

Law Offices

# VUONO & GRAY, LLC

*John A. Vuono  
William A. Gray  
Mark T. Vuono\*  
Dennis J. Kusturiss  
Louise R. Schrage  
William H. Stewart, III  
Erica G. Wilson*

310 Grant Street, Suite 2310

Pittsburgh, PA 15219-2383

Telephone  
412-471-1800

Facsimile  
412-471-4477

[www.vuonogray.com](http://www.vuonogray.com)

Email Address  
[wgray@vuonogray.com](mailto:wgray@vuonogray.com)

*\*Also Admitted in Florida*

February 4, 2014

Re: 1-800-PACK-RAT, LLC  
Docket No. A-2013-2398393

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

**MAILED WITH U.S. POSTAL SERVICE**  
**CERTIFICATE OF MAILING FORM 3817**

Dear Ms. Chiavetta:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed stamped envelope provided.

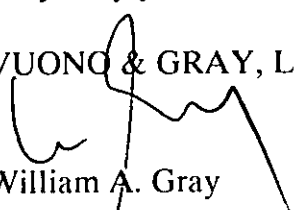
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FEB - 5 2014

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Very truly yours,

VUONO & GRAY, LLC

  
William A. Gray

as/133320

Enclosure

cc: 1-800-PACK-RAT, LLC (w/enc.)(By Certified Mail)

Lytle's Transfer & Storage, Inc.

Hoy Transfer, Inc.

Weleski Transfer, Inc.

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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DOCKET NO. A-2013-2398393

1-800-PACK-RAT, LLC

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PROTEST AND REQUEST  
FOR ORAL HEARING

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The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.
2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant authority is attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the interest of the protestants.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, (d) the applicant does not possess the technical and financial ability to provide the proposed service and lacks a propensity to operate safely and legally, and (e) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence in opposition to the grant of the application unless the application is amended so as to eliminate the interest as set forth in this protest.

WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

LYTLE'S TRANSFER & STORAGE, INC.  
HOY TRANSFER, INC.  
WELESKI TRANSFER, INC.

By: \_\_\_\_\_

William A. Gray, Esq.  
Attorney for Protestants

VUONO & GRAY, LLC  
310 Grant Street, Suite 2310  
Pittsburgh, PA 15219-2383  
(412) 471-1800

Dated: February 4, 2014

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RECEIVED

Re: 1-800-PACK-RAT, LLC  
Docket No. A-2013-2398393

FEB - 5 2014

APPENDIX A

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on January 25, 2014, applicant seeks authority to operate as a common carrier, transporting:

Household goods in use, between points in Pennsylvania.

INTEREST OF PROTESTANTS:

1. Lytle's Transfer & Storage, Inc., 1 Holiday Parkway, P.O. Box 106, Tipton, PA 16684 (814-684-2219) holds operating authority at Docket No. A-00094302. A copy of the relevant authority of Lytle's Transfer is attached hereto. Since this application seeks authority to provide service between points in Pennsylvania, all of Lytle's authority attached hereto is relevant to this application.

2. Hoy Transfer, Inc., 2580 Clyde Avenue, State College, PA 16801 (800-257-1110) holds operating authority at Docket No. A-00085095. A copy of the relevant authority of Hoy Transfer is attached hereto. Since this application seeks authority to provide service between points in Pennsylvania, all of Hoy's authority attached hereto is relevant to this application.

3. Weleski Transfer, Inc., 140 West Fourth Avenue, Tarentum, PA 15084, (412-361-3125) holds authority at Docket No. A-00096502. A copy of the relevant authority of Weleski is attached hereto. Since this application seeks authority to provide service between points in Pennsylvania, all of Weleski's authority attached hereto is relevant to this application.

Hoy Transfer, Inc.

SECTION 1  
RULES AND REGULATIONS

ITEM 5 - SCOPE OF CARRIER'S OPERATING AUTHORITY

Rates and provisions named in this tariff, or as amended, are limited in their application on Pennsylvania intrastate traffic to the extent of the operating rights set forth below. Unless specifically provided, the provisions are to be interpreted in the same manner as the Pennsylvania Public Utility Commission interprets the Certificate from which the following is quoted.

