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June 21, 2010

Re: Roan's Transfer and Storage, Inc.  
Docket No. A-2010-2177361

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

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

Dear Ms. Chiavetta:

We enclose for filing with the Commission the signed original of 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

ms/80181

Enclosure

cc: John A. Pillar, Esq. (w/enc.)(By Certified Mail)  
South Hills Movers, Inc.

**RECEIVED**

JUN 21 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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DOCKET NO. A-2010-2177361

ROAN'S TRANSFER AND STORAGE, INC.

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**RECEIVED**

PROTEST AND REQUEST  
FOR ORAL HEARING

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JUN 21 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

The motor carrier shown on Appendix A hereof (herein called protestant) protests the above application and requests that the application be assigned for oral hearing and in support thereof respectfully represents 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. Protestant holds authority from this Commission at the docket number shown in Appendix A and the relevant authority is attached to the protest. Unless otherwise indicated in Appendix A, protestant will withdraw the protest only in the event an amendment is made which will totally eliminate the interest of the protestant.

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestant presently holds authority to provide service in the area affected by the application, (b) protestant 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 protestant 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. Protestant requests 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, protestant 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, protestant requests that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestant 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.

By: \_\_\_\_\_

William A. Gray, Esq.  
Attorney for Protestant

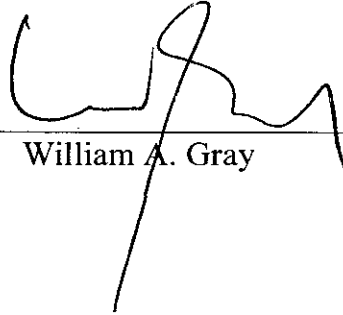
VUONO & GRAY, LLC  
310 Grant Street  
Suite 2310 Grant Building  
Pittsburgh, PA 15219-2383  
(412) 471-1800

Dated: June 21, 2010

/80182

CERTIFICATE OF SERVICE

I hereby certify that I have this 21<sup>st</sup> day of June, 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.



A handwritten signature in black ink, appearing to be 'W.A. Gray', is written over a horizontal line. A long, thin vertical line extends downwards from the signature.

William A. Gray

Re: Roan's Transfer and Storage, Inc.  
Docket No. A-2010-2177361

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on June 5, 2010, applicant seeks authority to operate as a common carrier, transporting:

Household goods in use, from points in Columbia and Montour Counties, to points in Pennsylvania, and vice versa.

INTEREST OF PROTESTANT:

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 is attached hereto. As relevant to this application, South Hills Movers can provide service originating in the territory that it is authorized to serve to the two counties in eastern Pennsylvania involved in this application, and vice versa.

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

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John A. Vuono 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 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<sup>1/</sup> 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

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<sup>1/</sup> 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 SEM Holdings, Ltd.

SEM 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 SEM Holdings, Ltd. Robert E. Lee and Gary N. Lee each own 50 percent of LeeLease, Inc.

Upon approval of the applications, SEM 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 carryalls 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

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John A. Vuono 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 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.

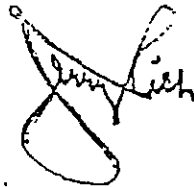
IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the outstanding assessments of the transferor.

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 dark ink, appearing to read "Jerry Rich", is written over a circular stamp or seal.

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

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William A. Gray 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 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: Bverly, 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:

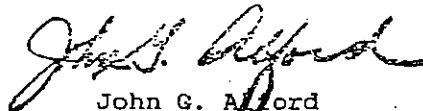
- (1) That approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid 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 Commission's 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.

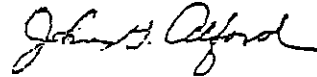
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

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



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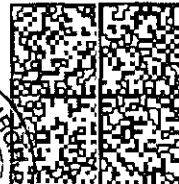
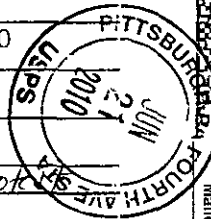
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