

SCHUBERT ♦ GALLAGHER



TYLER ♦ MULCAHEY

TWO PENN CENTER - SUITE 1400  
 1500 JOHN F. KENNEDY BOULEVARD  
 PHILADELPHIA, PA 19102-1890  
 215.569.3535 • (FAX) 215.557.7426  
 WWW.SGTMLAW.COM

Richard T. Mulcahey, Jr.  
 Also Member of New York Bar  
 Direct Dial No.: (215) 587-0107  
 e-mail: rmulcahey@sgtmlaw.com

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SECRETARY'S BUREAU

April 12, 2013

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

**Re: Application of Cadden Bros. Moving & Storage, Inc.**

Dear Ms. Chiavetta:

Please be advised that this office represents the above captioned common carrier. Accordingly, I enclose herewith an original and two copies of Application for Approval of Transfer of Capital Stock together with our check in the amount of \$350.00 covering the filing fee.

Kindly acknowledge receipt of the enclosure by time-stamping the enclosed copy of this letter and returning to me in the self-addressed, stamped envelope provided.

Respectfully submitted,

Richard T. Mulcahey, Jr.

RTMJR/mac  
 Enclosure

cc: Cadden Bros. Moving & Storage, Inc.

APPLICATION FOR APPROVAL OF TRANSFER OF CAPITAL STOCK  
TRANSPORTATION COMMON CARRIER

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application for approval to transfer  
Part of the capital stock of  
(all or part)  
Cadden Bros. Moving & Storage, Inc.  
(Name of Certificated Carrier)  
held by James D. Cadden, Jr.  
(Name of Seller)  
to Patrick A. Cadden  
(Name of Buyer)

**PUC USE ONLY**  
Docket Number \_\_\_\_\_  
Folder Number \_\_\_\_\_

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

- Cadden Bros. Moving & Storage, Inc.  
(Full and correct name of Certificated Carrier)
- Docket number of Certificated Carrier is A-00123871
- Name of Seller(s): James D. Cadden, Jr.  
1106 Mid Valley Drive N/A  
(Business Street Address) (P.O. Box, if any)  
Olyphant PA 18447 (570) 489-4005  
(City) (State) (Zip) (Telephone)
- Seller's attorney for this application: N/A  
(Address) (Telephone)
- Name of Buyer(s): Patrick A. Cadden  
1106 Mid Valley Drive N/A  
(Business Street Address) (P.O. Box, if any)  
Olyphant PA 18447 (570) 489-4005  
(City) (State) (Zip) (Telephone)
- Buyer's attorney for this application: Richard T. Mulcahey, Jr.  
1500 John F. Kennedy Blvd., Suite 1400 (215) 587-0107  
(Address) (Telephone)  
Philadelphia, PA 19102

**PUC-317: Stock Transfer Application**

7. Capital Stock of Certificated Carrier:

- a) Number of authorized shares: 100
- b) Par or stated value per share: -0-
- c) Number of shares outstanding: 100

d) Shareholders:	Number of shares held:
<u>James D. Cadden, Jr.</u>	<u>50</u>
<u>Patrick A. Cadden</u>	<u>50</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

- e) Number of shares redeemed or held as treasury stock:

8. Stock Transaction:

Sellers	# Sold	Buyers	# Bought
<u>James D. Cadden, Jr.</u>	<u>50</u>	<u>Patrick A. Cadden</u>	<u>50</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

9. If buyer and/or seller are in control of or affiliated with each other or with any other carrier, state name of carriers, docket numbers, and nature of control or affiliation:

N/A

10. Consideration for the transfer of capital stock is (if nominal, explain): \$50,000.00

PUC-317: Stock Transfer Application

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11. The consideration will be paid as follows:

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12. The reasons for the proposed transfer are:

13. The following must be attached to the completed application

A statement containing a brief corporate history of the Certificated Carrier, the purpose for which it was created, a description of the service it furnishes to the public and a description of the territory in which it operates. Exhibit "A" & See Exhibit "D"

Statements of Financial Condition (Income Statements and Balance Sheets) for the Buyer and the Seller. Exhibit "B"

Sales Agreement (Bilateral) Exhibit "C"

Verified Statement of Buyer Exhibit "D"

N/A  If Buyer is corporate entity, complete list of officers and shareholders with shares.

N/A  If Buyer is corporate entity, copy of corporation papers from PA Dept. of State.

WHEREFORE, Buyer and Seller request that the Commission approve the Application.

Buyer sign here: Patrick A. Cadden (Each Partner must sign) 12/31/12 (Date)

(Corporate Seal) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Date)

Seller sign here: James D. Cadden, Jr. (Date) 12/31/12 (Date)

(Corporate Seal) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Date)

\_\_\_\_\_ (Date)

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THIS MUST BE COMPLETED BY A NOTARY PUBLIC  
AFFIDAVIT OF BUYER (NATURAL PERSON)

2013 APR 15 AM 11:57

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SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA :

Philadelphia : ss:

     ~~Jackawanna~~ County :

Patrick A. Cadden, being duly sworn (affirmed) 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/her knowledge, information, and belief, and he/she expects to be able to prove the  
same at the hearing hereof.

