

Law Offices

# VUONO & GRAY, LLC

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

310 Grant Street  
Suite 2310 Grant Building  
Pittsburgh, PA 15219-2383

Telephone  
412-471-1800

Facsimile  
412-471-4477

Website  
[www.vuonogray.com](http://www.vuonogray.com)

Email Address  
[wgray@vuonogray.com](mailto:wgray@vuonogray.com)

*\*Also Admitted in Florida*

April 23, 2010

## RECEIVED

APR 23 2010

Re: Allegheny Valley Transfer Company  
Docket No. A-2010-2151305 (Corrected)

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

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

Dear 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

pz/78777

Enclosure

cc: David M. O'Boyle, Esq. (w/enc.)(By Certified Mail)  
Hoy Transfer, Inc.  
Lytle's Transfer & Storage, Inc.

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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APR 23 2010

DOCKET NO. A-2010-2151305

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ALLEGHENY VALLEY TRANSFER COMPANY

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PROTEST AND REQUEST  
FOR ORAL HEARING

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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,

HOY TRANSFER, INC.  
LYTLE'S TRANSFER & STORAGE, 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: April 23, 2010

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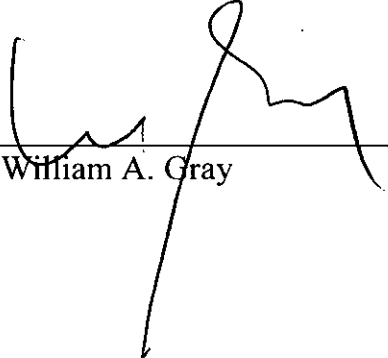
APR 23 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of April, 2010, 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.

176650

  
\_\_\_\_\_  
William A. Gray

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Allegheny Valley Transfer Company  
Docket No. A-2010-2151305

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APPENDIX A

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on January 23, 2010 and republished on April 10, 2010, applicant seeks authority to operate as a common carrier, transporting:

Household goods in use from points in the Counties of Washington and Butler, to points in Pennsylvania, and vice versa.

INTEREST OF PROTESTANTS:

1. Hoy Transfer, Inc., 2580 Clyde Avenue, State College, PA 16801 (800-257-1110) holds operating authority at Docket No. A-00085095. A copy of the relevant authority of Hoy Transfer is attached hereto. As relevant to this application, Hoy Transfer can provide service from the counties sought by this application to points in Centre County, and vice versa.

2. 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. As relevant to this application, Lytle's can provide service from both of the counties sought by this application to the City of Altoona, Blair County, and points within twenty-five (25) miles, and vice versa; to the City of Allentown, Lehigh County, and points within fifteen

(15) miles, and vice versa; and to the City of Easton, Northampton County, and vice versa.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Hoy Transfer, Inc.



SECTION 1  
RULES AND REGULATIONSITEM 5 - SCOPE OF CARRIER'S OPERATING AUTHORITY

Rates and provisions named in this tariff, or as amended, are limited in their application on Pennsylvania intrastate traffic to the extent of the operating rights set forth below. Unless specifically provided, the provisions are to be interpreted in the same manner as the Pennsylvania Public Utility Commission interprets the Certificate from which the following is quoted.

Certificate No. A-00085095 Folder 2, Am-A

- (1) 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 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, when in connection with a removal from one location to another; 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; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, 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, between points in the county of Centre, and from points in said county to points in Pennsylvania, and vice versa;
- (2) 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 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, when in connection with a removal from one location to another; 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; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, 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, for Avtex Fibers Lewistown, Inc., Lewistown Hospital, Geisinger Medical Group and the Central Pennsylvania Conference of the United Methodist Church, between points in the county of Mifflin, and from points in said county, to points in Pennsylvania, and vice versa.

Abbreviations and reference marks are explained on last page of tariff.

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**APR 23 2010**

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

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, Elair 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, Elair 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, and the right to be acquired by applicant for the present certificate shall apply to the certificate to be issued hereafter, and the Commission shall have no obligation to approve or disapprove the applicant's return to work.

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 deducted therefrom; that the applicant shall not record in its utility accounts any amount representing the rights herein granted in a case of the actual cost of the property to the applicant, and shall therefor,

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. W. ...*  
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

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William J. Lavelle for the applicant.

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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:

- i. 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).



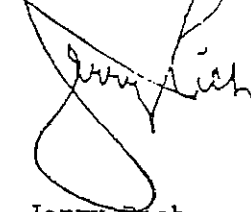
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and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



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 28, 1990

ORDER ENTERED: JUL 12 1990

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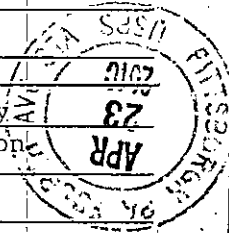
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