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PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	July 10, 1991	:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation	:		AUG-91-T-726*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>		:		August 1, 1991
	Director: Ernst 7-2154	:		
	Supervisor: Bigelow/Marzolf 3-5945	:		
7. <u>MONITOR:</u>		:		
8. <u>PERSON IN CHARGE:</u>	Zeigler 3-5946	:		
9. <u>DOCKET NO.:</u>	A-00109805	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)				
(b) Short summary of history & facts, documents & briefs				
(c) Recommendation				

**DOCKETED**  
**DEC 16 1991**

(a) Application of M & H Truck Rental, Inc., a corporation of the Commonwealth of Pennsylvania, Lansdale, Montgomery County, for the transfer of all of the operating rights of Moore's Hauling, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00098274, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The transferor seeks to transfer all its operating authority and other assets to the applicant for the total consideration of \$1.00. Both the transferor and transferee have the same stockholders and officers. It is the desire of the stockholders and officers to consolidate all transportation operations under one corporate entity being M & H Truck Rental, Inc.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application; and cancelling the certificate issued to the transferor by supplemental order.

TZ:kmb

**DOCUMENT**  
**OLDER**

11. MOTION BY:	Commissioner V.Chm. Rhodes	Commissioner	Holland - Yes
		Commissioner	
SECONDED:	Commissioner Rolka	Commissioner	

CONTENT OF MOTION: Staff recommendation adopted.



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

Augst 9, 1991

DOCKETED  
AUG 14 1991

IN REPLY PLEASE  
REFER TO OUR FILE

A-109805

DOCUMENT  
FOLDER

RAYMOND A THISTLE JR ESQUIRE  
206B BENSON EAST  
100 OLD YORK ROAD  
JENKINTOWN PA 19046

Application of M & H Truck Rental, Inc., a corporation of the Commonwealth  
of Pennsylvania

To Whom ItMay Concern:

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

A 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 an insurance agent to have an insurance  
company file the following forms with the Commission.
  - a. A Form E as evidence of minimum public liability and  
property damage insurance coverage as shown on the back  
of this sheet.
  - b. A Form H or Form UCPC-31 as evidence of cargo insurance  
coverage in an amount not less than \$5,000 per vehicle.  
Under certain circumstances, exemption from the cargo  
insurance requirement may be secured by filing the  
enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed  
instructions except applicants for transfer of authority must  
file a tariff adoption supplement which will be forwarded by  
separate cover at a later date.

91X

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

15 passengers or less: \$35,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

\$25,000 first party medical benefits, \$10,000 first party wage loss benefits and \$1,500 first party funeral benefits for all passengers and pedestrians.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits for drivers (PA registered vehicles only).

16 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

29 passengers or more: \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

Property Carriers:

Common or Contract: \$300,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits (PA registered vehicles only).

Common only: \$5,000 per accident per vehicle for loss or damage to cargo.

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

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 August 1, 1991 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section  
(717) 783-5933

Tariff Filings: Mr. Joseph Machulsky-Tariff Section  
(717) 787-5521

Very truly yours,



Jerry Rich, Secretary

lg

Enclosures  
Certified Mail  
Receipt Requested

cc:applicant

M & H TRUCK RENTAL INC  
794 SUMNEYTOWN PIKE  
PO BOX 743  
LANSDALE PA 19446

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held August 1, 1991

Commissioners Present:

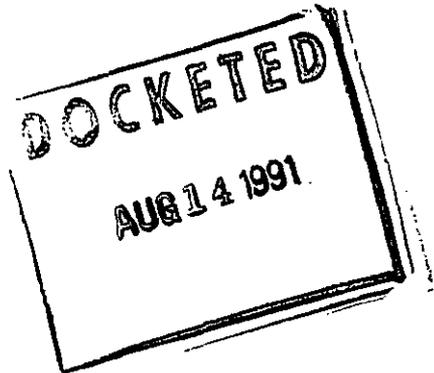
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner  
David W. Rolka, Commissioner



Application of M & H Truck Rental, Inc.,  
a corporation of the Commonwealth of Penn-  
sylvania, for the transfer of the operating  
rights of Moore's Hauling, Inc., a corporation  
of the Commonwealth of Pennsylvania, under the  
certificate issued at A-00098274, subject to the  
same limitations and conditions.

A-00109805

\_\_\_\_\_  
Raymond A. Thistle, Jr. for the applicant.  
\_\_\_\_\_



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 24, 1991. Public notice of the application was given in the Pennsylvania Bulletin of June 15, 1991. The unopposed application is certified to the Commission for its decision without oral hearing.

M & H Truck Rental, Inc., is a Pennsylvania corporation domiciled at 794 Sumneytown Pike, Lansdale, Montgomery County. It seeks to acquire all of the operating rights of Moore's Hauling, Inc. Wilma Moore is president and sole shareholder of the applicant. She is also president and sole shareholder of the transferor. There are other common officers as well. Wilma Moore desires to consolidate both her ICC and Pennsylvania PUC operations into one corporation being M & H Truck Rental, Inc.

All assets of the transferor will be transferred to M & H Truck Rental, Inc. The applicant reports total assets of \$149,098,29 with total liabilities of \$119,155,96. Service will be provided using a large fleet of equipment comprised of straight trucks and tractor-trailer combination.

The total consideration for the rights in this proceeding is the nominal amount of \$1.00. The sales agreement requires that this nominal consideration be paid upon approval of the transfer application.

In the first right to transfer, Moore's Hauling, Inc., was granted authority to return refused or damaged shipments to the point of origin. This language is no longer necessary in the authority as all common carriers now have this right by regulation at 52 Pa. Code §31.37.

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

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

1. To transport, as a Class D carrier, paper bags, paper rolls, cello products, cello rolls, plastic bags, and plastic film other than cellulose, for Paramount Packaging Corporation, from points in the borough of Chalfont, Bucks County, to points in Pennsylvania.
2. To transport, as a Class D carrier, molded rubber products and flat sheets of rubber used in the manufacture of molded rubber products, for Surco, Inc., between points in the borough of Hatfield, Montgomery County, and from points in said borough to points within an airline distance of fifty (50) statute miles of the limits of said borough, and vice versa;

rights 1 and 2 subject to the following condition:

That the service herein authorized is restricted to a pickup and delivery service both to take place within a twelve hour period.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1.00, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate/permit holder shall not transfer, sell or in any way convey any of its outstanding capital

stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1991 Annual Assessment of the transferor.

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

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

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Moore's Hauling, Inc., at A-00098274 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, looped flourish.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: August 1, 1991

ORDER ENTERED: AUG 9 \_ 1991

- Complete items 1 and 2 for additional services.
- Complete items 3, a and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also  want to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
*A-109805 order*  
*Moore's Hauling,*  
*Jee.*

4a. Article Number  
*044193*

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
*8-13-91*

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)  
*M. Schrade*

- Complete items 1 and 2 for additional services.
- Complete items 3, a and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also  want to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
*A-109805 order*  
*Raymond A.*  
*Thistle, J. Co.*

4a. Article Number  
*044193*

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
*8-13-91*

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)  
*M. Schrade*