

A-00088631 F2

APPLICATION

F2 AMD

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

PITTSBURGH, PA. 15219

September 25, 1986

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS

RECEIVED (412) 771-1800

SEP 29 1986

Re: Household Goods Carriers
Business Equipment Applications

SECRETARY'S OFFICE
Public Utility Commission

HAND-DELIVERED



Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17120

*A. 88631
F. 2, AM - D*

Dear Mr. Rich:

We enclose for filing with the Commission the signed original and two copies of each of the following 18 applications, along with a check for each applicant in the amount of \$125 to cover the filing fee. This will confirm that our law firm will guarantee collection of the funds evidenced by the checks.

1. JoAnn Moore t/d/b/a Anderson Transfer
Docket No. A-00099645
2. Campbell Transfer & Storage Company
Docket No. A-00099334
3. Century III Services, Inc.
Docket No. A-00106464
4. B. F. Fields, Inc. t/d/b/a
B. F. Fields Moving & Storage
Docket No. A-0097902
5. Fife Moving & Storage Co.
Docket No. A-00094528
- ✓ 6. Forest Hills Transfer and Storage, Inc.
Docket No. A-00088631
7. The Snyder Brothers Moving, Inc., t/d/b/a
George Transportation Company
Docket No. A-00086452
8. McNaughton Bros., Inc.
Docket No. A-00082096



Mr. Jerry Rich
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9. O'Rourke Storage & Transfer Company, Incorporated
Docket No. A-00090524
10. Parks Moving & Storage, Inc.
Docket No. A-00097208
11. Parks Moving Systems, Inc.
Docket No. A-00104390
12. Parks Van & Storage, Inc.
Docket No. A-00103329
13. Robinson-Ogilvie Moving & Storage, Inc.
Docket No. A-00101422
14. B. H. Stumpf Co., Inc.
Docket No. A-00105669
15. Tosh Moving & Storage, Inc.
Docket No. A-00098380
16. Vesely Bros. Moving & Storage, Inc.
Docket No. A-00102958
17. Weleski Transfer, Inc.
Docket No. A-00096502
18. Werner-Donaldson Moving Services, Inc.
Docket No. A-00105287

Each of the applicants presently holds common carrier authority from the Commission to transport household goods and office furniture, in use (either short form or broad form description). For many years the applicants believed that their present operating rights authorized the transportation of various types of business machines and electronic equipment, specifically pursuant to the third proviso of the so-called broad form commodity description. As the Commission is aware, the Interstate Commerce Commission long ago adopted such an interpretation of the third proviso.

By Order adopted on March 20, 1986 and entered on April 2, 1986 in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090, the Commission, in reliance upon its unreported decision in Application of Bekins Moving & Storage, A-00075976, F. 1, Am-D (Order entered February 15, 1978), concluded that the transportation of business machines, new or used, is not within the scope of a carrier's authority to transport articles which require specialized handling and equipment usually employed in moving household goods.

Mr. Jerry Rich
Page Three
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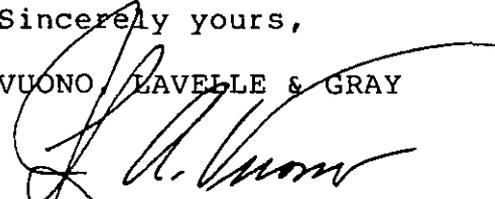
These applications are being filed in response to this recent Commission decision in order to permit the applicants to continue to transport business machines and related commodities within the scope of their present operating authorities. The commodity description is identical for all applications. There is no intention by applicants to expand their existing areas of service. Accordingly, the territorial scope of each application is identical to the territory in which each applicant is presently authorized to transport household goods, with only minor variations in language in the interests of clarity.

In view of the similarity of the applications and the identical issues raised thereby, we request that all 18 applications be published simultaneously in the Pennsylvania Bulletin.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter.

Sincerely yours,

VUONO LAVELLE & GRAY



John A. Vuono

nd
Enclosures



BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPL. A. 88631, F.I. APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

COMPL. F.L. 8/24/86
F.3 8/24/86

MVIC. _____ (see instructions before preparing application)

CHECKED BY Jaw.

In re: Application of APPLICATION DOCKET

Forest Hills Transfer and Storage, Inc. No. A-00088631

for a certificate of public convenience or a permit evidencing the Commission's approval of the right and privilege of operating motor vehicles as a motor carrier for the transportation of property.