*Patrick A. Cadden*  
Signature of Affiant  
Patrick A. Cadden

Sworn and subscribed before me on this 11<sup>TH</sup>  
day of APRIL 2013

My ~~COMMONWEALTH OF PENNSYLVANIA~~ 2014

NOTARIAL SEAL  
MARY ANNE CRANAGE, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires October 24, 2014

*Mary Anne Cranage*  
Signature of Official Administering Oath

AFFIDAVIT OF CERTIFICATED CARRIER (CORPORATION)

COMMONWEALTH OF PENNSYLVANIA :

: ss:

     County :

    , being duly sworn (affirmed) according to law,  
deposes and says that he/she is      of       
(Office of Affiant) (Name of Corporation)

that he/she is authorized to and does make this affidavit for it; and that the facts above set forth  
are true and correct; or are true and correct to the best of his/her knowledge, information, and  
belief, and he/she expects the said      to be able to prove  
(Name of Corporation)

the same at the hearing hereof.

      
Signature of Affiant

Sworn and subscribed before me on this     

day of      20    

My Commission expires     

      
Signature of Official Administering Oath

~~COMMONWEALTH OF PENNSYLVANIA~~  
NOTARIAL SEAL  
MARY ANNE CRANAGE, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires October 24, 2014

RECEIVED

THIS MUST BE COMPLETED BY A NOTARY PUBLIC  
AFFIDAVIT OF SELLER (NATURAL PERSON)

2013 APR 15 AM 11:57

COMMONWEALTH OF PENNSYLVANIA :

PA.P.U.C.  
SECRETARY'S BUREAU

Philadelphia : ss:

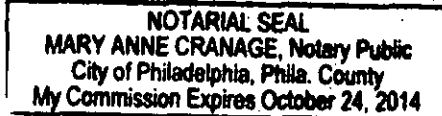
~~Lackawanna~~ County :

James D. Cadden, Jr. \_\_\_\_\_, being duly sworn (affirmed) 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/~~her~~ knowledge, information, and belief, and he/she expects to be able to prove the  
same at the hearing hereof.

*James D. Cadden Jr*  
\_\_\_\_\_  
Signature of Affiant  
James D. Cadden, Jr.

Sworn and subscribed before me on this 11<sup>th</sup>  
day of APRIL 20 13

My Commission expires Oct 24, 2014



*Mary Anne Cranage*  
\_\_\_\_\_  
Signature of Official Administering Oath

AFFIDAVIT OF BUYER/SELLER (CORPORATION)

COMMONWEALTH OF PENNSYLVANIA :

ss:

\_\_\_\_\_ County :

\_\_\_\_\_, being duly sworn (affirmed) according to law,  
deposes and says that he/she is \_\_\_\_\_ of \_\_\_\_\_

(Office of Affiant)

(Name of Corporation)

that he/she is authorized to and does make this affidavit for it; and that the facts above set forth  
are true and correct; or are true and correct to the best of his/her knowledge, information, and  
belief, and he/she expects the said \_\_\_\_\_ to be able to prove

(Name of Corporation)

the same at the hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me on this \_\_\_\_\_

day of \_\_\_\_\_ 20 \_\_\_\_\_

My Commission expires \_\_\_\_\_

\_\_\_\_\_  
Signature of Official Administering Oath

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**EXHIBIT "A"**

Need a Moving Company in Scranton Pa? Cadden Bros specializes in Scranton Moving Services and is one of the leading Residential Moving Companies in the Scranton Pennsylvania and surrounding NEPA Area. We also specialize in Moving Services to Virginia, Moving Services to North Carolina, Moving Services to Florida and more. Contact Cadden Bros Moving Services today.

# CADDEN BROS

Moving  Storage

1106 Mid Valley Drive, Olyphant, PA 18447

Phone: 570-489-4005

Toll Free: 1-800-553-MOVE (6683)

Email: [cadden@caddenmoving.com](mailto:cadden@caddenmoving.com)

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## FLORIDA SPECIALISTS!

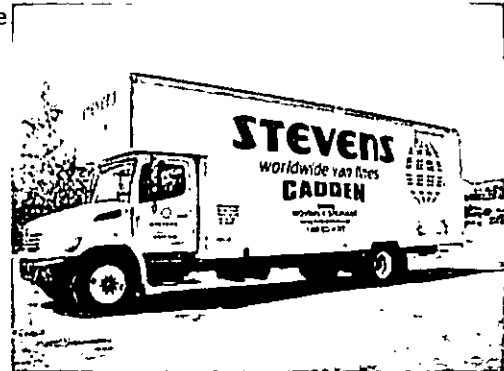
*Specializing In Direct Service To Florida & The East Coast*

Are you worried about where your things will be during your move? Consider contacting Cadden Bros today for a free no obligation estimate and to get piece of mind.

Are you moving to Florida, North Carolina, and Virginia or anywhere down the east coast? **Contact Cadden Bros** today to get a **free moving estimate**.

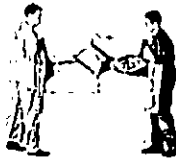
If you are moving from the Scranton Pennsylvania, NEPA area anywhere southeast we offer Free No Obligation moving estimates that are very affordable but best of all we are very reliable.

You can learn more about our moving services to North Carolina, Virginia, Florida and many more areas by **contacting** us today.



