

1. <u>REPORT DATE:</u>	: November 3, 1983	2. <u>BUREAU AGENDA NO.</u>	: NOV-83-TNR-1118*
3. <u>BUREAU:</u>	: Non-Rail Transportation		
4. <u>SECTION(S):</u>	: Finance	5. <u>PUBLIC MEETING DATE:</u>	: November 22, 1983
6. <u>APPROVED BY:</u>	: Director: B.L. Ernst 7-2154 Supervisor: S.M. Butcher 7-6872		
7. <u>MONITOR:</u>	: Chairman Taliaferro		
8. <u>PERSON IN CHARGE:</u>	: J.C. Keiter 3-5948		
9. <u>DOCKET NO:</u>	: A-00104919		

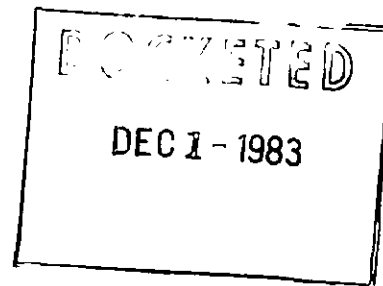
10. (a) CAPTION (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) Recommendation

(a) Application of James D. Morrissey, Jr., Philadelphia, Philadelphia County, at A-00104919, for approval of the transfer to applicant of all the rights held by James D. Morrissey (deceased) at A-00047868.

(b) Mary F. Morrissey, Bette C. Plunkett and Clyde Measey, as co-executors of the estate of the deceased-transferor, propose to transfer the deceased transferor's common carrier trucking rights to applicant for \$1. The applicant is the legatee of the P.U.C. authority under the last will and testament of the transferor.

(c) The staff recommended that the transfer application at A-00104919 be approved and that a certificate be issued to the applicant and that the certificate issued to the transferor at A-00047868 be cancelled.

DOCUMENT
HOLDER



11. MOTION BY: CommissionerChm. Taliaferro Commissioner Cawley - Yes
Commissioner
SECONDED: CommissionerJohnson Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
November 30, 1983

IN REPLY PLEASE
REFER TO OUR FILE
A-00104919

D. Rodman Eastburn, Esquire
60 East Court Street
Doylestown, PA 18901

Application of James D. Morrissey, Jr.

Dear Sir:

Enclosed is the compliance order issued by the Commission in the above proceeding.

The certificate of public convenience evidencing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements.

- I. Arrange through insurance agent to have this company file a certificate of public liability and property damage insurance. Insurance companies have these certificates. (Form E)
- II. Arrange through insurance agent to have his company file a cargo insurance certificate in the amount of \$2500 per vehicle. Insurance companies have these certificates. (Form UCPC-31). IF ANY SINGLE LOAD WHICH THE APPLICANT TRANSPORTS DOES NOT EXCEED \$100.00 IN VALUE, HE MAY SIGN, HAVE NOTARIZED AND RETURN THE ENCLOSED AFFIDAVIT TO THIS OFFICE IN LIEU OF CARGO INSURANCE.
- III. Prepare and file a tariff, instructions for which are enclosed.

DOCUMENT
FOLDED

DOCKETED

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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A-00104919

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of ~~November 30, 1983~~ *Nov 22, 1983* and dismiss the application without further proceedings.

If you foresee any problems in obtaining the necessary requirements within the sixty day period, please contact the Pennsylvania Public Utility Commission - Service Section.

Very truly yours,

Jerry Rich, Secretary

fao
Enclosures
Certified Mail
Receipt Requested
cc: Applicant
9119 Frankford Ave.
Philadelphia, PA 19114

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 22, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of James D. Morrissey, Jr.,
for approval of the transfer to him of
all of the operating rights held by
James D. Morrissey (deceased) at
A-00047868.

A-00104919

O R D E R

BY THE COMMISSION:

By application docketed June 11, 1983, James D. Morrissey, Jr., seeks approval of the transfer to him of all the rights granted to James D. Morrissey (deceased) under the certificate issued at A-00047868.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by James D. Morrissey (deceased) at A-00047868 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, debris, contractors' equipment and machinery, building materials, excavated materials and road and building construction materials such as are usually transported in dump trucks, between points in the city and county of Philadelphia, and within an airline distance of seventy-five (75) statute miles of the Philadelphia City Hall, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, steam shovels, bulldozers and heavy machinery requiring special equipment between points in the city and county of Philadelphia and within an airline distance of seventy-five (75) statute miles of Philadelphia City Hall, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination;

DOCKETED

DEC 2 - 1983

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 his 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 \$1 consideration paid by applicant for the rights and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
4. That the operating authority granted herein, or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.

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

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

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, James D. Morrissey (deceased) at A-00047868 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large, looping initial "J".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 22, 1983

ORDER ENTERED: NOV 30 1983

A.104919 Compliance order

PS Form 3811, July 1962

● **SENDER:** Complete Items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- Show to whom and date delivered \$
 - Show to whom, date, and address of delivery .. \$
 - 2. RESTRICTED DELIVERY \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

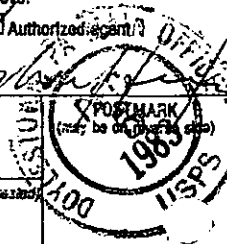
3. ARTICLE ADDRESSED TO:
D. Rodman Eastburn, Esquire

4. TYPE OF SERVICE:	ARTICLE NUMBER
<input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	44765

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

5. DATE OF DELIVERY



6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7b. EMPLOYEE'S INITIALS

RETURN RECEIPT