

Law Offices

VUONO & GRAY, LLC

310 Grant Street

Suite 2310 Grant Building

Pittsburgh, PA 15219-2383

*John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Louise R. Schrage
William H. Stewart, III
Richard R. Wilson,
of Counsel*

**Also Admitted in Florida*

Telephone
412-471-1800

Facsimile
412-471-4477

Website
www.vuonogray.com

Email Address
wgray@vuonogray.com

February 26, 2010

Re: Modern Motor Coaches, Inc. d/b/a Modern Piano Moving
Docket No. A-2010-2155021

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

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

Dear Mr. McNulty:

We enclose for filing with the Commission the signed original of a protest to the above application.

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

RECEIVED

FEB 26 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

ms/77287

Enclosure

cc: Modern Motor Coaches d/b/a
Modern Piano Moving (w/enc) (by Certified Mail)
South Hills Movers, Inc.
Starck Van Lines, Inc.
Lytle's Transfer & Storage, Inc.
Weski Transfer, Inc.

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-2010-2155021

MODERN MOTOR COACHES, INC. d/b/a
MODERN PIANO MOVING

PROTEST AND REQUEST
FOR ORAL HEARING

RECEIVED

FEB 26 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.
2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant authority is attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the interest of the protestants.

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, (d) the applicant does not possess the technical and financial ability to provide the proposed service and lacks a propensity to operate safely and legally, and (e) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence in opposition to the grant of the application unless the application is amended so as to eliminate the interest as set forth in this protest.

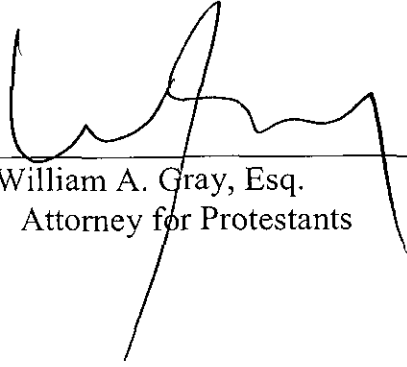
WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

SOUTH HILLS MOVERS, INC.
STARCK VAN LINES, INC.
LYTLE'S TRANSFER & STORAGE, INC.
WELESKI TRANSFER, INC.

By: _____


William A. Gray, Esq.
Attorney for Protestants

VUONO & GRAY, LLC
310 Grant Street
Suite 2310 Grant Building
Pittsburgh, PA 15219-2383
(412) 471-1800

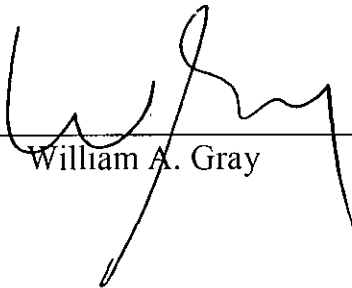
Dated: February 26, 2010

/77066

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request an oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, PA, this 26th day of February, 2010.



William A. Gray

177066

RECEIVED
FEB 26 2010
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Modern Motor Coaches, Inc. d/b/a
Modern Piano Moving
Docket No. A-2010-2155021

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on February 13, 2010,
applicant seeks authority to operate as a common carrier, transporting:

Household goods in use, limited to pianos and organs,
between points in Pennsylvania.

RECEIVED

FEB 26 2010

INTEREST OF PROTESTANTS:

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1. South Hills Movers, Inc., 3132 Industrial Boulevard, Bethel Park, PA 15102, (412-833-1580) holds authority at Docket No. A-00109506. A copy of the relevant authority of South Hills Movers, Inc. is attached hereto. All of the household goods in use authority of this company is relevant to this application.
2. Starck Van Lines, Inc., 12 Starck Drive, Burgettstown, PA 15021, (724-729-3600), holds authority at Docket No. A-00086317. A copy of the relevant authority of Starck Van Lines is attached hereto. All of the household goods authority of this company is relevant to this application.
3. Lytle's Transfer & Storage, Inc., 1 Holliday Parkway, P.O. Box 106, Tipton, PA 16684 (814-684-2219) holds operating authority at Docket No. A-00094302. A copy of the relevant authority of Lytle's Transfer is attached hereto. All of the household goods authority of this company is relevant to this application.

4. Weleski Transfer, Inc., 140 West Fourth Avenue, Tarentum, PA 15084, holds authority at Docket No. A-00096502. A copy of the relevant authority of Weleski is attached hereto. All of the household goods authority of this company is relevant to this application.

South Hills Movers, Inc.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 21, 1990

Commissioners Present:

William H. Smith, Chairman
Frank Fischl
David W. Rolka
Joseph Rhodes, Jr.

Application of South Hills Movers, Inc.
(NEW), a corporation of the Commonwealth
of Pennsylvania, for the transfer of all
of the operating rights of South Hills
Movers, Inc. (OLD), under the certificate
issued at A-00099073, F. 2, subject to the
same limitations and conditions.

A-00109506

John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 24, 1990. Public notice of the application was given in the Pennsylvania Bulletin of October 13, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

The purpose of the instant application is to transfer all of the issued and outstanding authority^{1/} of South Hills Movers, Inc., which is contained under the certificate issued at A-00099073, F. 2, to a newly-formed corporation while retaining the name South Hills Movers, Inc., at A-00109506. This transfer application is being filed to facilitate reorganization of

^{1/} The transferor has two pending application proceedings at A-00099073, F. 2, Am-J and A-00099073, F. 2, Am-I. The transferor has filed Petitions for Substitution of the Applicant in these proceedings.

companies which will result in the stock of two motor carrier operating companies being owned by SHM Holdings, Ltd.