Certificate No. A-00085095 Folder 2, Am-A

- (1) 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 as an incidental part of a removal by the householder from one domicile 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, when in connection with a removal from one location to another; articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the county of Centre, and from points in said county to points in Pennsylvania, and vice versa;
- (2) 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 as an incidental part of a removal by the householder from one domicile 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, when in connection with a removal from one location to another; articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, for Avtex Fibers Lewistown, Inc., Lewistown Hospital, Geisinger Medical Group and the Central Pennsylvania Conference of the United Methodist Church, between points in the county of Mifflin, and from points in said county, to points in Pennsylvania, and vice versa.

Abbreviations and reference marks are explained on last page of tariff.

Lytle's Transfer & Storage, Inc.



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Application Docket No. 54302

Application of LYTLE'S TRANSFER & STORAGE, INC., a  
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of LYTLE'S TRANSFER & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, dated November 1, 1957, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by JAMES A. LYTLE (deceased), trading and doing business as LYTLE'S TRANSFER AND STORAGE, under report and order issued at A. 59734 on March 24, 1941, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by LYTLE'S TRANSFER & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class D carrier, property usual to use in a household when a part of such household equipment or supply; furniture, fixtures, equipment and property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment, works of art, display, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, between points in the City of Altoona, Blair County, and within an airline distance of twenty-five (25) statute miles of the limits of said city and from points in said territory to points in Pennsylvania, and vice versa.

subject to the following conditions:

That no right, power or privilege is granted to transport general commodities, except where the same are partly incidental to and a part of the moving or relocation of a household, store, office, museum, institution, hospital or other establishment.

That no right, power or privilege is granted to render service from or to the Borough of Huntingdon, Huntingdon County, except on hauls of less than forty (40) miles from point of origin to point of destination.

That no right, power or privilege is granted to render service from or to the Borough of Philipsburg, Centre County, except on hauls of less than forty (40) miles from point of origin to point of destination; provided, however, that the certificate holder may render service from said Borough of Philipsburg to the City of Altoona and points within an airline distance of ten (10) statute miles of the limits of said city, and vice versa.

That no right, power or privilege is granted to render service from the Borough of State College, Centre County, and points within twelve (12) miles by the usually traveled highways of the limits of said borough, except to the City of Altoona, Blair County, and points within an airline distance of ten (10) statute miles of the limits of said city.

To transport, as a Class D carrier, new furniture from points in the City of Altoona, Blair County, to points in Pennsylvania, and vice versa

and subject to the following conditions, in necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of its motor vehicle as named and described in the equipment certificate, and to operate solely as well.

SECOND: That the approval hereby is not to be construed as committing the Board to any action that may be hereafter taken by the Board in the exercise of its powers and authority, and no right shall be construed to apply to any person, individual or corporation, who may be affected by the exercise of such powers and authority.

THIRD: That the value of the property transferred shall reflect the fair market value as the value of the transfer at the time of the transfer, and no provision shall be made for the transfer of the property to the applicant shall not be made in its entirety, or in part, representing the value of the property transferred, and the value of the property transferred shall be determined by the Board.

FOURTH: 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 revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, April 1, 1968, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

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

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*George A. Bloom*

Chairman

*[Signature]*

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held June 28, 1990

Commissioners Present:

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

Application of Lytle's Transfer & Storage, Inc.,  
Altoona, Blair County, a corporation of the  
Commonwealth of Pennsylvania, for the transfer  
of all of the operating rights of Curtis L.  
Beaumont, t/d/b/a C. Beaumont Moving & Storage,  
under the certificate issued at A-00106827  
subject to the same limitations and conditions.

A--00094302  
P. 1  
Am-C

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William J. Lavelle for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 1, 1990. Public notice of the application was given in the Pennsylvania Bulletin of May 26, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

Lytle's Transfer & Storage, Inc. (Lytle or applicant), is a Pennsylvania corporation with its principal place of business in Altoona, Blair County. It was initially certificated in 1968 and presently operates under two paragraphs of authority. One tractor-trailer combination and a straight truck will be used to perform the additional service. As evidence of its financial capacity to expand its operation, Lytle reports assets of \$653,693, with liabilities of \$298,519, leaving a shareholders' equity of \$355,174.

By order adopted May 24, 1990, we granted the applicant emergency temporary authority to operate the transferor's authority. By our action in this permanent authority application, the still pending temporary authority application will be dismissed.

The total consideration for the rights is \$20,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: at closing after approval of this transfer.

