

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

IRRC Number:

(1) Agency

Pennsylvania Public Utility Commission

(2) I.D. Number (Governor*s Office Use)

L-2008-2038549/57-262

(3) Short Title

Revision of 52 Pa. Code § 21.1 Pertaining to the Term Household Goods in Use Carrier.

(4) PA Code Cite

52 Pa. Code Section 21.1

(5) Agency Contacts & Telephone Numbers

Primary Contact: Adam D. Young, Law Bureau (717)772-8582

Secondary Contact: Eric Rohrbaugh, Law Bureau (717)783-3190

(6) Type of Rulemaking (check one)

- ☒ Proposed Rulemaking
☐ Final Order Adopting Regulation
☐ Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- ☒ No
☐ Yes: By the Attorney General
☐ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The rulemaking order amends 52 Pa. Code § 21.1 defining the term "Household goods in use carrier" to categorize Portable On Demand Storage (PODS) type services as transportation of property rather than household goods. The new definition will exclude PODS-type carriers from the definition of household goods in use carriers so long as the only service provided is the transportation of property from one location to another, and not loading and unloading of the container's contents.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The authority for the regulation is 66 Pa.C.S. §§ 501, 504-506, 1301 and 1501, the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq., and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5.

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

By changing the definition of a household goods carrier, the Commission's regulation will be more consistent with the federal government as well as the majority of other states. A service-based definition of a household goods user will lessen confusion about determining what items qualify as household goods. A service-based definition will also eliminate unequal treatment among PODS carriers who transport household goods and PODS carriers who transport property, when the same service is being provided.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

None.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

All property carriers in the Commonwealth of Pennsylvania.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No person or entity will be adversely affected by the regulations.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All providers of PODS-type storage and on-demand delivery services.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Not applicable.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Compliance should bring about savings to the regulated community that they would have otherwise had to register as a household goods carrier. The Commission does not anticipate any additional costs to consumers as a result of compliance with the proposed regulation.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Not applicable.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

Not applicable.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Not applicable.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Not applicable.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

None.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

None.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

None. In fact, the proposed regulation lessens Pennsylvania's more stringent requirements and will be more consistent with the federal government as well as the majority of other states.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The proposed regulation will be more consistent with the federal guidelines as well as the majority of other states. It is believed that the regulation will not put Pennsylvania at a competitive disadvantage with other states. Carriers of household goods must file a tariff and seek Commission approval for any change in rates, whereas carriers of property are not required to file a tariff. Requiring PODS-type carriers to register as carriers of property makes Pennsylvania more attractive because such a carrier's rates will not be bound by a tariff, which must be approved by the Commission.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

Not at this time.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Only insofar as some PODS-type carriers currently registered as carriers of household goods now must only register as a carrier of property. Additionally, carriers of household goods must file a tariff and seek Commission approval for any change in rates, whereas carriers of property are not required to file a tariff.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will become final following publication in the Pennsylvania Bulletin after review of all comments submitted to the Commission and approval by IRRC. The Commission hopes to have final regulations in place by the end of calendar year 2009.

(31) Provide the schedule for continual review of the regulation.

None.

CDL - 1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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REVIEW COMMISSION

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Copy below is hereby approved as to form and legality. Attorney General.

BY *Amy M. Elliott*
(DEPUTY ATTORNEY GENERAL)

AUG 19 2008

DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-2008-2038549/57-262

DATE OF ADOPTION May 22, 2008

BY *James J. McNulty*
James J. McNulty

TITLE *Secy*
(SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies

BY *Bohdan R. Pankiw*
Bohdan R. Pankiw
Chief Counsel

5-22-08
DATE OF APPROVAL

☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-2008-2038549/57-262
Proposed Rulemaking
Amendment to 52 Pa. Code Section 21.1
Defining the Term Household Goods in Use Carrier
52 Pa. Code, Chapter 21

The Pennsylvania Public Utility Commission on May 22, 2008, adopted a proposed rulemaking order which amends the definition of the term "household goods in use carrier." The contact person is Adam Young, Law Bureau, 772-8582.