**Specializing In Direct Service to Florida and East Coast!**  
"Established 1932"

### Local Moving



>> [Click here](#)

### Interstate Moving



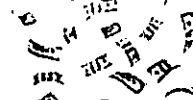
>> [Click here](#)

### Free Estimates

### Storage

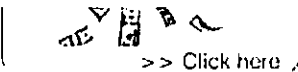


### Money Saving Options





**PROFESSIONAL  
PACKING SERVICES  
AVAILABLE!**



**Hours:**

- Mon. 8-5**
- Tue. 8-5**
- Wed. 8-5**
- Thurs 8-5**
- Fri. 8-5**
- Sat By appointment**
- Sun By appointment**

Coverage



# CADDEN BROS. Moving & Storage

1106 Mid Valley Drive, Olyphant, PA 18447

Phone: 570-489-4005

Toll Free: 1-800-553-MOVE (6683)

Email: [cadden@caddenmoving.com](mailto:cadden@caddenmoving.com)

Home

About Us

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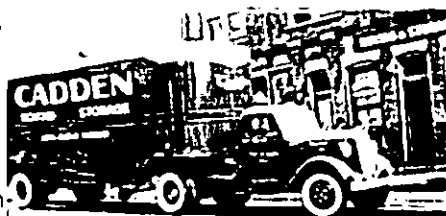


## About Us

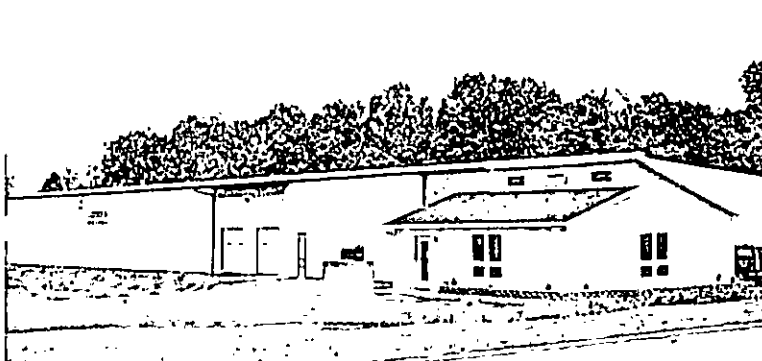
## FLORIDA SPECIALISTS!



The history of the family owned Cadden Bros. Moving & Storage Inc. goes back to 1932. Patrick F. Cadden started the moving and storage business in an old garage on Pear St. in South Scranton. A couple years later, he moved the business to a building on Beech St. but then was killed in 1944 during World War II. His wife, Kay Cadden continued to run the family business at that location until 1972, when it was sold to Patrick's brother James D. Cadden. James operated there until 1988, and then moved into the old Harriet Beecher Stowe School building on Crown Ave. The company flourished and in 2000, the Cadden family built a new 10,000 sq ft warehouse at 1106 Mid Valley Drive in Olyphant. His two sons, Patrick A. & James D. Cadden Jr. currently run the company.



Specializing In Direct Service  
to Florida and East Coast!  
"Established 1932"



Free  
Estimates





**Hours:**

**Mon. 8-5**  
**Tue. 8-5**  
**Wed. 8-5**  
**Thurs 8-5**  
**Fri. 8-5**  
**Sat By appointment**  
**Sun By appointment**



# CADDEN BROS. Moving & Storage

1106 Mid Valley Drive, Olyphant, PA 18447

Phone: 570-489-4005

Toll Free: 1-800-553-MOVE (6683)

Email: [cadden@caddenmoving.com](mailto:cadden@caddenmoving.com)

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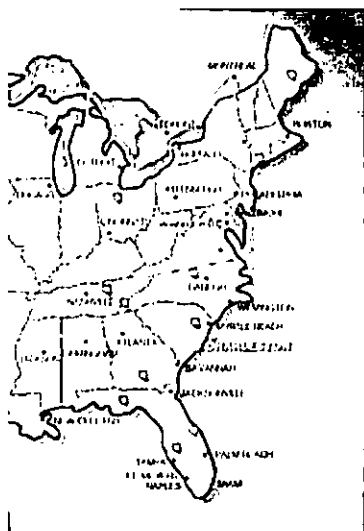
Contact Us



### Services

## FLORIDA SPECIALISTS!

### Some Advantages of choosing us:



#### INTERSTATE MOVING

- Ask about our written unconditional fully guaranteed price
- Insurance Plans Ranging from Full Replacement Value by the I.C.C.
- Firm Pick-Up & Delivery Date
- Convenient Temporary Storage In Pick-Up or Delivery Area
- Professional Packing Available

#### LOCAL MOVING

- Fleet of Trucks Dedicated to Local Moves
- Ask about our Fully Guaranteed One Day Pick-Up and Delivery
- Temporary Storage for your convenience
- LOW Prices

#### INTERNATIONAL MOVING

- Insurance Plans Ranging from Full Replacement Value
- Firm Pick-Up & Delivery Date
- Professional Packing Available

#### MONEY SAVING OPTIONS

- Opt to Pack Items and SAVE
- We Supply Required Materials
- Opt to Haul Storage Items Yourself & Save
- Prepayment & Senior Citizen Discounts on Interstate Moving

#### STORAGE

- Items Stored In Sealed Padded Crates
- Itemized List of Your Property In Storage
- Professional Packing & Hauling

#### INTERSTATE AGENT FOR STEVENS



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"Established 1932"

Free Estimates

#### Hours:

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- Tue. 8-5
- Wed. 8-5
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- Fri. 8-5
- Sat By appointment
- Sun By appointment





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

March 16, 2009

REFER TO OUR FILE

A-00123871

DANIEL P DELANEY ESQUIRE  
JAMES P MELIA ESQUIRE  
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS  
17 NORTH 2<sup>ND</sup> STREET 18<sup>TH</sup> FLOOR  
HARRISBURG PA 17101

Application of Cadden Bros. Moving & Storage, Inc.

To Whom It May Concern:

The records of the Commission show that the applicant has complied with the necessary insurance, tariff, taxes requirements.

Enclosed, is the CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval of the right to operate as a motor carrier. Enclosed, is the CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval of the right to operate. The number on the Certificate, which is also the first A# at the top of this page, is the PA P.U.C. No. which should be used for identification markings on the vehicle(s).

Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed on the World Wide Web at [www.pacode.com](http://www.pacode.com).

Kindly attach the enclosures to the compliance order previously issued and mailed to you.

Very truly yours,

James J. McNulty  
Secretary

jf

CADDEN BROS MOVING & STORAGE INC  
1106 MID VALLEY DR  
OLYPHANT PA 18447

CERTIFICATE SENT TO ATTORNEY

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SECRETARY'S BUREAU

# **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**IN THE MATTER OF THE APPLICATION OF: A-00123871**

**Cadden Bros. Moving & Storage, Inc.**

**The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval to operate as a motor carrier.**

**In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 16<sup>th</sup> day of March 2009.**

**Secretary**

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

**Public Meeting held October 11, 2007**

**Commissioners Present:**

**Wendell F. Holland, Chairman  
James H. Cawley, Vice Chairman  
Tyrone J. Christy  
Kim Pizzingrilli**

Application of Cadden Bros. Moving & Storage, Inc., for the right to transport, as a common carrier, by motor vehicle, (1) uncrated household furniture and uncrated household appliances, purchased from retailers or wholesalers for household use from points in the city of Scranton, Lackawanna County, to the homes of such purchasers in Pennsylvania, and vice versa; (2) household goods in use, between points in the counties of Luzerne, Susquehanna, Monroe, and Wyoming, and from points in said counties, to points in Pennsylvania, and vice versa, right (2) subject to the following conditions: that no right, power or privilege is granted to transport from or between points in Monroe County; that no right, power or privilege is granted to transport to, from or between points in the city of Nanticoke, Luzerne County, and points within three statute miles of the limits of said city; that no right, power or privilege is granted to transport to, from or between points in the borough of Duryea, Luzerne County, and within eight miles by the usually traveled highways of the limits of said borough; that no right, power or privilege is granted to transport to or from points in the counties of Pike, Wayne, Columbia, and Lackawanna; (3) household goods in use, between points in the city of Scranton, Lackawanna County, and from points in the city of Scranton, Lackawanna County, to points in Pennsylvania, and vice versa; (4) household goods in use, from points in the borough of Olyphant, Lackawanna County, and within three statute miles of the said borough, to points in Pennsylvania, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00099165, to James D. Cadden, t/d/b/a Cadden's Moving & Storage, subject to the same limitations and conditions.

A-00123871

\_\_\_\_\_  
James P. Melia, Esq., for the applicant.  
\_\_\_\_\_



## ORDER

### BY THE COMMISSION:

This matter comes before the Commission on an application filed June 15, 2007. Public notice of the application was given in the *Pennsylvania Bulletin* of July 14, 2007, with protests due by July 30, 2007. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

### DISCUSSION AND FINDINGS

Cadden Bros. Moving & Storage, Inc. (applicant or Cadden Bros.) seeks the initial right to transport household goods in use by acquiring, through transfer, the household goods in use rights held by James D. Cadden, t/d/b/a Cadden's Moving & Storage. (Cadden's Moving & Storage). Applicant's founding shareholders, Patrick A. Cadden and James D. Cadden, Jr., have over 60 years combined experience, from positions as laborer to positions as management, in the household goods industry through their previous experience with Cadden's Moving & Storage. Cadden's Moving & Storage (transferor) is a family owned business and the current application involves a transfer from Mary Cadden, executrix of estate of James D. Cadden, to her sons.

Cadden Bros. will retain all business assets currently held by Cadden's Moving & Storage, as well as continue to employ all existing employees. The list of property and equipment to be transferred includes a 10,000 sq. ft. warehouse situated on 2.95 acres of land, five operating straight trucks, four non-operating straight trucks, three furniture trailers, one tractor, and various associated equipment such as dollies, pads, hand trucks, crates, etc. At present, the number of employees to be retained at transfer consists of four drivers, six laborers, one clerical person, and one admin/managerial person. The applicant also intends to continue all pre-existing safety programs. The transfer of all assets, employees, and safety programs, as well as continued family ownership, is expected to allow a seamless transition from entity to entity, of what will essentially be operated as an ongoing concern.

In conjunction with the transferor and the United States Internal Revenue Service (IRS), Cadden Bros. has negotiated a tax settlement in the amount of \$39,000 for outstanding federal tax obligations owed by the transferor. The purchase price of \$39,000 for transferor's rights shall be used to satisfy said tax debt. An additional tax debt of approximately \$10,000 also remains outstanding to the Pennsylvania Department of Revenue and constitutes the majority of the remaining \$11,000 of debt, which the applicant will accept liability for upon transfer. To satisfy the payment of these expenses the applicant has secured financing in the amount of \$50,000 to purchase the transferor's rights and to clear the several pre-existing tax liabilities. The applicant will also assume all existing vehicle and real-estate leases, which will be paid with the proceeds from the company's operation.

A review of the record before us indicates that the applicant possesses the technical expertise, experience, facilities, sufficient capital and other resources necessary 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, 270 A.2d 186 (Pa. 1970); Hostetter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We advise the applicant to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a common carrier as authorized by this grant of authority. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed at [www.pacode.com](http://www.pacode.com).

