying to do the move. Many of the customers don't want to bother standing there while the goods are being inventoried since they are still doing the packing while the move is starting to take place.

If a customer request that an inventory be done, we will certainly oblige that request. Most often customers don't even want an inventory done when things go into storage, they just want to sign off for any damage claims, however, we insist on doing an inventory for insurance purposes.

I do make the customers aware of any damage noticed before removing the goods from the premises and at that time it is marked on the bill of lading initialed by the customer so they are fully aware of any damage that was there prior to the move.

Nowadays, the customers are so much in a hurry to evacuate the premises due to the pressure of the realtors to be out by a certain time in order for a walk through of the premises before settlement, thus putting more pressure on the workforce and the customer.

I do not think this is very feasible or economical for both parties.

Criminal History

I think you are discriminating when you ask for background checks of this nature. If you remember, the Privacy Act was inactive for personal things of this nature along with other things.

Many times people make mistakes and pay the consequences by serving time or doing community service to help them realize the mistakes that have taken place.

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P.O. Box 3370 • Bethlehem, PA 18017-0370 • (610) 867-4513

Let's not make the mistake by rejecting these people and not allowing them to better themselves by not giving them a chance to work. Many times the government, parole officers, will call asking me if I have work that some of the people on work release can do. Temporary help agencies will also go to the prison to get help of these people, they even pick up and deliver them.

Let's not deny them a chance to do that job and give the person a downward attitude that would enable them to go back in the wrong direction. They need our help and a chance to be proven. We don't need to know it all and discriminate against them. Most of the time they are willing to share the information with you, if you give them a chance.

If you also remember, when an employee is let go from a job or they chose to take on other employment, we are not allowed to tell the perspective employer why that person was let go. We can only say that the person worked for us from date of hire to date of release.

Remember, we are human and we do make mistakes, let's not hold this over a persons head forever!

I do think what you are asking for with the filling in of forms, and doing inventory for all jobs will involve more time and having to add more staff at the expense of the business.

Kindly take into consideration, as a small business owner, the extra time and cost involved in your trying to pass this proposal.

Sincerely,

Diane A. Garland

7/19/04

Diane A. Garland, Owner
Shively's Moving & Storage

23



JACK TREIER, Inc.

MOVING STORAGE



2004 AUG -9 AM10:13

REVIEW COMMISSION

July 16, 2004

COPY

John Herzog, Assistant Counsel
Law Bureau
Office of the Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg PA 17105-3265

Docket No. L-0020157

Dear Mr. Herzog:

The following are my comments as it relates to the proposed rulemaking changes.

1. The change from 30 cent to 60 cents is unnecessary as most customers do carry additional valuation (not insurance).
2. 31.133 Inventory – I see no problem with inventory of the over 40-mile shipments as we are presently doing. The under 40-mile shipment which is charged on an hourly basis presents an additional challenge. I do not think the customer will be willing to pay the added time to complete a written inventory.

I'm sure it is just an oversight but I notice the word insurance and as you already know it should be valuation as movers are not licensed to sell insurance.

Sincerely,

John P. Treier Jr.
CEO

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PA P.U.C.
SECRETARY'S BUREAU

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2004 JUL 19 AM12:00
PA P.U.C.
LAW BUREAU

ORIGINAL WGM Transportation Inc.

14

2004 JUL 30 10:10:49

9074 FRANKLIN HILL ROAD
EAST STROUDSBURG, PA 18301
(570) 223-9289

Original: 2410



TAXI/VAN/BUS PARATRANSIT
TRANSPORTATION

DOCUMENT FOLDER



PUC A0011651
LUXURY CONVERSION
HANDICAP ACCESSIBLE VANS

DOCKETED

JUL 27 2004

L-00020157

July 14, 2004

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

ATTN: Secretary of the Commission, Mr. James McNulty
and Kelly Lewis, State Representative

RE: Proposed Rule Making in PA Bulletin, Doc. No. 04-1135

RECEIVED
04 JUL 16 AM 9:33
P.U.C.
SECRETARY'S BUREAU

Dear Honorable Commission,

I am writing in response to your proposed rule-making No. 29.314. Vehicle and Equipment Requirements posted in the June 26, 2004 Pennsylvania Bulletin.

First, I would like to state that I firmly do believe that meters should be in all taxi cabs in this state, however I do further aver that this Honorable Commission needs to establish a more efficient "security" or meter lock down that is now in force.

