PENNSYLVANIA PUBLIC UTILITY COMMISSION Harrisburg, PA 17120

Public Meeting held March 30, 1989

Commissioners Present:

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

Application of J. H. Bennett Storage & Carting, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to his common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods in use from points in the city of Erie, Erie County, and within twenty-five (25) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of household goods, personal effects and property used or to be used in a dwelling when a part of the equipment or 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 the 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; (1) between points in the city of Erie, Erie County, and within twenty-five (25) miles by the usually traveled highways of the limits of said city; and (2) from points in the city of Erie, Erie County, and within twenty-five (25) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa.

DOCUMENT FOLDER

> A-00101944 F. 1 Am-B





Applicent's XI MAR B/2/07 A-00/01941/FODDON AME

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PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

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

ORDER

BY THE COMMISSION:

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This matter comes before the Commission by an application filed on September 23, 1988, and published in the Pennsylvania Bulletin of October 15, 1988. There are no protests and the record is now certified to the Commission for its decision without oral hearing. A verified statement was submitted by the applicant and two supporting shippers.

DISCUSSION AND FINDINGS

J. H. Bennett Storage & Carting, Inc. (or applicant) has held "short form" household goods authority since the issuance of a certificate of public convenience to it on July 16, 1980. The authority gives the applicant the right to transport household goods in use between points in the city of Erie, Erie County, and within 25 miles by the usually traveled highways of the limits thereof, and from points in that area, to points in Pennsylvania, and vice versa.

The applicant has operated under the assumption that the authority was equivalent to the "broad form" household goods commodity description and has therefore transported commodities which fall under all three parts of the broad form authority. The applicant, through its counsel, was recently advised by this Commission that in order to avoid further confusion concerning proper interpretation, it should file an application for broad form authority. The immediate application has been placed before us accordingly. There is no intention by the applicant to expand the existing service area.

The applicant is supported by John Shifler, operations manager for Assembly Machines, Inc., located in Erie. He states that the company would utilize the applicant on those occasions when employees are transferred to other Pennsylvania facilities. Approximately one move a year is involved.

William Lorei, service manager for Erie Copy Products, has also supported the application; however, its service needs extend beyond the service that can be provided under a grant of broad form moving authority. Its needs entail the hauling of various types of copying machines between two stores, one located in Erie and the other in Meadville, Crawford County, and from the stores to other commercial establishments. Our decision in <u>Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket</u> No. P-850009 (adopted March 20, 1986), concluded that the transportation of business machines, new or used, is not within the scope of household goods authority. We must discount the support of this shipper accordingly. It is to be noted that the applicant has other authority under which it can satisfy this shipper's needs.

- 2 -

In addition, the applicant has submitted a traffic exhibit listing representative movements of household goods, furniture, store fixtures and property, during a four-month period in 1988. These shippers would continue to utilize the applicant as the occasions arise.

It cannot be argued that the support for this application is not minimal. We are aware of the difficulty in generating meaningful support for moving authority. The applicant's problem in this respect is compounded by the fact that it has been operating under the assumption that it had all of the authority already, and its customers do not fully comprehend the basis for the application. This application has been filed for the sole purpose of obtaining authority which it believed, in good faith, that it already had. There is no broadening of the geographical area in which it is now providing service.

We find:

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1. That the applicant possesses the experience and equipment to render the proposed service.

2. That a public need for the proposed service does exist.

3. That the transportation of new and used business machines does not fall within the scope of broad form household goods authority.

4. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on July 16, 1980, as amended, be further amended so that Right No. 2 and Right No. 3 contained in our order adopted April 18, 1980 shall now read as follows:

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, in connection with the 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 the 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 city of Erie, Erie County, and within 25 miles by the usually traveled highways of the limits of said

- 3 -

city, and from points in said area, to points in Pennsylvania, and vice versa.

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

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

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

BY THE COMMISSION, fich Secretary

(SEAL)

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ORDER	ADOPTED:	March	30	1989
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ORDER ENTERED: 977 10 1339

PENNSYLVANIA PUBLIC UTILITY COMMISSION Harrisburg, PA 17120

Public Meeting held September 20, 1991

Commissioners Present:

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

Application of J. H. Bennett Storage & Carting, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of a portion of the operating rights of C. P. Flaugh Company, Inc. under the certificate issued at A-00090475, F. 2, subject to the same limitations and conditions.