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LAW BUREAU

EXECUTIVE SUMMARY

L-2008-2038549/57-262
Proposed Rulemaking Revising
The Term Household Goods in Use Carrier
52 Pa. Code, Chapter 21

The recent emergence of containerized moving service firms, such as Portable on Demand Storage (PODS), as an alternative to traditional full service loading and unloading, packing and unpacking moving services for consumers, has raised issues regarding how PODS-type carriers should be regulated. In particular, it appears that PODS-type services, in which the customer is responsible for packing and unpacking, and loading and unloading the container, is more akin to common carrier of property service. Under these circumstances, the only service ordinarily provided by the carrier is transportation, making it appropriate to impose the lesser degree of regulation associated with property common carriers to these containerized moving service carriers.

Based upon the Commission's consideration of this issue to date, as well as our review of the approach to this issue taken by the federal government and other states, we are proposing to amend our regulations to distinguish the operating authority of carriers of household goods and carriers of property based upon the nature of the service provided and not upon the type of contents being transported. By changing the definition of a household goods carrier, the Commission's regulation will be more consistent with the federal government as well as the majority of other states. A service-based definition of a household good user will obviate the need for determining whether certain items qualify as household goods. A service-based definition will also eliminate unequal treatment among PODS carriers who transport household goods and PODS carriers who transport property, when the same service is being provided.

The Commission, therefore, formally commences its rulemaking process to amend its existing regulations at 52 Pa. Code § 21.1 defining the term “Household goods in use carrier.” The proposed amended definition will categorize PODS-type services as transportation of property irrespective of the contents of the move, so long as the only service provided is the transportation of property from one location to another. If, however, a company such as PODS provides packing and unpacking and/or loading and unloading services, it will still be required to have a certificate as a household goods in use carrier.

Additionally, the existing regulation at 52 Pa. Code § 21.1 includes as a “household goods in use carrier” the “transportation of property from a factory or store when the property is purchased by the householder with intent to use in his dwelling.” *Id.* Thus, the current regulation covers instances such as when a buyer purchases a large appliance or furniture from a department store, and then arranges for the department store to deliver the item to his/her dwelling. The proposed regulation seeks to change this in keeping with its federal counterpart, 49 U.S.C.A. § 13102(10) as amended. In 1999, the federal government amended § 13102(10) to *exclude* moves from a factory or store, whereas this provision previously included such moves. The Commission believes a similar amendment to 52 Pa. Code § 21.1 is in order, as we no longer intend to require household goods authority for such deliveries.

The contact person is Assistant Counsel Adam Young, Law Bureau, (717) 772-8582.

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

Public Meeting held May 22, 2008

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Tyrone J. Christy
Kim Pizzingrilli

Rulemaking Re Amendment to 52 Pa. Code §21.1 Docket No. L-2008-2038549
Defining the Term Household Goods in Use Carrier

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

In accordance with Section 501 of the Public Utility Code, 66 Pa. C.S. § 501, the Commission formally commences its rulemaking process to amend its existing regulations at 52 Pa. Code § 21.1 defining the term “Household goods in use carrier.” The Commission seeks comments from all interested parties on this proposed regulation amendment, which is found at Annex A to this Order.

A. Background and Procedural History

The recent emergence of containerized moving service firms, such as Portable on Demand Storage (PODS), as an alternative to traditional full service loading and unloading, packing and unpacking moving services for consumers, has raised issues

regarding how PODS-type carriers should be regulated.¹ In particular, it appears that PODS-type services, in which the customer is responsible for packing and unpacking, and loading and unloading the container, and the only service ordinarily provided by the carrier is transportation, is more akin to common carrier property service. Under those circumstances, it may be appropriate to impose the lesser degree of regulation associated with property common carriers to these containerized moving service carriers.

Based upon the Commission's consideration of this issue to date, as well as our review of the approach to this issue taken by the federal government and other states, we are proposing to amend our regulations to distinguish the operating authority of carriers of household goods and carriers of property based upon the nature of the service provided and not upon the type of contents being transported. By changing the definition of a household goods carrier, the Commission's regulation will be more consistent with the federal government as well as the majority of other states. A service-based definition of a household good user will lessen confusion about determining what items qualify as household goods. A service-based definition will also eliminate unequal treatment among PODS carriers who transport household goods and PODS carriers who transport property, when the same service is being provided.