However, we do not believe that it should become a requirement for all taxi cabs to have dome lights. We have on many occasions been asked and told by customers that they do not like their employers or other persons to know that they are taking a taxi for personal reasons. It is also an advertisement to show their neighborhood when they are coming and going and this allows individuals to vandalize their homes. The dome lights should be at the option of the certificate

25

holder because of the area that they servicing as we know our customers and their concerns the best.

Additionally, I strongly believe that the age of the vehicle should NOT be limited to 8 years of age or newer for numerous reasons. First, the age of the vehicle will not in any way shape or form ensure a reliable fleet. The certificate holder is the one that ensures a reliable fleet in their maintenance of the vehicle, cleanliness of the vehicle, safety of the vehicle and hiring professional drivers for that vehicle. WGM has purchased numerous vehicles that are older than the law that you want to implement, these vehicles are in better shape than some of the newer vehicles that can be purchased at a "reasonable amount". It is in the integrity of the certificate holder to purchase vehicles for their fleet that are not tired, rusty, dented and are in safe and proper mechanical working order. The "older" vehicles that WGM has purchased are from the original owners that have been garage kept and well maintained. Our fleets are also inspected by this Commission's PUC Officers wherein if vehicles are not in proper working order the certificate holder will receive and be assessed a fine for whatever violation is found by that Officer no matter what the age of the said vehicle.

I have had the opportunity on numerous occasions to see and speak to Representative Kelly Lewis in person and he has commented on our fleet's appearance and the representation of our company to the community. So it seems quite obvious that Representative Lewis would not be voting for an age limit on fleet vehicles.

Another important issue is that certificate holders cannot afford to have any liens or loans on vehicles for numerous reasons one being that newer vehicles require the same amount of money to repair and upkeep as does an "older" vehicle in excellent condition and the most important reason is that certificate holders cannot afford to have comp and collision on their fleet due to the outrageous prices of insurance since September 11th. Most of your certificate holders are now back into the high risk policies because there are no regular markets for taxi cabs. Also cab companies such as ours in rural areas of Pennsylvania put on as many dead miles as live miles it is not like being in areas such as Pittsburgh or Harrisburg where your dead miles are much less. As this company has expressed in the past and will continue to believe is that you our Honorable Commission should form a task force from different certificate holders in several counties of Pennsylvania to address our concerns and needs for our customers as they vary largely within these counties. Allowing some of these "new" regulations will seriously financially harm numerous companies, however, if you want to impose these regulations or help us to maintain a safe fleet of vehicles it is our request that you start helping us to reform or lessen the amount of insurance through the insurance commission. The insurance issue has become a very difficult issue over the past 4-5 years, however, nothing is being done to aid taxi companies. My question is will this Honorable Commission allow it to get so bad that companies will go out of business as are the Doctors leaving

Pennsylvania due to the high rising costs of their malpractice insurance. This Honorable Commission needs to look at the over all picture and the costs before making such a serious decision that will harm cab companies and most importantly their service to their communities.

I would appreciate a chance to come to Harrisburg and speak with this Honorable Commission or a representative thereof to submit and review factual documentation for these serious issues that will immediately effect my business that I have worked so hard to maintain and grow within my community for the past 13 years. Thank you for your serious consideration with this matter.

Very truly yours,

WAYNE G. MARTIN, JR.
WGM Transportation, Inc.

McCARTHY FLOWERED CABS, INC.

11

RECEIVED
BUREAU OF

COPY

102 CEDAR AVENUE
SCRANTON, PA 18505

Phone (570) 344-5000
Fax (570) 207-8608

2004 JUL -8 AM 9:45

Original: 2410
JULY 2, 2004

A-00113298

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265
HARRISBURG, PA 17105-3265

L-00020157

ATTENTION: JAMES J. McNULTY, SECRETARY

DEAR SIR,

WE WISH TO EXPRESS OUR STRONG OPPOSITION TO YOUR RECENT PROPOSAL -
REF: PROPOSED RULEMAKING - CALL OR DEMAND SERVICE
29.314 VEHICLE AND EQUIPMENT REQUIREMENT
PARAGRAPH 8 (d) VEHICLE AGE

WE BELIEVE THAT ALL PENNSYLVANIA TAXI OPERATORS ARE CURRENTLY IN THEIR WORST FINANCIAL PREDICAMENT WITHIN ANYONE'S MEMORY. INSURANCE RATES HAVE RISEN OVER 275% DURING THE LAST FOUR YEARS. GAS COSTS HAVE ESCALATED 75% DURING THE SAME FOUR YEAR PERIOD.