**After complete review of the record, we find:**

1. 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 application be and is hereby approved and that a certificate be issued granting the following right:

To transport, as a common carrier, by motor vehicle, (1) uncrated household furniture and uncrated household appliances, purchased from retailers or wholesalers for household use from points in the city of Scranton, Lackawanna County, to the homes of such purchasers in Pennsylvania, and vice versa; (2) household goods in use, between points in the counties of Luzerne, Susquehanna, Monroe, and Wyoming, and from points in said counties, to points in Pennsylvania, and vice versa, right (2) subject to the following conditions: that no right, power or privilege is granted to transport from or between points in Monroe County; that no right, power or privilege is granted to transport to, from or between points in the city of Nanticoke, Luzerne County, and points within three statute miles of the limits of said city; that no right, power or privilege is granted to transport to, from or between points in the borough of Duryea, Luzerne County, and within eight miles by the usually traveled highways of the limits of said borough; that no right, power or privilege is granted to transport to or from points in the counties of Pike, Wayne, Columbia, and Lackawanna; (3) household goods in use, between points in the city of Scranton, Lackawanna County, and from points in the city of Scranton, Lackawanna County, to points in Pennsylvania, and vice versa; (4) household goods in use, from points in the borough of Olyphant, Lackawanna County, and within three statute miles of the said borough, to points in Pennsylvania, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00099165, to James D. Cadden, t/d/b/a Cadden's Moving & Storage, subject to the same limitations and conditions.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

1. Form E, as evidence of bodily injury and property damage liability insurance.
2. Form H, as evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.
4. Evidence of payment of all outstanding tax debt owed by the transferor, James D. Cadden, t/d/b/a Cadden's Moving & Storage to the Pennsylvania Department of Revenue.

**IT IS FURTHER ORDERED:** That applicant must demonstrate safety fitness by completing a Safety Fitness Review. Applicant will be contacted by the Commission's Bureau of Transportation and Safety, which will schedule a review to be completed within 180 days of the date your certificate is issued. Failure to submit to a Safety Fitness Review or to attain a satisfactory evaluation will result in cancellation of the certificate.

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

**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.

**IT IS FURTHER ORDERED:** That in the event said applicant has not, on or before sixty (60) days from the date of entry 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 right granted the transferor, James D. Cadden, t/d/b/a Cadden's Moving & Storage at A-00099165 be canceled and the record marked closed.

**BY THE COMMISSION,**

James J. McNulty  
Secretary

(SEAL)

**ORDER ADOPTED: October 11, 2007**

**ORDER ENTERED: October 22, 2007**

**RECEIVED**  
**2013 APR 15 AM 11:58**  
PA.P.U.C.  
SECRETARY'S BUREAU

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

**APPLICATION OF CADDEN  
BROTHERS MOVING & STORAGE, INC.**

**PUBLIC MEETING -  
OCTOBER 11, 2007  
OCT-2007-TSM-0228\*  
DOCKET NO: A-00123871**

**MOTION OF COMMISSIONER TYRONE J. CHRISTY**

Before us is an application for the transfer of the certificate of public convenience held by James D. Cadden, t/d/b/a Cadden's Moving & Storage (Transferor), to Cadden Brothers Moving and Storage, Inc. (Applicant). The Applicant represents that it has secured financing that in part will be used to satisfy an outstanding tax debt owed to the Pennsylvania Department of Revenue by the Transferor, and that the Applicant will accept liability for this tax debt upon transfer of the certificate.

To ensure that this outstanding debt is satisfied, I believe that it is appropriate to condition the issuance of the certificate of public convenience to the Applicant, and the cancellation of the certificate held by the Transferor, upon the filing of proof of payment of the tax debt to the Pennsylvania Department of Revenue.

**THEREFORE, I MOVE THAT:**

1. The Application of Cadden Brothers Moving and Storage, Inc. (Applicant) be approved.
2. In addition to our customary requirements regarding the submission of proof of insurance and a tariff, the Applicant be required to file proof that the tax debt owed to the Pennsylvania Department of Revenue by James D. Cadden, t/b/a/ Cadden's Moving and Storage (Transferor) has been paid.
3. Upon compliance with these requirements, a certificate shall issue to the Applicant, and the certificate granted to the Transferor at A-00099165 shall be canceled and the record marked closed.
4. The Bureau of Transportation and Safety prepare the necessary Order consistent with this Motion.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TYRONE J. CHRISTY, COMMISSIONER

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**EXHIBIT "B"**

**CONFIDENTIAL/PROPRIETARY  
MATERIAL FOLLOWS:**

**NO SCANNED IMAGE AVAILABLE**

**ACTUAL DOCUMENT IN  
CONFIDENTIAL FILE FOLDER**

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**EXHIBIT "C"**



AGREEMENT FOR THE SALE OF A BUSINESS

THIS AGREEMENT OF SALE (the "Agreement") made this 31 day of December, 2012 by and between James Cadden of the City of Scranton, Lackawanna County, "Seller" and Patrick Cadden of the same place, "Buyer" and Cadden Brothers Moving and Storage, Inc. "Guarantor."

WHEREAS, James Cadden and Patrick Cadden are 50% owners of the business known as Cadden Brothers Moving and Storage, Inc.; and

WHEREAS, Seller and Buyer are also 50% owners of a business of P & J LLC which owns the real estate on which Cadden Brothers Moving and Storage Inc, conducts business; and

WHEREAS, Seller intends to sell any and all interest he has in the Company and any and all interest in the LLC to the Buyer and the sale of the interest in the LLC is reflected in a separate Agreement.

WHEREAS, Buyer as part of the sale of the LLC, will be executing a mortgage on behalf of the LLC, and

WHEREAS, to purchase the stock of the Company and for other capital improvements Buyer will be borrowing monies which the real property will secure.

NOW THEREFORE, it is agreed by and between the parties as follows:

**1. Definitions**

The term "Company" as used herein refers to Cadden Brothers Moving and Storage, Inc.