Folder No. 2, AM-D

RECEIVED

SEP 29 1986

SECRETARY'S OFFICE
Public Utility Commission

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The name and address of applicant are:

..... Forest Hills Transfer and Storage, Inc.
(Applicant's or trade name, if any)
..... 2101 Ardmore Boulevard Pittsburgh 15221
(Street and number) (City) (Zip)
..... Allegheny PA
(County) (State)

2. The name and address of applicant's attorney are:

WILLIAM J. LAVELLE, ESQ. 2310 Grant Building
..... Vuono, Lavelle & Gray Pittsburgh, PA 15219
(Name) (Address) (Zip)

3. Applicant designates John C. Onufer, Jr.
(Name)

2101 Ardmore Boulevard
..... Pittsburgh, PA 15221 , as the person upon whom
(Address) (Zip)

service of any notice, process or order of the Public Utility Commission may be made for him or it.

DOCUMENT
FOLDER

F2 AMENDMENT

DOCKETED
APPLICATION DOCKET
SEP 30 1986
ENTRY No. Jaw

4. Applicant is a corporation
(Individual, partnership or corporation - if an individual, must be 18 years of age or over)

Applicant, if an individual or partnership, is doing business under the trade name of

The said trade name been registered with the (has or has not)

Secretary of the Commonwealth on, 19, and with the Prothonotary of (County)

County on, 19, in accordance with the provisions of the Fictitious Name Act of June 28, 1917, as amended.

Applicant, if a partnership, attaches hereto, as an exhibit, a copy of the partnership agreement and asserts that the names and addresses of the partners are as follows:

| Name | Post Office Address | County |
|-------|---------------------|--------|
| | (Zip) | |
| | (Zip) | |
| | (Zip) | |

Applicant, if a corporation, was organized under the laws of the State of .. Delaware, and attaches hereto as an exhibit a statement of its charter purpose(s). Applicant (if a foreign corporation) qualified to do business in Pennsylvania by registering in the office of the Secretary of the Commonwealth on the day of, 19
(See Supplement to Paragraph 4 for charter purpose)

5. Applicant now holds the following certificates of public convenience or permits (include those issued by Interstate

Commerce Commission and any other states): Pa. P.U.C. A-00088631;
 I.C.C. Docket No. MC-41122

6. Applicant desires to operate motor vehicles as follows: (state
 type, size and quantity) No additional equipment.

Number of vehicles now owned or to be purchased by applicant
 No additional equipment.

Number of leased vehicles operated or to be operated by
 applicant No additional equipment.

7. Applicant is financially able to furnish adequate service to
 the public and submits the following statement of financial
 condition: (See last Annual Report on file with the Commission.)

ASSETS

| | |
|--------------------------------------|----------|
| Motor vehicle equipment | \$ |
| Land, buildings and structures | \$ |
| Other property | \$ |
| Cash | \$ |
| Notes and accounts receivable | \$ |
| Materials and supplies | \$ |
| Other assets (attach schedule) | \$ |
| Total Assets | \$ |

LIABILITIES

| | |
|---|----------|
| Mortgages payable | \$ |
| Equipment obligations | \$ |
| Notes and accounts payable | \$ |
| Other liabilities (attach schedule) | \$ |

| | |
|---|----------|
| Reserve for depreciation - motor vehicles ... | \$ |
| Reserve for depreciation - other | \$ |
| Capital stock (corporations only) | \$ |
| Surplus (corporations only) | \$ |
| Total Liabilities | \$ |

NET WORTH

| | |
|---------------------------------|----------|
| For corporations | \$ |
| Capital stock | \$ |
| Surplus | \$ |
| For individuals or partnerships | \$ |

8. The nature and character of the service to be rendered by applicant as a XXXXXX common carrier or as a contract carrier under the terms of the attached contract or agreement, are as follows: (See instructions) (See Supplement to Paragraph 8)
9. (a) If applicant seeks authority as a XXXXXX common carrier, state information why the proposed service is necessary or proper for the service, accommodation and convenience of the public. (See Supplement to Paragraph 9(a))
 - (b) If applicant seeks authority as a contract carrier, applicant certifies that he is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the lawful orders and regulations of this Commission, and that the proposed service will be consistent with the public interest and will not interfere with the service and regulations of common carriers by motor vehicles and the policy declared in Section 801 of the Public Utility Law.
10. Applicant is not now engaged in any intrastate transportation of property for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 5) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.
11. If the evidence presented in support of this application shows that applicant, although applying for a certificate of public convenience as a common carrier, would be entitled to

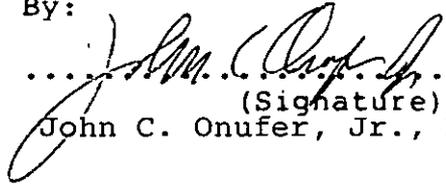
a permit as a contract carrier, or if applying for a permit, would be entitled to a certificate, as aforesaid, applicant agrees that the application may be considered by the Commission to be for the appropriate form of authority.