SHM Holdings, Ltd. is a stockholding company in which Robert E. Lee and Gary N. Lee each hold 50 percent of the issued and outstanding common stock. Robert E. Lee and Gary N. Lee also each own 50 percent of the issued and outstanding shares of common stock of the applicant. Robert Lee and his wife Marion Lee own all of the issued and outstanding preferred stock of the transferor. The result of approval of this application will consolidate this family's business under one entity. At a separate proceeding docketed at A-00107868, the stock of LeeLease, Inc., is being transferred to SHM Holdings, Ltd. Robert E. Lee and Gary N. Lee each own 50 percent of LeeLease, Inc.

Upon approval of the applications, SHM Holdings, Ltd., will control through ownership of all of the issued and outstanding stock, South Hills Movers, Inc. (NEW) and LeeLease, Inc. The applicant has also filed with the Interstate Commerce Commission applications to effectuate this reorganization.

The new corporation, South Hills Movers, Inc., has total assets of \$100,000 in cash. Its shareholders' equity is comprised of paid in capital of \$50,000 and common stock with 50,000 shares of par value of \$1.00 issued and outstanding. Officers of the transferor will take positions as officers in the transferee. As such, the newly-formed corporation will have the benefit of their experience.

The total consideration for the rights is \$45,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: the total purchase price of \$45,000 will be paid in cash or by certified or cashier's check on the final closing date. The closing date is a date selected by agreement of the parties within a period of 30 days after the effective date of the final order by the Commission approving the application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

1. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, furniture, displays, musical instruments and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the counties of Allegheny and Washington and from points in the said counties to other points in Pennsylvania, and vice versa;

right 1 subject to the following conditions:

FIRST: That the service herein authorized is limited to commodities which, because of their unusual nature or value, require specialized handling and equipment usually employed in the moving of household goods.

SECOND: That the service herein authorized is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for the purpose of resale.

THIRD: That no right, power or privilege is granted to transport property requiring the use of carryalls, pole trailers and/or winch trucks or trailers.

2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa.
3. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions,

hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods between points in the county of Fayette and from points in the said county to other points in Pennsylvania, and vice versa;

right 3 subject to the following condition:

That (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale.

4. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the county of Greene, and from points in said county, to points in Pennsylvania, and vice versa;

right 4 subject to the following condition:

That no right, power or privilege is granted to transport property, which, because of size or weight requires special handling or the use of special equipment such as winch trucks, or tractors, pole or extendible trailers, or carry-alls or which require a highway permit from the Department of Transportation of the Commonwealth of Pennsylvania.

5. To transport, as a Class D carrier, tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of their unusual nature or value, requires specialized handling and equipment usually employed in moving

household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport to, from or between points in Beaver County.

6. To transport, as a Class D carrier, (1) household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods; (2) tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith;
 - (a) From the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa;
 - (b) From points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa;

right b subject to the following condition:

That no right, power or privilege is granted to transport household goods or office equipment in use to and from points within the

limits of White Township and the borough of Indiana, Indiana County;

- (c) Between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough;
- (d) From points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa;
- (e) Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- (f) Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;
- (g) Between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, and from said area to other points in Pennsylvania, and vice versa;

rights f and g subject to the following condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights

herein granted in excess of the actual cost of such rights to the original holder thereof.

3. That the applicant charge to Account 1550, Other Intangible Property, \$45,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).


IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, South Hills Movers, Inc. (OLD), at A-00099073, F. 2, be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 21, 1990

ORDER ENTERED: NOV 28 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held September 26, 1991

Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of South Hills Movers, Inc., a
corporation of the Commonwealth of
Pennsylvania, for the transfer of all of the
operating rights of Shoreline Moving Systems,
Inc. under the certificate issued at A-00107274
subject to the same limitations and
conditions.

A-00109506
F. 1
Am-A

John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 23, 1991. Public notice of the application was given in the Pennsylvania Bulletin of August 10, 1991. The unopposed application is certified to the Commission for its decision without oral hearing.

Emergency temporary authority was denied by order adopted May 11, 1991. By our action on this permanent authority application, the still pending temporary authority application will become unnecessary and will be dismissed.

South Hills Movers, Inc. (applicant), is a Pennsylvania corporation, with its principal place of business in Bethel, Allegheny County. It was initially granted a certificate on April 18, 1991, when the applicant reorganized its predecessor corporation. It presently holds six paragraphs of "household goods" authority. By this application, it seeks to transfer to it the authority held by Shoreline Moving Systems, Inc. (transferor), which is presently in bankruptcy. As part of the liquidation of the transferor,

the trustee in bankruptcy has approved the sale of the intrastate operating rights of the transferor to the applicant.

The total consideration for the rights is \$5,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: five hundred dollars at signing of sales agreement on March 15, 1991, with the balance at closing after approval of this application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that the certificate issued to the applicant on April 18, 1991, be amended to include the following rights:

1. To transport, as a Class B carrier, household goods and office furniture in use, between points in the city of Erie, Erie County.
2. To transport, as a Class C carrier, household goods and office furniture in use, from points in the city of Erie to points within twenty (20) miles by the usually traveled highways of the public square in said city;
3. To transport, as a Class D carrier, household goods and office furnishings, in use, from points in the city of Erie, Erie County, and within twenty (20) miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$5,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.


IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the outstanding assessments of the transferor.

IT IS FURTHER ORDERED: That the temporary authority application be dismissed.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Shoreline Moving Systems, Inc., at A-00107274 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a circular stamp or mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 26, 1991

ORDER ENTERED: OCT 2_ 1991

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 2, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Application of South Hills Movers, Inc., a
corporation of the Commonwealth of Pennsylvania
for the transfer of all of the operating rights
of SHM, Inc., a corporation of the
Commonwealth of Pennsylvania under the
certificate issued at A-00099023, F. 2,
subject to the same limitations and
conditions.

A-00109506
F. 1
Am-B

William A. Gray for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 1, 1993. Public notice of the application was given in the Pennsylvania Bulletin of August 14, 1993. The unopposed application is certified to the Commission for its decision without an oral hearing.

The application for transfer is filed as the result of a Commission Opinion and Order upon Remand which approved the transfer of part of the rights authorized D. Pierce Transportation, Inc., at A-00107772, F. 2 to SHM, Inc., formerly South Hills Movers, Inc. (Old). Originally, South Hills Movers, Inc. (Old) filed an application at A-00099073, F. 2, Am-I to acquire part of the rights of D. Pierce Transportation, Inc. The application was denied March 22, 1991. In the January 3, 1992 Opinion and Order of the Commonwealth Court (filed on January 7, 1992), it acted to reverse the Commission's order and to remand the case with the direction that the application be granted to transfer the authority. As a result of the Opinion and Order upon Remand, adopted May 7, 1992, entered May 13, 1992, the applicant has filed the instant application.

The transferor is now SHM, Inc., as South Hills Movers, Inc., (old) was granted permission to change its name to SHM, Inc., by our order at

A-00099073, F. 2, adopted March 25, 1993, entered March 26, 1993. Approval of the transfer here at A-00109506, F. 1, Am-B, will close out all outstanding matters involved with SHM, Inc. and South Hills Movers, Inc. (old). Approval of the instant application will cause SHM, Inc., [formerly South Hills Movers, Inc. (old)] to have no current authority and the certificate at A-00099073, F. 2 may be cancelled.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service. The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Beyerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant is fit, willing and able to provide the service proposed.

2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;
THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that the certificate issued, April 18, 1991, as amended, be further amended to include the following right:

To transport, as a Class D carrier, household goods in use between points in the county of Beaver, and from points in said county to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

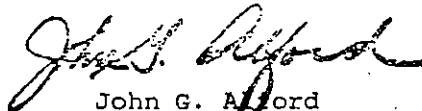
- (1) That approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.

3. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) 2 above.
4. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 2, 1993

ORDER ENTERED: DEC 15 1993

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

Public Meeting held December 19, 1996

Commissioners Present:

John M. Quain, Chairman
Lisa Crutchfield, Vice-Chairman
John Hanger
David W. Rolka
Robert K. Bloom

Application of South Hills Movers, Inc. (NEW),
a corporation of the Commonwealth of Pennsylvania,
for transfer of part of the operating rights of
Leelease, Inc., authorized under the certificate
issued at A-00107868, subject to the same limitations
and conditions.

A-00109506
F.1
Am-C

John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 16, 1996. Public notice of the application was given in the Pennsylvania Bulletin of November 12, 1996. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Robert E. Lee, the president of South Hills Movers, Inc. (NEW), represents the applicant, setting forth that the company is currently certificated to transport household goods in use between points in Western Pennsylvania as more fully described by its certificate of public convenience. In addition, it was granted the right to transport property, excluding household goods in use, between points in Pennsylvania, by virtue of the Commissions Final Decision at P-00940884, adopted on December 15, 1994, and entered on December 22, 1994.

The purpose of the instant transfer which extracts certain operating territories from the broad territory of Leelease, Inc., is to increase coverage in Western Pennsylvania and permit the reorganization of several commonly held companies.

A concurrent application for the balance of the Leelease, Inc., authority was filed by SHM, Inc. South Hills Movers, Inc. (NEW), SMH, Inc. and Leelease, Inc., are affiliated companies all of which are under the control of the Robert Lee family. The instant application and the application of SMH, Inc., are related to a corporate reorganization of the Lee family companies. Upon transfer of authority to South Hill Movers, Inc. (NEW) and SMH, Inc., Leelease, Inc., will no longer hold operating authority from the Commission.

The authority held by the transferor, Leelease, Inc., consists of two paragraphs, the first being the broad form description of household goods permitting service between points in the city of Pittsburgh, Allegheny County, and points within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the said city. The second paragraph of authority held by Leelease, Inc., authorizes the transportation of tabulating machines, calculating machines, computers, etc., between points in the same territory. This second paragraph of authority is now considered a general property right permitting transportation of property between points in Pennsylvania by virtue of the Commission's Final Decision cited above.

Only transfer of a part of the household goods right is subject in this application since the applicant now holds authority to transport property, excluding household goods in use, between points in Pennsylvania.