The term "LLC" refers to P & J LLC in which Buyer and Seller are 50% owners and which owns the real estate on which the Company is located and which is subject to a separate agreement of sale.

The term "Mortgage" as used herein refers to the mortgage given by the LLC to the Seller for the sale of his interest in the LLC.

The term "New Loan" as used herein refers to the loan Buyer will obtain to pay the selling price of this agreement and additional monies for capital improvements to the Company or LLC and such loan will not exceed \$110,000.00.

The term "Secured personal property" refers to truck unit 201, a 2006 Hino 278 vehicle, VIN 5PBNJ8JT762S50181, Truck Unit 202, a 2007 Hino 258, VIN 5PBNV8JT772S50610, a Truck Unit 203, a 2007 Hino 258, VIN 5PVND8JR072S50049, and 2006 Kentucky Trailer VIN 1KKVE53256L221186 which are subject to loans held by the First Liberty Bank and Company.

## **2. Stock Sales**

For and in consideration of the sum of Fifty Thousand (\$50,000.00.) Dollars in hand paid by Buyer to Seller. Buyer agrees to purchase from Seller and Seller agrees to sell any and all of his shares of stock in the Company.

## **3. Indemnification**

The Buyer and/or the Company agrees to remove and release Seller's obligation under any loans relating to the Secured Property and will indemnify and hold Seller harmless from any and all claims, actions and causes of action relating to the Secured Property.

## **4. Treatment of Income and Expenses**

Seller and Buyer agree to prorate their respective shares of the income and expenses of the Company for the calendar year in which the closing takes place as of the date of the closing of this transaction in accordance with their respective stock ownership interest in the said corporation.

## **5. Closing**

The consummation of the transactions contemplated by this Agreement shall take place at the offices of Mattise & Kelly, P.C. on or before 12/31/12 or approval of the Pennsylvania Public Utility Commission of the of the transfer of stock of Cadden Brothers Moving & Storage, Inc. from Seller to Buyer whichever is later.

## **6. Documents**

At the closing, the following deliveries shall be made and the following actions shall be taken, each of which shall be deemed to have occurred and to have been taken simultaneously and none of which shall be deemed to have been completed until all such deliveries and actions have been completed.

A. Items to be delivered by Seller: At the closing, Seller shall deliver to Buyer the following:

(i) Such Bills of Sale, stock certificates, or limited power of attorney necessary to transfer any shares of stock in the company.

(ii) Such other documents, certificates and instruments as Buyer may reasonably request.

B. Items to be delivered by Buyer: At the closing, the Buyer shall deliver to the Seller:

(i) Such other documents, certificates and instruments as Seller may reasonably request.

### **7. Cell phones**

Buyer and the Company will continue to pay for one (1) cell phone for Seller use as such presently exists as of December 31, 2012 provided Seller does not enhance the cell phone contract currently existing on the Company's phone line.

### **8. Insurance**

A. Buyer and Company continues to pay the premium on a term life insurance policy on Seller's life with a death benefit of \$250,000.00 until October 9, 2032 when said policy will expire. (hereinafter "Life Insurance") Buyer shall continue to be listed as the beneficiary on the said term life insurance policy.

B. If there is a outstanding balance due on the Mortgage at the time of Seller's death, Buyer will pay, from the proceeds of the Life Insurance, the balance due on the Mortgage to Seller's wife, Terry Cadden, should she survive Seller or to Seller's estate should Terry Cadden not survive Seller from the proceeds of the term life insurance policy.

C. The Buyer shall then be paid from the balance of the Life Insurance after payment of the balance on the Mortgage, if any, an amount equal to 45% on the outstanding balance on the New Loan, provided such is not in default, else no credit will be given.

D. The balance of the proceeds of the Life Insurance after payments under subsection B or C or both to be divided equally between Buyer and Terry Cadden or to Seller's Estate should Terry Cadden not survive Seller.

E. If there is no balance on the Mortgage or New Loan at the time of Seller's death the proceeds of the Life Insurance shall be split evenly between Buyer and Terry Cadden should Terry Cadden survive or to the Seller's Estate should Terry Cadden not survive Seller.

F. Buyer and/or Company shall provided to Sellers when requested proof of coverage and further the Life Insurance will list Seller as Loss Payee so as to provide Seller with notice cancellation.

### **9. Amendments**

This Agreement may be amended only by a written instruments executed by Seller and Buyer.

### **10. Guarantee**

The Company hereby unconditionally and without limitation guarantee any claim or any

obligation of Buyer forth under the terms of this Agreement.

#### **11. Fees and Expenses**

Seller and Buyer shall pay their own fees and expenses incident to negotiation, preparation and execution of this Agreement, including, without limitation, attorneys and accounting fees, whether or not such transactions are consummated. Neither Buyer nor Seller shall have any liability to the other for costs, expenses, loss of anticipated profits or otherwise if the transactions contemplated by this Agreement are terminated pursuant to the provisions of this Agreement in a manner which does not constitute a default hereunder. In no event shall Seller or Buyer be liable to each other for special, consequential, incidental or punitive damages, including, without limitation, damages for lost profits or lost savings.

#### **12. Warranty as to Broker**

Each of Seller and Buyer represent and warrant to the other that no person, including without limitation any broker, finder or investment banker, has brought the parties hereto together or initiated or been instrumental in completing the transactions contemplated by this Agreement for which a broker's or finder's fee is payable by Seller or Buyer.

#### **13. Notice**

Any notice, request, instruction or other document to be given hereunder shall be in writing and delivered personally or sent by telecopy or first class mail, postage prepaid if to Buyer, addressed to Cadden Brothers Moving & Storage, Inc. 1106 Mid Valley Drive, Olyphant, PA 18447 attention Patrick Cadden, if to Seller addressed to James Cadden 1018 Alder Street, Scranton, PA 18505.