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); Bostetter 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 of public convenience issued on April 16, 1968, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, property usual to use in a household when a part of said household equipment or supply; furniture, fixtures, equipment and property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment; works of art, furniture, musical instruments, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, between points in the city of Allentown, Lehigh County, and within fifteen (15) miles by the usually traveled highways of the limits of the said city and from points in the said area to other points in Pennsylvania, and vice versa.
2. To transport, as a Class B carrier, household goods and office fixtures, in use, between points in the city of Easton, Northampton County, and within three (3) miles of the limits of the said city.
3. To transport, as a Class D carrier, household goods and office fixtures, in use, from points in the city of Easton, Northampton County, to other points in Pennsylvania, and vice versa.

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, \$20,000, 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 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 a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the temporary authority application be dismissed.

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, Curtis L. Beaumont, r/d/b/a C. Beaumont Moving & Storage, at A-00106827 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 scribble or flourish.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 28, 1990

ORDER ENTERED: JUL 12 1990

Weleski Transfer, Inc.



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held April 20, 1989

Commissioners Present:

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

Application of Weleski Transfer, Inc.,  
a corporation of the Commonwealth of  
Pennsylvania, for the transfer to it of  
all of the rights held by Sylvia B. Sgro  
and Angelo H. Sgro, copartners, t/d/b/a  
Sgro Brothers, under the certificate  
issued at A-00097338, subject to the same  
limitations and conditions.

A-00096502  
F. 1  
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Vuono, Lavelle & Gray, by John A. Vuono for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on January 30, 1989, and published in the Pennsylvania Bulletin of February 18, 1989. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Weleski Transfer, Inc. (or applicant) was organized under the laws of Pennsylvania on May 12, 1969. It is authorized to issue 100,000 shares of common stock, each having a par value of \$1.00 per share. To date, 38,000 shares have been issued to Anthony L. Weleski, president and a director of the corporation. Gary L. Weleski is vice president and a director, and Faye N. Weleski is secretary-treasurer and a director. All are residents of the borough of Tarentum, Allegheny County. The corporation itself is domiciled at 140 West Fourth Avenue, Tarentum, Allegheny County.

The applicant's operating fleet presently consists of 42 power units and 24 trailers of various kinds, all of which are company-owned. The applicant's unaudited balance sheet shows that as of November 30, 1988, it had current assets of \$737,618, total assets of \$1,750,433, with current liabilities of \$339,402 and total liabilities of \$969,308, leaving stockholder equity of \$781,125.

Pursuant to the terms of a sales agreement dated December 30, 1988, the applicant will purchase the operating rights for the sum of \$3,000. No other assets are involved. The sum of \$500 has been placed in escrow at the execution of the sales agreement. The balance of \$2,500 will be paid within 30 days of the effective date of our order approving the application.

The applicant has held a common carrier certificate from this Commission since 1972. A review of the matters of record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to adequately provide the additional service sought herein.

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. That the applicant is fit, willing and able to provide the service as proposed.
2. That the 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 of public convenience issued to the applicant on November 10, 1972, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, household goods and office furniture in use, between points in the township of Cowanshannock, Armstrong County, and from points in the said township and within an airline distance of ten (10) statute miles of the limits of the said township, to points in Pennsylvania and vice versa;

subject to the following conditions:

- (a) That no right, power or privilege is granted to transport household goods or office furniture in use, to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport household goods and office furniture in use from points in said borough of Indiana and township of White to points

in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning and vice versa.

- (b) That no right, power or privilege is granted to transport household goods and office furniture in use from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough; provided, however, that the applicant may transport household goods and office furniture in use from said borough of Ford City and within an airline distance of five (5) statute miles of the limits of the said borough to points in the said township of Cowanshannock and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning.
2. To transport, as a Class B carrier, farm machinery, horses, cattle, grain and feed, between farms in the township of Cowanshannock, Armstrong County, and other points within an airline distance of five (5) statute miles of the said township.
  3. To transport, as a Class C carrier, mine machinery in use, between points in Cowanshannock Township, Armstrong County, and from points in said township to points within an airline distance of twenty-five (25) statute miles of Nu Mine, Armstrong County.
  4. To transport, as a Class D carrier, household goods and office furniture in use from points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough to points within forty (40) miles of the point of origin and vice versa.
  5. 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 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 such property of stores, offices, museums, institutions,

hospitals or other establishments, when a part of the stock, equipment or supplies of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; objects of arts, furniture, displays, exhibits, musical instruments and any articles, in use, requiring specialized handling and equipment usually employed in moving household goods in use, between points in the county of Armstrong and from points in the county of Armstrong to other points in Pennsylvania and vice versa;

with Right No. 5 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport household goods or office furniture in use, to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport household goods and office furniture in use from points in said borough of Indiana and township of White to points in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning, Armstrong County, and vice versa.
  - (b) That no right, power or privilege is granted to transport household goods and office furniture in use from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the said borough; provided, however, that the applicant may transport household goods and office furniture in use from said borough of Ford City and within an airline distance of five (5) statute miles of the limits of the said borough to points in the said township of Cowanshannock, Armstrong County, and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning, Armstrong County.
6. To transport, as a Class D carrier, new furniture between points in the township of Cowanshannock, Armstrong County, and from points in the said township, and within an airline distance of ten