The applicant is requesting the territory of Pittsburgh and within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the city, with the exclusion of specific areas described as follows: (a) That no right, power or privilege is granted to provide service to, from or between points in the county of Beaver, (b) That no right, power or privilege is granted to provide service to, from or between points in the counties of Allegheny, Fayette, Greene, Lawrence and Washington, (c) That no right, power or privilege is granted to provide service to, from or between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually travelled highways of the limits of said borough, (d) That no right, power or privilege is granted to provide service to, from, or between points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough (except that service may be provided to, from or between points in White Township and the borough of Indiana, Indiana County, (e) That no right, power or privilege is granted to provide service to, from or between points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough, (f) That no right, power or privilege is granted to provide service between points in the city of Erie, Erie County; from points in the city of Erie, Erie County,

to points within twenty (20) miles by the usually traveled highways of the public square in said city, and vice versa; or from points in the city of Erie, Erie County, and within twenty (20) miles by the usually traveled highways of the limits of said city to points in Pennsylvania within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, or vice versa.

The conditions made part of the authority to transfer have been placed on the authority to eliminate duplications with the balance of authority to transfer to SHM, Inc. Our review of the authority and conditions confirms that no duplications will occur.

The total consideration for the operating rights is \$1,000.00 which will be paid in full upon approval of the transfer.

As of December 31, 1995, the applicant reports assets of \$2,380,034 with liabilities of \$2,159,599. Total current assets of \$1,604,054 exceed current liabilities of \$927,457. For calendar year 1995, total revenue of \$9,546,616 provided a net income of \$14,510 after expenses and taxes. The applicant reports retained earnings of \$170,475 at the end of the year.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and fitness to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947) Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We Find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that certificate issued April 18, 1991, as amended, be further amended granting the following rights:

To transport, as a Class D Carrier, household goods in use, between points in the city of Pittsburgh, Allegheny County, and points within one hundred twenty-five (125) miles by the usually travelled highways of the limits of said city;

subject to the following conditions:

(a) That no right, power or privilege is granted to provide service to, from or between points in the county of Beaver;

(b) That no right, power or privilege is granted to provide service to, from or between points in the counties of Allegheny, Fayette, Greene, Lawrence and Washington;

(c) That no right, power or privilege is granted to provide service to, from or between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually travelled highways of the limits of said borough;

(d) That no right, power or privilege is granted to provide service to, from, or between points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough (except that service may be provided to, from or between points in White Township and the borough of Indiana, Indiana County;

(e) That no right, power or privilege is granted to provide service to, from or between points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough;

(f) That no right, power or privilege is granted to provide service between points in the city of Erie, Erie County; from points in the city of Erie, Erie County, to points within twenty (20) miles by the usually traveled highways of the public square in said city, and vice versa; or from points in the city of Erie, Erie County, and within twenty (20) miles by the usually traveled highways of the limits of said city to points in Pennsylvania within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, or vice versa.

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant shall not be construed as conferring more than one operating right.

2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by the applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, and previously recorded depreciation having been deleted therefrom.
5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition no. 2 above.
6. That the certificate holder shall not transfer, sell or in anyway convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section (a)(3) of Title 66 PA C.S.


IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates for the transportation of household goods in use.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Leelease, Inc., under the certificate issued at A-00107868 be and are hereby cancelled and the record shall be marked closed.

BY THE COMMISSION



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 19, 1996

ORDER ENTERED: DEC 23 1996

STARCK VAN LINES, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 86517
Folder 2

Application of STARCK VAN LINES, INC.,
a corporation of the State of West
Virginia.

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of STARCK VAN LINES, INC., a corporation of the State of West Virginia, filed March 11, 1959, to operate motor vehicles as a common carrier, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by SHADESIDE TRANSFER & STORAGE COMPANY, INC., a corporation of the Commonwealth of Pennsylvania, under certificates of public convenience issued at A. 33257, Folder 4, on September 18, 1958, and Folder 5 on March 8, 1958, which certificates will be subsequently cancelled, as of the date of this order, upon compliance with the insurance and tariff requirements of the Commission by STARCK VAN LINES, INC., the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, surplus food materials for the Office of Public Assistance, Department of Public Welfare (formerly Department of Public Assistance) from the City of Pittsburgh, Allegheny County, to points within an airline distance of fifty (50) miles of the City-County Building in the said city, and vice versa. (Formerly A. 33257, Folder 4)

To transport, as a Class D carrier, household goods and office furniture in use between points in the County of Allegheny. (Formerly A. 33257, Folder 5)

To transport, as a Class D carrier, household goods and office furniture in use from points in the County of Allegheny to points in Pennsylvania, and vice versa; (Formerly A. 33257, Folder 5)

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the Equipment Certificate, to be subsequently issued.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

FOURTH: That the applicant charge to Account #1550, Other Intangible Property \$1,500 being the amount of the consideration payable by it for the rights, and going concern value attributable thereto, less any amount recorded under condition "3" above.

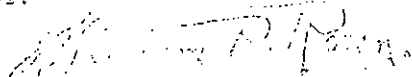
FIFTH: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the Certificate.