#### **14. Entire Agreement**

This Agreement embodies the entire Agreement among the parties and supersedes without limitation all prior agreements, representations or warranties, whether written or oral, between the parties with respect to the subject matter hereof, and there have been and there are no agreements, representations, or warranties among the parties other than those set forth herein.

#### **15. Non Assignability**

Neither this Agreement nor any of the parties' rights hereunder shall be assignable by any party hereto without the prior written consent of the other party, which shall not be unreasonably withheld.

#### **16. Execution**

The parties agree to execute such other documents, should take such other action and give such other further assurances as may be reasonably necessary or desirable for a consummation of the

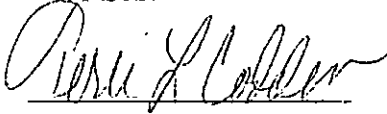
transactions contemplated hereby and to carry out the terms and purposes of this Agreement.

**17. Governing Law**

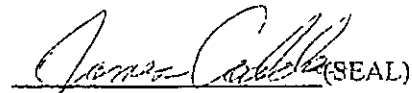
This Agreement shall be governed by the laws of the Commonwealth of Pennsylvania, without regard to any principles of conflict of laws.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed as of the day, month and year first above written.

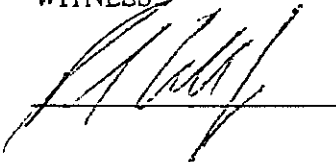
WITNESS:

  
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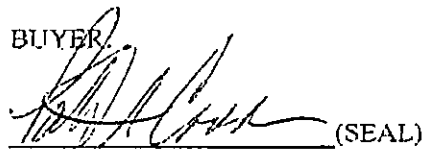
SELLER:

  
\_\_\_\_\_ (SEAL)  
JAMES CADDEN

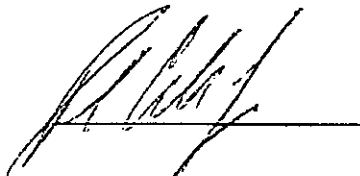
WITNESS:

  
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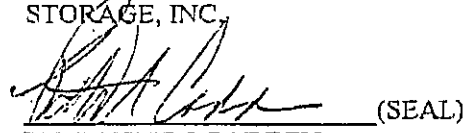
BUYER:

  
\_\_\_\_\_ (SEAL)  
PATRICK CADDEN

WITNESS:

  
\_\_\_\_\_

GUARANTOR:  
CADDEN BROTHERS MOVING &  
STORAGE, INC.

  
\_\_\_\_\_ (SEAL)  
BY: PATRICK CADDEN  
PRESIDENT

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**EXHIBIT "D"**

**VERIFIED STATEMENT OF STOCK PURCHASER**

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE BUYER'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

**Patrick A. Cadden**

Purchaser's Name

**1106 Mid Valley Drive**

Street Address

**Olyphant**

City or Municipality

**PA 18444**

State

Zip Code

The Verified Statement of the Buyer is more or less a business plan, or your proposal for providing the transportation service for which you are making application. Prior to deciding to purchase the stock, you likely gave much consideration to the manner in which you would operate the business in order that you could provide satisfactory service to your customers and so that you could make a reasonable profit. As part of the application process, you must provide the Commission with your proposal to provide the transportation service.

At minimum, the Verified Statement of the Buyer should include a discussion of the numbered items listed below and on the following pages. You are encouraged to provide as much information as possible about the particular subject as is necessary to fully explain your plan. If you fail to provide sufficient information about the subjects listed below, it may cause the review of your application to be delayed until you provide the necessary information. If you need more space to provide your explanation, please attach additional pages that list the appropriate item by number.

1. Identify the person making the Verified Statement on behalf of the buyer. If the buyer is an individual making the statement, this will be the same information as provided above. If the buyer is a corporate entity and an employee/officer of the buyer is making the statement, give name, title, business address and telephone number, and indicate that the buyer's directors/owners/partners/etc. have authorized the witness to speak for the business.

**Patrick A. Cadden  
1106 Mid Valley Drive  
Olyphant, PA 18447  
570.489.4005**

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2. List the buyer's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.

**None**

## PUC-317: Stock Transfer Application

3. Describe your business experience, particularly any experience relating to the operation of a transportation service. You may also include an explanation of education or training that you believe may be relevant.

**I have been working for Cadden Moving & Storage since 1978. At this time it was owned by my father James Cadden until his death in 1996. My duties at Cadden's varied from helper to straight truck driver and then later on to a tractor trailer driver. As I gained more experience I learned to do sales and different paperwork associated with the moving and storage business. Then from July 2006 to December 2007 I served as President of Cadden's under the ownership of my mother Mary Cadden. Then in January of 2008 my bother James Cadden Jr. and I took ownership of the business from my mother. As president of the company I oversee day to day operations of the business.**

**Also, from 1986 to 1989 and then again from 1992 to 2000 I worked part time transporting freight at UPS. It was during this time that I learned the ins and outs of logistics. This experience has allowed me expand my business, by implementing a home delivery division.**

4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to include the office area, office machines that will be utilized, and the facility to house vehicles. Household goods in use carriers should include a description of their storage facilities, if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers. Finally, please state your intended business hours.