THIS SURPRISE PROPOSED LEGISLATION WILL CRIPPLE THE ALREADY TENTATIVE FINANCIAL STABILITY OF DOZENS OF SMALL, RELIABLE CALL AND DEMAND OPERATORS LIKE OURSELVES. WE BEG THE COMMISSION TO FURTHER RECONSIDER THE IMMEDIATE ENACTMENT OF THIS POTENTIALLY DEVASTATING PROPOSAL.

EVEN IF THE COMMISSION IS STRONGLY MOVING IN THIS DIRECTION, WE AT LEAST IMPLORE THAT YOU "GRANDFATHER" IN VEHICLES CURRENTLY IN OUR FLEET. IN OUR PARTICULAR CASE FOURTEEN OUT OF NINETEEN OF OUR METICULOUSLY MAINTAINED VEHICLES WOULD HAVE TO BE TAKEN OUT OF SERVICE ON EFFECTIVE DATE. THIS WOULD HAVE THREE IMMEDIATE IMPACTS:

1. WE WOULD RISK POSSIBLE BANKRUPTCY.
2. IF WE WERE ABLE TO STAY SOLVENT, WE WOULD HAVE TO ASK THE COMMISSION FOR A 35% RATE HIKE WHICH WOULD SEVERELY HURT THE SENIOR CITIZENS AND WORKING CLASS POPULATION OF LACKAWANNA COUNTY.
3. WE MIGHT BE FORCED, IF WE WERE ABLE TO SURVIVE, TO ELIMINATE TWO OF OUR FULL TIME MECHANIC POSITIONS.

PLEASE RESPECTFULLY TAKE THE INITIATIVE TO SPEAK WITH SEVERAL OTHER DEPENDABLE OPERATORS IN THE COMMONWEALTH LIKE McCARTHY FLOWERED CABS THAT SERVICE SUCH A LARGE FIXED INCOME BASE AS LACKAWANNA COUNTY.

THANK YOU IN ADVANCE FOR THINKING OF THE NEEDS OF THE PEOPLE IN LACKAWANNA COUNTY.

RESPECTFULLY,

BRIAN J. McCARTHY, PRESIDENT
McCARTHY FLOWERED CABS, INC.
A00113298

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JUL 01 PM 1:34

CC: LOCAL AND STATE LEGISLATORS

48

MCNAUGHTON BROS. INC.

"The Moving & Warehousing Name"

Since 1918

Johnstown • Indiana

Original: 2410
Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

July 13, 2004

ALLIED
Agent for Allied Van Lines

COPY

RECEIVED
JUL 19 AM 9:10
COMMUNICATIONS BUREAU

Gentlemen:

L-000 20157

We write in regards to the proposed Rulemaking Order published on June 26, 2004.

Section 31.121 - INFORMATION FOR SHIPPERS.

The 48 hours in advance requirement is a mutually unnecessary inconvenience to both carriers and customers. When a customer is arranging for moving service 48 to 96 hours prior to the day of service the last thing they're concerned about is an Information for Shippers form. Since there is not time to execute the form via mail, both the shipper and carrier are content with executing it on moving day. And the same rationale would apply to Section 31.122 – ESTIMATE OF CHARGES. The shipper should certainly have the option to waive.

Section 31.133 – INVENTORY.

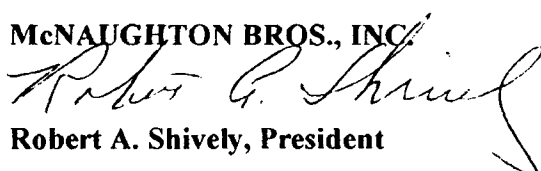
Our industry has written descriptive inventories of household goods moving 40 miles or more for a long time now. Conversely, it has not written inventories on the goods being moved on a time basis. I believe there is good reason for continuing the previous policy. First, if we write inventories on local moves we are going to cost our customers a significant increase in shipping charges. Second, there is good reason to believe that probably descriptive inventories that itemize the condition of the goods is counter productive and should even be dropped from the weight basis over 40 mile shipments. Major van lines have produced information, two being owned by SIRVA in particular, that documents a higher level of customer satisfaction when items are simply listed rather than "conditioned."

Thank you in advance for your consideration of these comments and suggestions.

Sincerely,

McNAUGHTON BROS., INC.

Robert A. Shively, President



RAS/mm

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288 Craney Pike
P.O. Box 22
814-535-6714 Fax: 814-536-1614
800-826-7378

INDIANA, PA 15701
140 Old Route 119 Hwy South
P.O. Box 57
724-463-3571 Fax: 724-463-0187
800-826-7378