STATE OF SOUTH CAROLINA

(Caption of Case)

Application of U-Haul Co. of South Carolina, Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2009 - 141 - T

(Please type or print)

Submitted by: John J. Pringle, Jr
Address: P.O. Box 2285
Columbia, SC 29202

SC Bar Number: 11208
Telephone: 803-343-1270
Fax: 803-799-8479
Other:
Email: jpringle@ellislawhorne.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☒ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certificatio
☐ Electric/Telecommunications	☐ Answer	☒ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☐ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☒ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-141-T

IN RE: Application of U-Haul Co. of South Carolina Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier	)))))))	**MOTION TO EXCLUDE TESTIMONY OR COMPEL RESPONSES IN FULL**

Pursuant to S.C. Code Ann. Regs. 103-829 and 833, Applicant U-Haul Co. of South Carolina Incorporated ("U-Haul") moves the Public Service Commission of South Carolina (the "Commission") for an Order Excluding any testimony by Intervenors Trega, LLC d/b/a Apartment Movers, Etc., Atlantic Transfer and Storage Company, Incorporated, Kohler Moving and Storage, Incorporated, and Reads Moving Systems of Carolina based on the Intervenors' failure to respond to the discovery requests served on them on December 1, 2009 (Docket Entry #s 220530, 220531, 220532, and 220533). U-Haul sent each Intervenor a letter following up on this matter on December 22, 2009 (attached hereto as Exhibit A); however, to date there has been no response.

The discovery sought by U-Haul from the Intervenors requested information about the position of the Intervenors in this Docket, and specifically the basis for Intervenors' opposition to U-Haul's application. The Intervenors' failure to respond or object to U-Haul's discovery leaves U-Haul without information crucial to the preparation of its case. As a result, allowing the Intervenors to testify at the hearing in this Docket would subject U-Haul to a "trial by

ambush." As an alternative, U-Haul requests that the Commission require the Intervenors to respond in full to U-Haul's discovery requests prior to the hearing in this matter.

WHEREFORE, for the foregoing reasons, U-Haul respectfully requests that the Commission rule that the Intervenors Trega, LLC d/b/a Apartment Movers, Etc., Atlantic Transfer and Storage Company, Incorporated, Kohler Moving and Storage, Incorporated, and Reads Moving Systems of Carolina may not testify in this matter due to their failure to provide discovery responses to U-Haul, or in the alternative, compel responses from the Intervenors as described herein, and grant such other relief as is just and proper.

RESPECTFULLY SUBMITTED, this 8th day of January, 2010.

ELLIS, LAWHORNE & SIMS, P.A.

John J. Pringle, Jr.
1501 Main Street, 5th Floor
P.O. Box 2285
Columbia, SC 29202
Tel.: (803) 343-1270
Fax: (803) 799-8479

EXHIBIT A

ELLIS : LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

December 22, 2009

VIA FACSIMILE (843) 559-7277
AND FIRST CLASS MAIL
Mr. Trey Ingram
Trega, LLC d/b/a Apartment Movers, Etc.
2908-B Maybank Highway
Johns Island, SC 29455

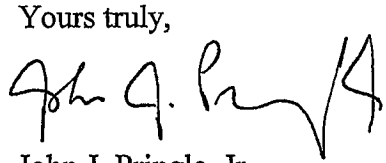
RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. Ingram:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Trega, LLC d/b/a Apartment Movers, Etc. in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/ls
cc: Mr. Thomas Tollison (via electronic mail service)

ELLIS : LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

December 22, 2009

VIA FACSIMILE (843) 760-6157
AND FIRST CLASS MAIL
Mr. Tom Roth
Atlantic Transfer and Storage Company, Incorporated
7370 E. Spartan Boulevard
Charleston, SC 29418

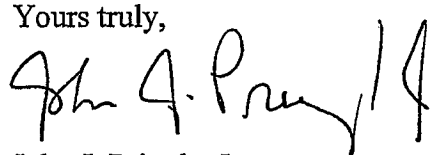
RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. Roth:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Atlantic Transfer and Storage Company, Incorporated in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/ls
cc: Mr. Thomas Tollison (via electronic mail service)

ELLIS : LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

December 22, 2009

VIA FACSIMILE (843) 849-6683
AND FIRST CLASS MAIL
Mr. Albert H. Kohler
Kohler Moving and Storage, Incorporated
1159 Cainhoy Road
Wando, SC 29492

RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. Kohler:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Kohler Moving and Storage, Incorporated in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,

John J. Pringle, Jr.

JJP/ls
cc: Mr. Thomas Tollison (via electronic mail service)

ELLIS : LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

December 22, 2009

VIA FACSIMILE (843) 879-0222
AND FIRST CLASS MAIL
Mr. Tim White
Reads Moving Systems of Carolina
1072 Dropoff Drive
Summerville, SC 29483

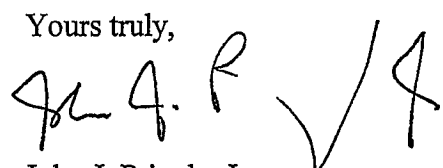
RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. White:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Reads Moving Systems of Carolina in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/ls
cc: Mr. Thomas Tollison (via electronic mail service)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
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DOCKET NO. 2009-141-T

Application of U-Haul Co. of South Carolina, Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier	)	**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day, one (1) copy of the **Motion to Exclude Testimony or Compel Responses in Full** via electronic mail and by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

VIA ELECTRONIC MAIL SERVICE
Jeffrey Nelson, Esquire
Office of Regulatory Staff
Legal Department
PO Box 11263
Columbia, SC 29211

Mr. Tom Roth
Atlantic Transfer and Storage Company, Incorporated
7370 E. Spartan Boulevard
Charleston, SC 29418

Mr. Albert H. Kohler
Kohler Moving and Storage, Incorporated
1159 Cainhoy Road
Wando, SC 29492

Mr. Tim White
Reads Moving Systems of Carolina
1072 Dropoff Drive
Summerville, SC 29483

Mr. Trey Ingram
Trega, LLC d/b/a Apartment Movers, Etc.
2908-B Maybank Highway
Johns Island, SC 29455

Lisa Sharpe
Lisa Sharpe, Paralegal

January 8, 2010
Columbia, South Carolina