**Our property on Mid Valley Drive has three acres of land. On the land there is a 10,000 square feet building with an attached office that is approximately 800 square feet. I also rent a 6,000 square foot building in the same industrial park were we house our permanent storage accounts. The storage is placed into wooden crates that are 7ft.x7ft.x5ft.**

**Customers contact us by phone as a result of either word of mouth recommendations or by looking up our ad in either the phone book or on the internet.**



## PUC-317: Stock Transfer Application

**We have four computers for our book keeping. We have 2 individuals in the office that handle PUC records, finances and other daily book keeping.**

**Once the customer's requests are taken we then inform our drivers every morning of the tasks for the day. During the course of the day if there are changes to the mornings instruction we contact the drivers using the cell phones provided to them by the company.**

5. Please state the number of employees you intend to use, along with a description of their duties. Please explain why that number of employees is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. **(Do not address drivers in your explanation about this item; drivers are addressed separately in item # 6).**

**There are approximately twelve employees that are used to complete the jobs daily tasks. These employees load and unload the customer household goods in a caring and safe fashion. Some will even deliver new products to customers in the same manner. In some instances they will need to perform warehouse duties such as the loading and unloading of trucks and the prepping and assembling of new furniture.**

6. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the geographical territory you will be serving. In addition, please explain:
- Your hiring standards for drivers;
  - Your driver training program;
  - Your system for ensuring that your drivers are properly licensed at all times;
  - Your policies regarding alcohol and drug use by your drivers.

**I intend to use five drivers. One or two drivers will do a majority of my interstate moves and the others will be used for local moves and home deliveries.**

- They must have at least one year of driving and moving experience.**
- There is a safety meeting quarterly and if the drivers have any concerns before then I will address them as needed.**
- I send the drivers information to my insurance company so they can check if they have a valid driver's license or if they have any validations.**

**PUC-317: Stock Transfer Application**

**d) We have a zero tolerance policy. Drivers take a random drug test with a program I have implemented with Redi-Care Medical Center.**

7. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below.

**We will utilize five straight trucks and two trailers. Two trucks and one trailer are used for long distance moves and the others trucks are used for local moves and home deliveries.**

<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>VEHICLE ID #</u>	<u>MILEAGE</u>	<u>SEATING CAP.</u>
2006	Kentucky	53' Trailer	1KKVE53256L221186		
1979	Matlock	45' Trailer	1222781205		
2007	Hino	338	5PVNV8JT772S50610	172,000	3 Seats
2007	Hino	258	5PVNV8JR072S50049	194,000	3 Seats
2006	Hino	268	5PVNV8JT762S50181	152,000	3 Seats
2006	International	1957	IHTMMAAN06H189400	395,000	3 Seats
1999	Frieghtliner	FL100	1FV6HLAC2XHB76497	270,000	3 Seats
2004	Sterling	ACTERRA	2FZACFDC04AN2776	240,000	3 Seats
1986	Kentucky	48' Trailer	1KKVE4820GL075767		
1991	TrailMobile	53' Trailer	1PT04KAH0N9003682		

8. Describe your vehicle safety program. Please include the following in your explanation:

- a) Your periodic vehicle maintenance plan;
- b) Your system for ensuring your vehicles will continuously comply with Pennsylvania's equipment standards (67 Pa. Code & Chapter 175, requirements for vehicle inspections) that are applicable to the type of vehicles used in your business;
- c) Your system for ensuring your vehicles will maintain compliance with the PUC's requirements for passenger service at 52 Pa. Code, Sections 29.402 and 29.403. (A copy of these requirements is on a separate page.)

**a) Everyday before the driver gets into their truck they perform a pre-trip inspection. During this inspection they check all liquids and look for any mechanical problems (i.e. lights, oil leaks, worn hoses, etc.)**

**b) Same as a daily pre-trip inspection**

**c) Same as a daily pre-trip inspection**

**PUC-317: Stock Transfer Application**

9. Please explain what steps you have taken to determine if you can obtain and pay the premiums to maintain insurance coverage for the proposed number of vehicles for your business.

**I have been putting money away in a Money Market on a weekly basis. The money I have been saving will be used to pay my insurance premium in full when my policy is renewed.**

Please describe your customer service standards. Within your description, please explain your intended customer complaint resolution procedure.

**I personally handle all complaints issued by the customer. If there is a complaint, I first listen to the customer's complaint. Next, I talk to my men about the complaint and listen to their version of the story. Once this is done I then make a decision on how the complaint will be settled.**

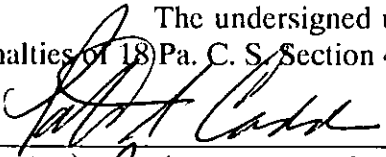
Criminal Record. Have you been convicted of a misdemeanor or felony for which you remain subject to supervision by a court or correctional institution?      YES\_\_\_\_      NO\_\_xxx\_\_

\*If stock purchaser is a corporate entity, this question applies to all shareholders and corporate officers. In the event that the answer is yes for one of those individuals, a separate page identifying the individual and stating relevant information should be attached.

## VERIFICATION OF STATEMENT

The undersigned deposes and says that he/she is the person who signed the Statement for the above-captioned applicant/application and that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

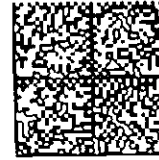
  
\_\_\_\_\_  
(Signature)

*Patrick A. Cadden*  
\_\_\_\_\_  
(Name, printed or typed)

*12/31/12*  
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(Date)

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1500 JOHN F. KENNEDY BOULEVARD  
PHILADELPHIA, PA 19102-1890



TYLER ♦ MULCAHEY

SCHUBERT GALLAGHER,  
TYLER & MULCAHEY  
A PROFESSIONAL CORPORATION

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

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