DISCUSSION

The Commission currently determines whether to grant a certificate for moving household goods or a certificate for moving property based upon the contents being transported. The regulations define "household goods in use" as "personal effects and

¹ PODS provides a "you pack, we haul" moving service where the company delivers a portable storage unit to the customer. The customer packs the unit, and then PODS loads the unit onto a truck and transports the shipment to its destination, where the customer unpacks. PODS uses a special hydraulic truck to lift the unit so as not to disturb the contents inside. PODS handles the customer's contents when the unit is being hoisted onto the truck, during transport and during the detachment from the truck. PODS also gives the customer an option to arrange for a team of "expert packers" to pack boxes as well as load and unload the unit. See <http://www.pods.com/>. See also <http://www.getasam.com/sam/portable-storage> (Providing the same service as PODS.)

property used or to be used in a dwelling.”² 52 Pa. Code § 21.1. Companies such as PODS offer services to individuals who are moving personal items from one residence to another. The customer pays for the transportation service, but handles the loading and unloading of the items him/herself. Thus, the kinds of contents that these service providers transport sometimes fall within the Commission’s definition of household goods. However, these carriers may also transport property aside from household goods. In these instances, the Commission requires these carriers to obtain a certificate as a carrier of property.

Several differences exist between the requirements for obtaining a certificate to be a carrier of household goods and a carrier of property. Generally, the application to obtain a household goods certificate imposes more requirements upon the carrier than those required for a carrier of property. First, the application fee for a household goods certificate is more expensive (\$350 as opposed to \$100 for a carrier of property). Second, the household goods application requires the applicant to specifically describe the nature and character of its service, including a full description of the territory where the applicant plans to operate. There is no corresponding requirement on the application to be a common carrier of property. Third, carriers of household goods must file a tariff and seek Commission approval for any change in rates, whereas carriers of property are not required to file a tariff. This third requirement for a household goods carrier is arguably the most stringent one; it regulates a carrier’s rates by binding the carrier to a tariff that must be approved by the Commission. And last, after the application for a household goods carrier is accepted by the Commission, it is published in the *Pennsylvania Bulletin*. Any active Pennsylvania certified carrier holding household goods authority in the same geographical area may file a protest to the granting of the application. Thereafter, carriers may resolve protests amongst themselves or, if an agreement cannot be reached,

² Household goods in use also includes transportation “arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his dwelling.” 52 Pa. Code § 21.1.

a hearing will be held before an administrative law judge (ALJ). A carrier of property does not have to encounter protests when it files an application for authority.

There are, however, several similarities between the manner in which a carrier of household goods and a carrier of property are regulated. For example, the Commission requires both types of carriers to maintain the same amount of insurance: \$300,000 per accident per vehicle to cover liability for bodily injury, death or property damage and \$5,000 for loss or damage to cargo. Additionally, the Commission imposes the same requirements to both types of carriers related to annual assessments, safety regulations, the marking of vehicles, fines and penalties, and other general requirements. Therefore, carriers of household goods must abide by more regulations and are more limited in the scope of their operating authority. The resulting inequality is that carriers like PODS who transport household goods are regulated more than carriers of property even though they provide the exact same service.

a. Federal Law

The federal government determines the scope of the operating authority of household goods carriers based on the nature of service provided rather than the kind of goods being transported. The Interstate Commerce Commission (ICC)³ has expressly declined to apply household goods regulatory requirements to general freight carriers transporting household goods. *See Practices of Motor Common Carriers of Household Goods*, 17 MCC 467 (1939) (holding that general freight carriers transporting household goods were not subject to the ICC's household goods regulations unless they performed services typical of a household goods carrier); *American Red Ball Transit Co. v. McLean Trucking Co., Inc.*, 67 MCC 305 (1956) (concluding that a general freight carrier with a

³ The ICC has since been dissolved and its functions have been transferred to the United States Department of Transportation (DOT). The DOT considers ICC orders to have precedential effect. *See* Interstate Commerce Comm'n Termination Act of 1995, Pub. L. 104-88, § 204, 109 Stat. 803 (1995).

household goods exclusion in its certificate could transport household goods in the same equipment used to transport general freight); *Glosson Motor Lines, Inc. – Purchase – Helderman*, 101 M.C.C. 151 (1966).