Wherefore, applicant prays your Honorable Commission to issue /XXXXXX/ a certificate of public convenience; / a permit; under the provisions of the Pennsylvania Public Utility Law, evidencing its approval of the right to operate motor vehicles for the transportation of property as described in Paragraph 8 of this application.

CORPORATE SEAL

Forest Hills Transfer and Storage, Inc.
(print name of corporation,
partnership, trade-name or
individual)*

By:


.....
(Signature)
John C. Onufer, Jr., President

.....
(Signature)

.....
(Signature)

*If a partnership, each partner must sign; if a corporation, at least one officer must sign, and corporate seal affixed.

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

.SS

..... John C. Onufer, Jr. being duly sworn (affirmed)
(Affiant)

according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

John C. Onufer, Jr.
.....
(Signature of Affiant)
John C. Onufer, Jr.

Sworn and subscribed before me this *3rd* day of *Sept* 1986....

Catherine Stein
.....
(Signature of official
administering oath)

My Commission expires

CATHERINE STEIN, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES JUNE 3, 1990
Member, Pennsylvania Association of Notaries

Application of
FOREST HILLS TRANSFER AND STORAGE, INC.

SUPPLEMENT TO PARAGRAPH 4

CHARTER PURPOSE

To invest in, own, conduct, manage and operate the business of a contract carrier by motor vehicle transporting property, including household goods, and furniture in use, in interstate or foreign commerce, or between points in any state of the United States; and business incidental and necessary to rendering such service, such as owning, leasing and operating terminals, warehouses, platforms and garages;

To invest in, own, conduct, manage, and operate the business of a common carrier by motor vehicle transporting property, including household goods and furniture in use, in interstate or foreign commerce, or between points in states of the United States without the State of Delaware; and business incidental and necessary to rendering such service, such as owning, leasing and operating terminals, warehouses, platforms and garages;

To buy, sell, own, operate, lease, repair and maintain motor vehicles of every description within and without the State of Delaware, and business incidental and necessary to rendering such service, such as buying and selling gasoline, oil, parts and accessories;

To conduct the business of warehousemen, removers, storers, packers and carriers of personal property of every description; to own and operate warehouses and terminals for the storage, packing and transporting of personal property of every description, to issue warrants to persons warehousing goods with the company and to lend money upon the security of such goods; and to conduct all business pertaining thereto;

To buy, sell, own, lease, improve, maintain, develop, convey and deal in real estate of every kind and description.

Application of
FOREST HILLS TRANSFER AND STORAGE, INC.

SUPPLEMENT TO PARAGRAPH 8

SCOPE OF AUTHORITY SOUGHT

The nature and character of the service to be rendered by applicant as a common carrier is as follows:

To transport, as a Class D carrier, 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, (1) between points in the counties of Allegheny and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa; and (2) between points in the borough of Saltsburg, Indiana County, and within three (3) miles of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa.

Application of
FOREST HILLS TRANSFER AND STORAGE, INC.

SUPPLEMENT TO PARAGRAPH 9(a)

The proposed service is necessary and proper for the service, accommodation and convenience of the public since there is no available service of the type, character, and quantity required by the shipping public in the territory proposed to be served by the applicant.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. C8631
Folder 2

Application of FOREST HILLS TRANSPORT AND STORAGE,
INC., a corporation of the State of Delaware

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of FOREST HILLS TRANSPORT AND STORAGE, INC., a corporation of the State of Delaware, filed November 29, 1961, 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 JOHN C. GUNPARK and LENA M. GUNPARK, trading and doing business as FOREST HILLS TRANSPORT AND STORAGE COMPANY, under report, order and certificate of public convenience issued at A. 20166, Folder 2 on September 10, 1935, 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 FOREST HILLS TRANSPORT AND STORAGE, INC., a corporation of the State of Delaware, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, household goods and furniture, in use, between points in the County of Allegheny.

To transport, as a Class D carrier, household goods and furniture, in use, from points in the County of Allegheny to other points in Pennsylvania.

To transport, as a Class D carrier, household goods and furniture, in use, from points in Pennsylvania to points in the County of Allegheny;

the right immediately above to be subject to the following condition:

That the service herein authorized is limited and restricted to movements where the order for service is received at the certificate holder's office in Allegheny County.

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.

C. of B. C.
issued
3-1-62

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 will 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 amount 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 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.

FIFTH, to wit, February 13, 1962, 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:

Chairman

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88631
Folder 2 Am. - B

Application of FOREST HILLS TRANSFER AND
STORAGE, INC., a corporation of the State
of Delaware.

