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3041

December 19, 2013

Re: Proposed Rulemaking Order  
Docket No. L-2013-2376902

Ms. Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**MAILED WITH U.S. POSTAL SERVICE**  
**CERTIFICATE OF MAILING FORM 3817**

Dear Ms. Chiavetta:

We enclose for filing with the Commission the signed original of the Comments of Lytle's Transfer & Storage, Inc. in opposition to the Proposed Rulemaking Order at Docket No. L-2013-2376902.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

William A. Gray

as/131938

Enclosures

cc: Lytle's Transfer & Storage, Inc. (w/enc.)

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Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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RE: PROPOSED RULEMAKING ORDER

DOCKET NO. L-2013-2376902

DEC 19 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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COMMENTS OF MICHAEL J. BOONE  
ON BEHALF OF LYTLE'S TRANSFER & STORAGE, INC.  
IN OPPOSITION TO  
PROPOSED RULEMAKING ORDER

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The Commission published in the Pennsylvania Bulletin dated November 23, 2013, a proposed rulemaking order to amend existing regulations governing household goods carriers to eliminate the requirement that applicants for authority establish a public demand or need for the proposed service and to modify insurance requirements.

Lytle's Transfer & Storage, Inc. ("Lytle's") objects to the proposal to eliminate the requirements that applicants for authority establish a public demand or need for the proposed service.

The business address of Lytle's is 1 Holiday Parkway, P. O. Box 106, Tipton, PA 16684. Lytle's has authority at Docket No. A-00094302 authorizing it to provide household goods service (1) between points located within 25 miles of Altoona, Blair County, and from points in said territory to points in Pennsylvania, and vice versa; (2) between points located within 15 miles of Allentown, Lehigh County, and from points in said territory to points in Pennsylvania, and vice versa; and (3) between points in the city of Easton, Northampton County, and within three (3) miles of the limits of said city and from points in the city of Easton, Northampton

County, to other points in Pennsylvania, and vice versa. Lytle's has provided service under its PUC authority on a regular, continuing basis since it was certificated. Lytle's was first certificated on April 16, 1968 but the predecessor company to Lytle's (James A. Lytle t/d/b/a Lytle's Transfer and Storage) was first granted authority on March 24, 1941. Lytle's and its predecessor have therefore been involved in the household goods business in Pennsylvania for more than seventy years.

As will be discussed below, Lytle's believes that the Commission should continue to handle household goods applications in the same manner and to the same extent that it has handled such applications in the past and continues to handle such applications at the present time.

It is significant to note that the United States Congress differentiated between general property service and household goods service when it enacted the Federal Aviation Act, which preempted the authority of states to regulate rates, routes and service of motor carriers transporting property, other than household goods carriers. The United States Congress recognized that there was a clear difference between service provided by general freight carriers, which is usually provided to companies, and household goods service, which is usually provided to individuals. In fact, the legislative history to the Household Goods Transportation Act of 1980 reflects the fact that Congress clearly understood the unique nature of the operations conducted by household goods carriers:

The fact that the household moving sector does business with individual shippers also sets it apart from the rest of the trucking industry. These shippers usually move only once or twice in their lives and, consequently, lack a thorough understanding of the industry and sufficient clout to negotiate with it. Their situation is made more vulnerable by the fact that the moves involve all of their personal possession, which are often of a fragile nature., H.Rep. No. 98-1372, 98th Cong., 2nd Sess. 2, reprinted in [1980] U.S. Code, Cong. & Admin. News, 4271, 4272.

. . . the committee recognizes that many users of the household goods carriers are ordinary consumers unfamiliar with how the industry works and without the economic leverage of commercial shippers. These persons tend to be more vulnerable than other shippers and, hence, in need of protections that are not necessary for other motor carrier shippers. Accordingly, this bill provides the Interstate Commerce Commission with special authority to protect these shippers. Ibid., at 5-8, 4275.

It is Lytle's position that the current and future citizens of Pennsylvania deserve the protections afforded by the existing regulations. The present proposal to substantially ease the entry standards for new movers will enable unscrupulous movers to pass themselves as professional movers. Most presently licensed household goods movers in Pennsylvania are local companies which have been in business for many years, who are dedicated to providing service to their local communities and who have few if any complaints filed with the Commission concerning their service. The present proposal to substantially ease the entry standards will permit rogue operators, many from out of state, to steal business from the existing local companies, thereby jeopardizing their very existence. There are numerous well documented complaints in other states that have lax entry requirements involving companies who hold customer shipments hostage or who damage and delay shipments or engage in deceptive practices such as unwarranted overcharges. These types of complaints are rare in Pennsylvania but will certainly become much more prevalent if the entry standards are changed in the manner proposed and anyone who wants to secure authority can secure such authority throughout Pennsylvania. This is what will happen unless this proposed rulemaking is rejected at least insofar as the change in the entry standards is concerned.

For all of the above reasons, Lytle's opposes the proposed changes set forth in Pennsylvania Bulletin dated November 23, 2013, relating to eliminating the requirement that applications for authority establish a public demand or need for the proposed service. Lytle's has no objection to the proposal modifying the insurance requirements.

Respectfully submitted,

VUONO & GRAY, LLC

By: 

William A. Gray, Esq.

Attorneys for

Lytle's Transfer & Storage, Inc.

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/131625

VERIFICATION

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Michael J. Boone

Dated: 12/10/2013

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**TO:**

Ms. Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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TO:

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Secretary  
Pennsylvania Public Utility Commission  
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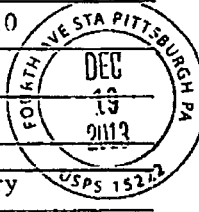
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