FOLDER A-00101944

DOCUMENT

F. 1 Am-C



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

AUG 1 4 2007

PA PUBLIC UTILITY COMMISSION

SECRETARY'S BUREAU

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 26, 1991. Public notice of the application was given in the Pennsylvania Bulletin of August 17, 1991. No protests were filed. The unopposed application is certified to the Commission for its decision without an oral hearing.

J. H. Bennett Storage & Carting, Inc. (applicant) is a Pennsylvania corporation domiciled at 602 East 25th Street, Erie, Erie County. By the instant application, the applicant seeks to acquire by transfer two common carrier rights issued at A-00090475, F. 2 to C. P. Flaugh Company, Inc. (transferor). The transferor is retaining five common carrier rights.

In accordance with the agreement of sale, the applicant will acquire the two common carrier rights for the total consideration of \$5,000. No tangible assets are involved. The total consideration will be tendered the transferor within 30 days of the final order.

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

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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); <u>Hostetter v. Pa. P.U.C.</u>, 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.

The two common carrier rights which the applicant is to acquire authorize the transportation of household goods and office furnishings, in use. To eliminate from the transferor's authority any authorization to transport said commodities of household goods and office furnishings, in use, the transferor has agreed to condition the five rights being retained. The condition will exclude from the retained rights any authority to transport household goods and office furnishings in use.

We find:

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

2. That 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 July 16, 1980, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, household goods and office furnishings, in use, between points in the city of Meadville, Crawford County, and within twenty (20) miles by the usually traveled highways of the limits of said city.

To transport, as a Class D carrier, household goods and office furnishings, in use, from points in the city of Meadville, Crawford County, and within twenty (20) miles by the usually traveled highways of the limits of of the said city to other points in Pennsylvania, and vice versa.

subject to the following conditions:

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

- 2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
- 3. That the applicant charge to Account 1550, Other Intangible Property, \$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 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(3).

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

IT IS FURTHER ORDERED: That 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. IT IS FURTHER ORDERED: That upon compliance with this order, the second and third rights granted the transferor, C. P. Flaugh Company, Inc., at A-00090475, F. 2, contained in the Report and Order dated September 30, 1963, be cancelled.

BY THE COMMISSION,

Jerry R íē Secretary

(SEAL)

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ORDER ADOPTED: September 20, 1991

ORDER ENTERED: SEP 4 6 1991

Crawford County:

Titusville Spartansburg Centerville Hydetown Spring Boro **Buells** Corners Pennline Steamburg Palmer Turnersville Espyville Atlantic



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Erie County:

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COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA PUBLIC UTILITY COMMISSION

> P.O. BOX 3265 HARRISBURG PENNSYLVANIA 17105-3265

ASSESSMENT REPORT

STATEMENT OF OPERATING REVENUES FOR GENERAL ASSESSMENT OF COMMON CARRIER OF PROPERTY AND/OR PERSONS BY MOTOR VEHICLE

Bennett, J H Moving & RECEIVED Erie PA 16502-1561

711465 AUG 1 4 2007

2006 OPERATION PERIOD

TYPE OF UTILITY SERVICE

A101944

JAN 2006 DEC 2006 FROM TO

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

THIS REPORT MUST BE FILED NOT LATER THAN MARCH 31, 2007. IF NOT FILED, THE COMMISSION WILL ESTIMATE YOUR INTRASTATE OPERATING REVENUES AND WILL BASEYOUR ASSESSMENT ON THE ESTIMATED TOTAL FAILURE TO FILE BY THE MARCH 31 DEADLINE MAY RESULT IN FINES OF UP TO \$1,000 FOR EACH DAY OF A VIOLATION (66 Pa. C.S. §3301).

OPERATING REVENUES FOR CALENDAR YEAR 2006:

	(Round to nearest dollar.)						
	AMOUNT						
 TOTAL GROSS OPERATING REVENUES Earned from operating a household goods carrier and a common carrier of property and passengers (excluding service that is under the jurisdiction of the Philadelphia Parking Authorit 	\$2,778,330						
2. GROSS OPERATING REVENUES From INTERSTATE operations	\$1,892,366						
3. TOTAL GROSS INTRASTATE Operating revenue (line 1 minus line 2)	SKETE 1 5 2007 \$ 355,066						
4. DEDUCTIONS Based on exemptions itemized on back of form.	\$ 355,066						
5. GROSS INTRASTATE REVENUE On which your assessment will be based (line 3 minus line 4)	\$ 530,898						
Indicate the method used to compute Intrastate operating revenue X Actual Records Estimated Other Describe	e						
AFFIDAVIT	CERTIFICATION						
The information reported is complete, true and correct.	Subscribed and sworn to before me						
Alforden Manght 3-27-07 203 32-888 Signature of Individual of Officer Date SS#	this $\frac{\partial G}{\partial t}$ day of March 2007						
Trade or Corporate Name of Utility: J.H. BENNETT MOVING & STORAGE, INC.	SIGNATURE Notarial Seel						
Federal I.D. Telephone Number: 25-1371098 (814) 456-5377	OFFICIAL Millcreek Twp., Erie County						
Fax Number: E-mail address:	SEAL Member, Pennsylvania Association of Notarles						
(814) 455-9126 gordonn@jhbeanett-moving.com	March 28, 2009						
New Address - If different from above	(Date Commission Expires)						

FORM MT-06

cc

DOCUMENT

FOLDER

(Round to the nearest dollar amount.)

002

AMOUNT
\$ 16,991
\$ 40,384
\$240,074
\$ 57,617
\$
\$
\$355,066

CANCELLATION REQUEST (Property Carriers only)

PENNSYLVANIA PUBLIC UTILITY COMMISSION MOTOR CARRIER SERVICES AND ENFORCEMENT

To Whom It May Concern:

In accordance with the final decision at P-00940884, Regulation of Motor Carriers of Property, adopted December 15, 1994 and entered December 20, 1994:

I hereby request that my Certificate of Public Convenience issued at A-00 ______ be cancelled, and that all rights, powers and privileges conveyed thereby cease and terminate.

I understand that my request and subsequent cancellation of the certificate will require the refiling of an application and payment of a filing fee should I decide to again initiate common carrier service.

CARRIER NAME:

CARRIERADDRESS:

AUTHORIZED SIGNATURE

PRINTNAME - TITLE

DATE

AUTHORIZATION FOR RELEASE OF STATE TAX RECORDS In accordance with Sections 505 and 506 of the Public Utility Code, as a means to verify the accuracy of financial information supplied to the Public Utility Commission, I hereby authorize the Pennsylvania Department of Revenue to release to the Public Utility Commission, any tax records filed by or compiled with regard to the below-listed utility and/or individual. J.H. BENNETT MOVING & STORAGE, INC. Utility Name

J GORDON NAUGHTON, PRESIDENT

Name (Printed)

Title

Date: 3/20/2007

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J.H. Bennett 2007 Vehicle Schedule

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DEDICATED TO IMPROVING THE HEALTH OF OUR COMMUNITY

Re: J.H. Bennett Moving & Storage, Inc. Docket No. A-00101944, F. 1, Am-F

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

Applicant's 16 Applicant's 16 AD (25) B/2/07 DOCUMENT 1-0070/94470001 FOLDER MC) is a firm

Dear Mr. McNulty:

Bradford Regional Medical Center (BRMC) is a full service hospital located in Bradford. McKean County. BRMC sometimes arranges for the relocation of hospital personnel, including doctors and members of the hospital staff. In that regard, we have frequently utilized J.H. Bennett Moving & Storage, Inc. (Bennett) to provide interstate household goods transportation to us. We are unable to utilize Bennett for intrastate moves since we understand that Bennett does not have intrastate operating authority involving McKean County. 'We are' supporting Bennett's request to obtain intrastate authority. BRMC will require Bennett's intrastate service in the future. This intrastate service could involve relocations from McKean or Venango Counties or even from Erie or Crawford Counties. ...BRMC understands that Bennett's intrastate authority in Erie County is presently limited to service from points located within 25 highway miles of the city of Erie and that its intrastate authority in Crawford County is limited to service from points located within 20 highway miles of the city of Meadville. It is entirely possible that BRMC could require Bennett's service if it were granted the PUC authority that it is seeking in its application. One particular situation where we could use Bennett's service is where we have someone relocating from out of state to temporary quarters in the Bradford area and then this individual would subsequently need to move from the temporary quarters to permanent quarters in the Bradford area.

BRMC supports the application of Bennett to expand its household goods authority.

BRADFORD REGIONAL MEDICAL CENTER AUG 1 5 2007 Louis Galupi **Director of Materials Management** RECEIVE AUG 1 4 2007 PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Sincerely yours,

116 Interstate Parkway • P.O. Box 0218 • Bradford, Pennsylvania • 16701-0218 • (814) 368-4143 • www.brmc.com