In 2001, a subdivision of the United States Department of Transportation (DOT), the Federal Motor Carrier Safety Administration (FMCSA) denied a petition for declaratory order filed by the American Moving and Storage Association, Inc. (AMSA). The petition requested that carriers such as PODS be subject to the same regulatory requirements applicable to registered household goods carriers. *Am. Moving and Storage Assoc.*, Pet. for Declaratory Order. (U.S. Dep’t of Transp. June 13, 2001). AMSA contended that consumers using customer-packed and carrier-hauled services were being unfairly denied the regulatory protections established for users of traditional household goods carriers. In denying AMSA’s petition, FMCSA explained that it has adopted the underlying rationale of the ICC decisions, namely that the household goods requirements are directed at a discrete segment of the transportation industry that is service oriented. But, because carriers such as PODS are customer-packed, loaded and unloaded, the service aspect is missing. The FMCSA also explained that there is no evidence that Congress intended to change the longstanding treatment of household goods transportation, which is more service oriented than carriers of property. *Id.* at 2. Federal case law also supports the FMCSA’s decision to regulate PODS as carriers of property. *See Hath v. Alleghany Color Corp.*, 369 F. Supp. 2d 1116 (D. Ariz. 2005).

Additionally, in 2005, Congress amended its statutory definition of a household goods motor carrier to exclude services by PODS carriers.⁴ The Federal Highway Authorization bill has adopted this definition. *See* SAFE, ACCOUNTING, FLEXIBLE,

⁴ “The term does not include a motor carrier when the motor carrier provides transportation of household goods in containers or trailers that are entirely loaded and unloaded by an individual (other than an employee or agent of the motor carrier).” 49 U.S.C.A. § 13102. (1995), *amended by* 49 U.S.C.A. § 13102(12)(C) (Supp. 2005).

EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS, H.R. 3, 109th Congress § 4202 (2005). Therefore, the decisions of the DOT/ICC, federal case law and federal statutes interpret PODS-type carriers to be excluded from household goods regulatory requirements because of the nature of the service provided.

b. Other States

A number of other states exclude PODS-type carriers from being considered household goods carriers.⁵ These states, which consider these carriers to be carriers of property, place emphasis on the nature of the service provided, rather than the type of contents being transported. These states do not believe that the inherent nature of a household goods shipment, which is predominantly a packing and handling service, is present since the individual customer packs and seals their goods. The Commission concurs with this view. The transportation of household goods is a more personal service that includes entry into the customer's residence, packing of the customer's household goods, loading the household goods into the truck, transport to another residence, entry into the other residence, and subsequent unloading and unpacking. The personal nature of this service warrants greater regulatory oversight to protect the public interest. In contrast, the PODS-type service is more akin to the transportation of property in that the only service provided, in most cases, is transportation of the customer's property or household goods.

c. Exclusions

The existing regulation at 52 Pa. Code § 21.1 includes as a "household goods in use carrier" the "transportation of property from a factory or store when the property is

⁵ Based on staff's contacts with other state utility commissions, the following states have determined that PODS-type carriers are excluded from the type of regulation imposed on household goods carriers: Alabama, Idaho, Indiana, Iowa, Massachusetts, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Dakota, Virginia, and Washington.

purchased by the householder with intent to use in his dwelling.” *Id.* Thus, the current regulation covers instances such as when a buyer purchases a large appliance or furniture from a department store, and then arranges for the department store to deliver the item to his/her dwelling. The current regulation exists in keeping with its federal counterpart, 49 U.S.C.A. § 13102(10), as it existed prior to the 1999 amendments, which changed the definition from *including* moves from a factory or store, to *excluding* moves from a factory or store.⁶ The Commission believes a similar amendment to 52 Pa. Code § 21.1 is in order, as we no longer intend to require household goods authority for such deliveries.

Therefore, the regulation as amended in Annex A specifically excludes the transportation of property from a factory or store when the property is purchased by the householder with intent to use in his dwelling. It is the intent of the Commission not to require such factories or stores to have a household goods carrier certificate for such moves, even in the instance where an agent or employee loads and unloads the item(s).

CONCLUSION

The Commission, therefore, formally commences its rulemaking process to amend its existing regulations at 52 Pa. Code § 21.1 defining the term “Household goods in use carrier” consistent with Annex A to this Order. The proposed amended definition will categorize PODS-type services as transportation of property irrespective of the contents of the move, so long as the only service provided is the transportation of property from one location to another. If, however, a company such as PODS provides packing and

⁶ 1999 Amendments. Par. (10)(A). Pub.L. 106-159, § 209(a), struck out, “including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling,” and inserted, “except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder.”

unpacking and/or loading and unloading services, it will still be required to have a certificate as a household goods in use carrier. The Commission seeks comments from all interested parties on this proposed regulation amendment, which is found at Annex A to this Order.