NOW, to wit, August 17, 1959, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 86317
Folder 2, Am-B

Application of STARCK VAN LINES, INC., a
corporation of the State of West Virginia

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of STARCK VAN LINES, INC., a corporation of the State of West Virginia, dated April 28, 1970, for modification of the report and order issued under date of August 17, 1959 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that applicant amended the application whereby some of the protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, December 1, 1970, IT IS ORDERED: That the report and order issued under date of August 17, 1959 and the certificate of public convenience issued thereunder, as modified and amended be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, property usual to use in a household when a part of such household equipment or supply, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments, when a part of the stock, equipment or supplies of such stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments, in connection with a removal from one location to another and requiring specialized handling or specialized equipment usually employed in moving household goods; articles, in use, including objects of art, displays, musical instruments and exhibits which, because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods, between points in the counties of Allegheny and Washington and from points in said counties to points in Pennsylvania, and vice versa;

and subject to the following conditions:

That no right, power or privilege is granted to transport new pianos.

That no right, power or privilege is granted to transport new furniture between points in the county of Allegheny.

A. 86317
Folder 2, Am-B

That no right, power or privilege is granted to transport property requiring the use of carryalls, pole or extendible trailers, winch trucks or tractors.

That no right, power or privilege is granted to transport household goods and office furniture in use to or from points in the county of Washington east of the western boundaries of the townships of Union, Carroll, Fallowfield, West Pike Run, Deemston and East Bethlehem and the boroughs of Bentleyville and Ellsworth, Washington County.

That the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof where they shall be placed for use and not for the purpose of resale.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relating to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

George J. Bloom

C. J. McE...

Chairman

Acting Secretary

Lytle's Transfer & Storage, Inc.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 94302

Application of LYTLE'S TRANSFER & STORAGE, INC., a
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of LYTLE'S TRANSFER & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, dated November 1, 1967, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by JAMES A. LYTLE (deceased), trading and doing business as LYTLE'S TRANSFER AND STORAGE, under report and order issued at A. 59734 on March 24, 1941, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by LYTLE'S TRANSFER & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class D carrier, property usual to use in a household when a part of such household equipment or supply; furniture, fixtures, equipment and property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment; works of art, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, between points in the City of Altoona, Blair County, and within an airline distance of twenty-five (25) statute miles of the limits of said city and from points in said territory to points in Pennsylvania, and vice versa;

subject to the following conditions:

That no right, power or privilege is granted to transport general commodities, except where the same is purely incidental to and a part of the moving or relocation of a household, store, office, museum, institution, hospital or other establishment.

That no right, power or privilege is granted to render service from or to the Borough of Huntingdon, Huntingdon County, except on hauls of less than forty (40) miles from point of origin to point of destination.

That no right, power or privilege is granted to render service from or to the Borough of Philipsburg, Centre County, except on hauls of less than forty (40) miles from point of origin to point of destination; provided, however, that the certificate holder may render service from said Borough of Philipsburg to the City of Altoona and points within an airline distance of ten (10) statute miles of the limits of said city, and vice versa.

That no right, power or privilege is granted to render service from the Borough of State College, Centre County, and points within twelve (12) miles by the usually traveled highways of the limits of said borough, except to the City of Altoona, Blair County, and points within an airline distance of ten (10) statute miles of the limits of said city.

To transport, as a Class D carrier, new furniture from points in the City of Altoona, Blair County, to points in Pennsylvania, and vice versa:

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

SECOND: That the approval hereby is not to be understood as committing the Commission to any proceedings that may be brought before it for any purpose to fix a valuation of real property and rights to be acquired by applicant for the present certificate holder upon the expiration of the term of the certificate, or to approve or withhold the certificate to be issued to him.

THIRD: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deemed ultra vires; that the applicant shall not record in its utility records any amount representing the profit herein realized in a sale of the actual cost of the property to the original owner thereof.

A. 94302

FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, April 1, 1968, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

George L. Bloom

Chairman

J. L. ...
Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 28, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

Application of Lytle's Transfer & Storage, Inc.,
Altoona, Blair County, a corporation of the
Commonwealth of Pennsylvania, for the transfer
of all of the operating rights of Curtis L.
Beaumont, t/d/b/a C. Beaumont Moving & Storage,
under the certificate issued at A-00106827
subject to the same limitations and conditions.

A-00094302
F. 1
Am-C

William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 1, 1990. Public notice of the application was given in the Pennsylvania Bulletin of May 26, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

Lytle's Transfer & Storage, Inc. (Lytle or applicant), is a Pennsylvania corporation with its principal place of business in Altoona, Blair County. It was initially certificated in 1968 and presently operates under two paragraphs of authority. One tractor-trailer combination and a straight truck will be used to perform the additional service. As evidence of its financial capacity to expand its operation, Lytle reports assets of \$653,693, with liabilities of \$298,519, leaving a shareholders' equity of \$355,174.

By order adopted May 24, 1990, we granted the applicant emergency temporary authority to operate the transferor's authority. By our action in this permanent authority application, the still pending temporary authority application will be dismissed.