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of FOREST HILLS TRANSFER AND STORAGE INC., a corporation of the State of Delaware, dated November 14, 1963 for modification of the report and order issued under date February 13, 1962 and the certificate of public convenience issued thereunder, as modified and amended, 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 C.A. WALTER, trading and doing business as C. A. WALTER TRANSFER, under report and order issued at A. 28037, Folder 2 on January 7, 1936, as modified and amended, Folder 3 on January 6, 1936, as modified and amended and Folder 4 on February 8, 1936, and the certificates of public convenience issued thereunder, which certificates will be subsequently cancelled as of the date of this order upon compliance with the tariff requirements of the Commission by FOREST HILLS TRANSFER AND STORAGE, INC., a corporation of the State of Delaware, 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, February 3, 1964, IT IS ORDERED: That the report and order issued under date of February 13, 1962 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 rights:

To transport, as a Class D carrier, coal from mines in the County of Westmoreland to points in the City of Greensburg, Westmoreland County, and within three (3) miles of the limits of said city. (Formerly A. 28037, Folder 2)

To transport, as a Class D carrier, store goods and fixtures and pianos from points in the City of Greensburg, Westmoreland County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, including the Villages of Delmont and Slickville, Westmoreland County, to other points in Pennsylvania, and vice versa; provided that no right, power or privilege is granted to serve Allegheny County points except service between such points and points within fifteen (15) miles by the usually traveled highways of the limits of the City of Greensburg, Westmoreland County. (Formerly A. 28037, Folder 2)

subject to the following condition:

That transportation of store goods may be handled only when the entire stock and fixtures of a store are being moved.

To transport, as a Class B carrier, property between points in the City of Greensburg, Westmoreland County, and within three (3) miles of the said city. (Formerly A. 28037, Folder 3)

To transport, as a Class D carrier, property from points in the City of Greensburg, Westmoreland County, and within three (3) miles of the limits of said city to points within ten (10) miles by the usually traveled highways of the limits of said city. (Formerly A. 28037, Folder 3)

To transport, as a Class D carrier, Christmas trees from railroad sidings in the City of Greensburg, Westmoreland County, to points in the County of Westmoreland. (Formerly A. 28037, Folder 3)

To transport, as a Class D carrier, farm products, excavated materials and road and building construction materials, such as are usually transported in dump trucks, between points in the City of Greensburg, Westmoreland County, and within ten (10) miles by the usually traveled highways of the limits of said city. (Formerly A. 28037, Folder 3)

To transport, as a Class D carrier, office furniture, equipment and household goods, in use, between points in the County of Westmoreland. (Formerly A. 28037, Folder 4)

To transport, as a Class D carrier, office furniture, equipment and household goods, in use, from points in the County of Westmoreland to other points in Pennsylvania, and vice versa. (Formerly A. 28037, Folder 4)

To transport, as a Class D carrier, office furniture, equipment and household goods, in use, between points in the Borough of Saltsburg, Indiana County, and within three (3) miles of the limits of said borough. (Formerly A. 28037, Folder 4)

To transport, as a Class D carrier, office furniture, equipment and household goods, in use, from points in the Borough of Saltsburg, Indiana County, and within three (3) miles of the limits of said borough to other points in Pennsylvania, and vice versa; (Formerly A. 28037, Folder 4)

and subject to the following conditions:

FIRST: 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.

SECOND: 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.

THIRD: That the applicant charge to Account 1550, Other Intangible Property \$20,754, 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.

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 relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Chairman

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

McCARTHY

Application Docket No. 66631
Folder 2, AM-C

Application of FOREST HILLS TRANSFER and STORAGE, INC.,
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of FOREST HILLS TRANSFER and STORAGE, INC., a corporation of the State of Delaware, dated January 16, 1967, for modification of the report and order issued under date of February 13, 1962 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 his application whereby 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, June 26, 1967, IT IS ORDERED: That the report and order issued under date of February 13, 1962 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 rights:

To transport, as a Class D carrier, fixtures, equipment and the property usual in a store, office, museum, institution, laboratory, hospital, home or other establishment, when a part of the stock, equipment or supply of such store, office, museum, institution, laboratory, hospital, home or other establishment, in connection with a removal from one location to another, and requiring specialized handling or specialized equipment usually employed in moving household goods, between points in the Counties of Allegheny and Westmoreland and from points in the said counties to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, electronic computers between points in the County of Allegheny;

subject to the following condition:

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

A. 88631
Folder 2, Am-C

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, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the application in all other respects be and is hereby refused for lack of proof of necessity.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Chairman

Secretary