Accordingly, under sections 501 and 1501 of the Public Utility Code, 66 Pa. C.S. § 501 and 1501; sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P.S. 732.204(b); section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; and section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231-7.234, we are considering adopting the proposed regulations set forth in Annex A, attached hereto; **THEREFORE,**

IT IS ORDERED:

1. That a proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. That the Secretary shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. That the Secretary shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.


4. That the Secretary shall certify this proposed rulemaking Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*. The Secretary shall specify publication of the Order in accordance with 45 Pa. C.S. § 727.

5. That an original and 15 copies of any written comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265.

6. That a copy of this proposed rulemaking Order and Annex A shall be served on the Office of Trial Staff, the Office of Consumer Advocate, and the Office of Small Business Advocate, the Tri-State Household Goods Tariff Conference, the Pennsylvania Moving and Storage Association, and all carriers currently holding Household Goods authority from the Commission.

7. That the contact person for this proposed rulemaking is Adam D. Young, Assistant Counsel, Law Bureau, (717)-772-8582. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, 717-772-4579.

BY THE COMMISSION,



James J. McNulty,
Secretary

(SEAL)

ORDER ADOPTED: May 22, 2008

ORDER ENTERED: JUN 03 2008

ANNEX A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart B. CARRIERS OF PASSENGERS
AND PROPERTY
CHAPTER 21. GENERAL PROVISIONS

§21.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Household goods in use—

[As used in connection with transportation, the term means personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of the dwelling, and similar property if the transportation of the effects or property is one of the following:

(i) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his dwelling.

(ii) Arranged and paid for by another party.]

(i) As used in connection with transportation, the term means personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of the dwelling, and similar property if the transportation of the effects or property is arranged and paid for by either the householder or by another party.

(ii) This term does not include:

(A) A motor carrier when the motor carrier provides transportation of household goods in containers or trailers that are entirely packed, loaded, unloaded, or unpacked by an individual other than an employee or agent of the motor carrier.

(B) Transportation of property from a factory or store when the property is purchased by the householder with the intent to use it in the householder's dwelling.

* * * * *



PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

JAMES H. CAWLEY
CHAIRMAN

September 25, 2008

The Honorable Arthur Coccodrilli
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-2008-2038549/57-262
Proposed Rulemaking
To Amend the Definition of the
Term Household Goods in Use Carrier
52 Pa. Code, Chapter 21

INDEPENDENT REGULATORY
REVIEW COMMISSION

2008 SEP 25 PM 4:03

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Dear Chairman Coccodrilli:

Enclosed please find one (1) copy of the proposed rulemaking and the Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." Pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission is submitting today a copy of the proposed rulemaking and Regulatory Analysis Form to the Chairman of the Senate Committee on Consumer Protection and Professional Licensure and to the Independent Regulatory Review Commission.

The purpose of this proposal is to amend the definition of the term "household goods in use carrier." The contact person is Adam Young, Law Bureau, 772-8582.

The proposal has been deposited for publication with the Legislative Reference Bureau.

Very truly yours,

A handwritten signature in black ink, reading "James H. Cawley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James H. Cawley
Chairman

Enclosures

cc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Joseph Preston, Jr.
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel Young
Regulatory Coordinator DelBiondo
Judy Bailets, Governor's Policy Office

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-2008-2038549

Subject: Rulemaking Amending the Term Household Goods in Use
Carrier

Pennsylvania Public Utility Commission

TYPE OF REGULATION

☒ Proposed Regulation
☐ Final Regulation with Notice of Proposed Rulemaking
Omitted.
☐ Final Regulation
☐ 120-day Emergency Certification of the Attorney
General
☐ 120-day Emergency Certification of the Governor

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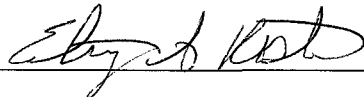
FILING OF REPORT

Date

Signature

Designation

9/25/08



HOUSE COMMITTEE (Preston)

Consumer Affairs

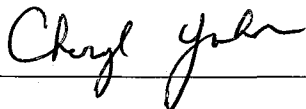
9-25-08



SENATE COMMITTEE (Tomlinson)

Consumer Protection and
Professional Licensure

9-25-08



Independent Regulatory
Review Commission

Attorney General

Legislative Reference
Bureau