The total consideration for the rights is \$20,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: at closing after approval of this transfer.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate of public convenience issued on April 16, 1968, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, property usual to use in a household when a part of said household equipment or supply; furniture, fixtures, equipment and property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment; works of art, furniture, musical instruments, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, between points in the city of Allentown, Lehigh County, and within fifteen (15) miles by the usually traveled highways of the limits of the said city and from points in the said area to other points in Pennsylvania, and vice versa.
2. To transport, as a Class B carrier, household goods and office fixtures, in use, between points in the city of Easton, Northampton County, and within three (3) miles of the limits of the said city.
3. To transport, as a Class D carrier, household goods and office fixtures, in use, from points in the city of Easton, Northampton County, to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$20,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate/permit holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

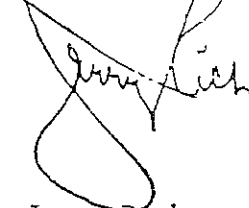
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the temporary authority application be dismissed.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Curtis L. Beaumont, t/d/b/a C. Beaumont Moving & Storage, at A-00106827 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", is written over a large, stylized, looped flourish that resembles a large letter "R" or a similar symbol.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 28, 1990

ORDER ENTERED: JUL 12 1990

Weleski Transfer, Inc.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96502

Application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, dated February 16, 1971, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by ANDY L. WELESKI (deceased) and ANTHONY L. WELESKI, copartners, trading and doing business as WELESKI TRANSFER, under report and order issued at A. 84519, Folder 1 on August 19, 1957 and the certificate of public convenience issued thereunder, as modified and amended, and under report and order issued at A. 84519, Folder 2 on August 19, 1957 and the certificate of public convenience issued thereunder, which certificates will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class B carrier, property between points in the borough of Tarentum, Allegheny County. (Formerly A. 84519, Folder 1)
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Tarentum and within an airline distance of three (3) statute miles of the limits of said borough to points within an airline distance of forth (40) statute miles of point of origin, and vice versa. (Formerly A. 84519, Folder 1)
3. To transport, as a Class B carrier, property between points in the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)
4. To transport, as a Class B carrier, household goods and equipment, in use, between points in the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 1)

5. To transport, as a Class D carrier, household goods and equipment, in use, from the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa. (Formerly A. 84519, Folder 1)
6. To transport, as a Class D carrier, electrical household equipment for the Keller Electric Company from Ochiltree Electric Company in the city of Pittsburgh, Allegheny County, to the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)
7. To transport, as a Class D carrier, property for Montgomery Ward & Company and M. Rom & Sons Company from points in the borough of New Kensington to points in a westerly, northerly and easterly direction within thirty (30) miles by the usually traveled highways of the limits of said borough and to points in a southerly direction within twelve (12) miles by the usually traveled highways of the limits of said borough and vice versa. (Formerly A. 84519, Folder 1)
8. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the city of Pittsburgh, Allegheny County, and within thirty (30) miles by the usually traveled highways of the limits of said city. (Formerly A. 84519, Folder 1)
9. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the county of Allegheny. (Formerly A. 84519, Folder 1)
10. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the county of Allegheny to other points in Pennsylvania, and vice versa. (Formerly A. 84519, F.1)
11. To transport, as a Class D carrier, amiesite, stone, limestone, wire tools, sawed and planed lumber, coal, building materials and building construction materials, such as are usually transported in dump trucks, between points in the borough of Apollo, Armstrong County, and within twenty (20) miles by the usually traveled highways of the limits of said borough; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination. (Formerly A. 84519, Folder 1)

12. To transport, as a Class D carrier, mine machinery and supplies from the freight station in the borough of Apollo, Armstrong County, to mines within twenty (20) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
13. To transport, as a Class D carrier, household goods, in use, between points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
14. To transport, as a Class D carrier, household goods in use, from points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (Formerly A. 84519, Folder 2)

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof;

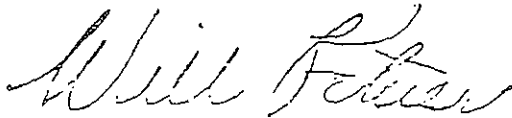
FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, May 17, 1971, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

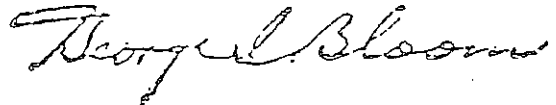
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 15, 1981

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Welaski Transfer, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its
common carrier certificate: SO AS TO
PERMIT the transportation of household
goods, personal effects and property
used or to be used in a dwelling, when
a part of the equipment or supplies of
such dwelling, as an incidental part of
a removal by the householder from one
domicile to another; furniture, fixtures,
equipment and the property of stores,
offices, museums, institutions, labo-
ratories, hospitals or other establish-
ments, when a part of the stock, equip-
ment or supply of such stores, offices,
museums, institutions, laboratories,
hospitals or other establishments, in
connection with a removal from one
location to another; and articles, in
use, including objects of art, displays
and exhibits which, because of their
unusual nature or value require specialized
handling and equipment usually employed in
moving household goods, between points in
the County of Butler, and from points in
said County to points in Pennsylvania,
and vice versa.

A-00096502,
F.1, Am-C

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge
Matuschak dated January 12, 1981, and his Ruling on Exceptions dated March 26, 1981;
THEREFORE,

IT IS ORDERED:

1. That the application of Welaski Transfer, Inc., at Docket A-00096502,
F.1, Am-C, as amended, be and is hereby approved in part and denied in part, and that
the Certificate of Public Convenience issued to applicant on July 15, 1971, as amended,
be further amended to include the following right:

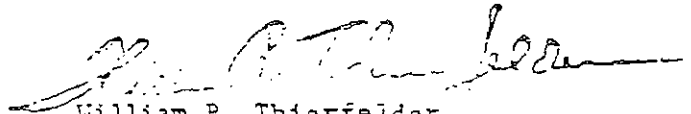
To transport, as a Class D carrier, by motor vehicle, household goods, personal effects and property used or to be used in a dwelling, when a part of the equipment or supplies of such dwelling, as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, laboratories, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, laboratories, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, from points in the County of Butler, to points in Pennsylvania, and vice versa;

PROVIDED, however, that no right, power or privilege is granted to provide any transportation from Monroe County to Butler County.

2. That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of this Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

3. That in the event said applicant has not, on or before sixty (60) days from the date of service of this Order, complied with the requirements hereinabove set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: May 15, 1981

ORDER ENTERED: JUN 9 1981

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 20, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl

Application of Weleski Transfer, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for the transfer to it of
all of the rights held by Sylvia B. Sgro
and Angelo H. Sgro, copartners, t/d/b/a
Sgro Brothers, under the certificate
issued at A-00097338, subject to the same
limitations and conditions.

A-00096502
F. 1
Am-E

Vuono, Lavelle & Gray, by John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on January 30, 1989, and published in the Pennsylvania Bulletin of February 18, 1989. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Weleski Transfer, Inc. (or applicant) was organized under the laws of Pennsylvania on May 12, 1969. It is authorized to issue 100,000 shares of common stock, each having a par value of \$1.00 per share. To date, 38,000 shares have been issued to Anthony L. Weleski, president and a director of the corporation. Gary L. Weleski is vice president and a director, and Faye N. Weleski is secretary-treasurer and a director. All are residents of the borough of Tarentum, Allegheny County. The corporation itself is domiciled at 140 West Fourth Avenue, Tarentum, Allegheny County.

The applicant's operating fleet presently consists of 42 power units and 24 trailers of various kinds, all of which are company-owned. The applicant's unaudited balance sheet shows that as of November 30, 1988, it had current assets of \$737,618, total assets of \$1,750,433, with current liabilities of \$339,402 and total liabilities of \$969,308, leaving stockholder equity of \$781,125.

Pursuant to the terms of a sales agreement dated December 30, 1988, the applicant will purchase the operating rights for the sum of \$3,000. No other assets are involved. The sum of \$500 has been placed in escrow at the execution of the sales agreement. The balance of \$2,500 will be paid within 30 days of the effective date of our order approving the application.

The applicant has held a common carrier certificate from this Commission since 1972. A review of the matters of record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to adequately provide the additional service sought herein.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant is fit, willing and able to provide the service as proposed.

2. That the transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that the certificate of public convenience issued to the applicant on November 10, 1972, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, household goods and office furniture in use, between points in the township of Cowanshannock, Armstrong County, and from points in the said township and within an airline distance of ten (10) statute miles of the limits of the said township, to points in Pennsylvania and vice versa;

subject to the following conditions:

- (a) That no right, power or privilege is granted to transport household goods or office furniture in use, to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport household goods and office furniture in use from points in said borough of Indiana and township of White to points

in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning and vice versa.

- (b) That no right, power or privilege is granted to transport household goods and office furniture in use from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough; provided, however, that the applicant may transport household goods and office furniture in use from said borough of Ford City and within an airline distance of five (5) statute miles of the limits of the said borough to points in the said township of Cowanshannock and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning.
2. To transport, as a Class B carrier, farm machinery, horses, cattle, grain and feed, between farms in the township of Cowanshannock, Armstrong County, and other points within an airline distance of five (5) statute miles of the said township.
 3. To transport, as a Class C carrier, mine machinery in use, between points in Cowanshannock Township, Armstrong County, and from points in said township to points within an airline distance of twenty-five (25) statute miles of Nu Mine, Armstrong County.
 4. To transport, as a Class D carrier, household goods and office furniture in use from points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough to points within forty (40) miles of the point of origin and vice versa.
 5. To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling, when a part of the equipment or supplies of such dwelling, in connection with the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and such property of stores, offices, museums, institutions,

hospitals or other establishments, when a part of the stock, equipment or supplies of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; objects of arts, furniture, displays, exhibits, musical instruments and any articles, in use, requiring specialized handling and equipment usually employed in moving household goods in use, between points in the county of Armstrong and from points in the county of Armstrong to other points in Pennsylvania and vice versa;

with Right No. 5 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport household goods or office furniture in use, to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport household goods and office furniture in use from points in said borough of Indiana and township of White to points in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning, Armstrong County, and vice versa.
 - (b) That no right, power or privilege is granted to transport household goods and office furniture in use from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the said borough; provided, however, that the applicant may transport household goods and office furniture in use from said borough of Ford City and within an airline distance of five (5) statute miles of the limits of the said borough to points in the said township of Cowanshannock, Armstrong County, and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning, Armstrong County.
6. To transport, as a Class D carrier, new furniture between points in the township of Cowanshannock, Armstrong County, and from points in the said township, and within an airline distance of ten

(10) statute miles of the limits of the said township to points in Pennsylvania, and vice versa;

with Right No. 6 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport new furniture to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport new furniture from points in said borough of Indiana and township of White to points in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough, and vice versa.
- (b) That no right, power or privilege is granted to transport new furniture from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough; provided, however, that the applicant may transport new furniture from said borough and within an airline distance of five (5) statute miles of the said borough, to points in the township of Cowanshannock, Armstrong County, and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning;

with all of the above Rights subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

3. That the applicant charge to Account 1550, Other Intangible Property, \$3,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. Section 1102(a)(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1988 Annual Report of the transferor.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

- IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Sylvia P. Sgro and Angelo H. Sgro, copartners, t/d/b/a Sgro Brothers, at A-00097338 be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 20, 1989

ORDER ENTERED: APR 25 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 24, 1995

Commissioners Present:

Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Application of Weleski Transfer, Inc., for the transfer of all of the operating rights of John Paul Burton, Sr., and Katherine Burton, Copartners, t/d/b/a Burton Moving & Storage Co., under the certificate issued at A-00095974, subject to the same limitations and conditions.

A-00096502
P. 1
Am-F

Vuono, Lavelle & Gray by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 17, 1994. Public notice of the application was given in the Pennsylvania Bulletin of November 5, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Weleski Transfer, Inc. (transferee, applicant or Weleski), seeks to amend its common carrier rights by acquiring the rights involved in this transfer proceeding. Applicant and its predecessors have been continuously in business for more than 80 years. Weleski has held authority from this Commission since 1971 and throughout its history, has specialized in the transportation of household goods and office furnishings. It is also engaged in the transportation of other types of property pursuant to various grants of authority. Applicant's personnel are familiar with all aspects of the household goods moving business and are well qualified to assume the operations of the transferor which has provided a similar type service to the public in south central Pennsylvania. Applicant operates various pieces of equipment and is qualified to provide the transportation of household goods. Applicant has a comprehensive safety and maintenance program in effect at this time.

The balance sheet of the applicant as of December 31, 1993 shows total current assets of \$1,000,759.42, total assets of \$3,043,001.93, total

current liabilities of \$563,988.86, total liabilities of \$1,922,510.32 and total capital of \$1,120,491.51. The statement of income shows gross revenue of \$6,529,310.53, less cost of operations of \$3,947,911.31 resulting in a gross profit of \$2,581,399.22 less other expenses of \$2,099,058.99, resulting in an operating profit before interest and depreciation of \$482,340.23, a profit before income of \$220,889.17 was realized. A net income of \$130,645.17 was reported.

The total consideration for the rights is seven thousand (\$7,000) dollars.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Everly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

DISCUSSION AND FINDINGS

Due to recently enacted Federal legislation, on January 1, 1995, the Pennsylvania Public Utility Commission no longer has jurisdiction over the rates, routes and service provided by property carriers, except for the transportation provided by household goods movers including office equipment in use. This application was received prior to the law being enacted and therefore, applicant applied for the transfer of all rights which include property along with specific rights to transport household goods and office equipment in use and new pianos. Due to the Federal legislation, the property rights will not be transferred. The only rights to be transferred in this proceeding are those involving office equipment in use and household goods in use.

Applicant currently operates pursuant to emergency temporary authority approved at Public Meeting of July 21, 1994. As we are processing the permanent application, the temporary authority application shall be dismissed herein.

We find:

1. The property authority amendment is dismissed as moot.
2. The applicant is fit, willing and able to provide the service proposed.
3. Transfer of the authority, as modified, is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved, as modified, and that the certificate issued on July 15, 1971, as amended, be further amended to include the following rights:

To transport, as a Class D carrier:

1. office equipment in use and new pianos from points in the city of Johnstown, Cambria County, and within five (5) miles by the usually travelled highways of the limits of said city to other points in Pennsylvania, and vice versa;
2. household goods in use between points in the county of Cambria and in other counties within fifteen (15) miles, by the usually travelled highways of the limits of the city of Johnstown;
3. household goods in use from points in the county of Cambria and in other counties within fifteen (15) miles by the usually travelled highways of the limits of the city of Johnstown to other points in Pennsylvania, and vice versa;

with rights number 1, 2, & 3 immediately above subject to the following condition:

That no right is granted to transport household goods in use from the borough of Windber, Somerset County.

4. household goods in use from points in the borough of Benson, Somerset County, and within fifteen (15) miles by the usually travelled highways of the limits of said borough to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to

any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition 2 above.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the property authority amendment is dismissed as moot.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the temporary authority application filed in this proceeding be and is hereby dismissed.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, John Paul Burton, Sr., and Katherine Burton, Copartners, t/d/b/a Burton Moving & Storage Co. at A-00095974 be and are hereby cancelled.

BY THE COMMISSION.

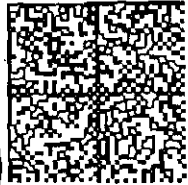
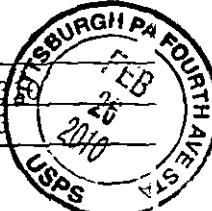

John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: February 24, 1995

ORDER ENTERED: MAR 3 1995

U.S. POSTAL SERVICE	CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From: VUONO & GRAY, LLC William A. Gray, Esquire	
310 Grant Street, Suite 230 Pittsburgh, PA 15219-2383	
One piece of ordinary mail addressed to: Mr. James J. McNulty	
Pennsylvania Public Utility Commiss:	
P.O. Box 3265 Harrisburg, PA 17105-3265	



neopostSM
045J83084689
\$1.150
02/26/2010
Mailed From 15219
US POSTAGE

PS Form 3817, January 2001
PUC Protest/Modern Piano Moving