(10) statute miles of the limits of the said township to points in Pennsylvania, and vice versa;

with Right No. 6 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport new furniture to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport new furniture from points in said borough of Indiana and township of White to points in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough, and vice versa.
- (b) That no right, power or privilege is granted to transport new furniture from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough; provided, however, that the applicant may transport new furniture from said borough and within an airline distance of five (5) statute miles of the said borough, to points in the township of Cowanshannock, Armstrong County, and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning;

with all of the above Rights 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 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, \$3,000, 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.
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. Section 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 a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1988 Annual Report of the transferor.

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 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 upon compliance with this order, the rights granted the transferor, Sylvia P. Sgro and Angelo H. Sgro, copartners, t/d/b/a Sgro Brothers, at A-00097338 be cancelled and the record be marked closed.

BY THE COMMISSION,

  
Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: April 20, 1989

ORDER ENTERED: APR 23 1989

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held February 24, 1994.

Commissioners Present:

Joseph Rhodes, Jr., Vice-Chairman  
John M. Quain  
Lisa Crutchfield  
John Hanger

Application of Weleski Transfer, Inc., for the transfer of all of the operating rights of John Paul Burton, Sr., and Katherine Burton, Copartners, t/d/b/a Burton Moving & Storage Co., under the certificate issued at A-00095974, subject to the same limitations and conditions.

A-00096502  
P. 1  
Am-7

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

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 17, 1994. Public notice of the application was given in the Pennsylvania Bulletin of November 5, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Weleski Transfer, Inc. (transferee, applicant or Weleski), seeks to amend its common carrier rights by acquiring the rights involved in this transfer proceeding. Applicant and its predecessors have been continuously in business for more than 80 years. Weleski has held authority from this Commission since 1971 and throughout its history, has specialized in the transportation of household goods and office furnishings. It is also engaged in the transportation of other types of property pursuant to various grants of authority. Applicant's personnel are familiar with all aspects of the household goods moving business and are well qualified to assume the operations of the transferor which has provided a similar type service to the public in south central Pennsylvania. Applicant operates various pieces of equipment and is qualified to provide the transportation of household goods. Applicant has a comprehensive safety and maintenance program in effect at this time.

The balance sheet of the applicant as of December 31, 1993 shows total current assets of \$1,000,759.42, total assets of \$3,043,001.93, total

current liabilities of \$563,988.86, total liabilities of \$1,922,310.32 and total capital of \$1,120,491.51. The statement of income shows gross revenue of \$6,529,310.53, less cost of operations of \$3,947,911.31 resulting in a gross profit of \$2,581,399.22 less other expenses of \$2,099,058.99, resulting in an operating profit before interest and depreciation of \$482,340.23, a profit before income of \$220,889.17 was realized. A net income of \$130,645.17 was reported.

The total consideration for the rights is seven thousand (\$7,000) dollars.

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 need, which may be overcome only by evidence to the contrary. In re: Everly, 440 Pa. 521 (1970); Hogstetter 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.

#### DISCUSSION AND FINDINGS

Due to recently enacted Federal legislation, on January 1, 1995, the Pennsylvania Public Utility Commission no longer has jurisdiction over the rates, routes and service provided by property carriers, except for the transportation provided by household goods movers including office equipment in use. This application was received prior to the law being enacted and therefore, applicant applied for the transfer of all rights which include property along with specific rights to transport household goods and office equipment in use and new pianos. Due to the Federal legislation, the property rights will not be transferred. The only rights to be transferred in this proceeding are those involving office equipment in use and household goods in use.

Applicant currently operates pursuant to emergency temporary authority approved at Public Meeting of July 21, 1994. As we are processing the permanent application, the temporary authority application shall be dismissed herein.



We find:

1. The property authority amendment is dismissed as moot.
2. The applicant is fit, willing and able to provide the service proposed.
3. Transfer of the authority, as modified, 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, as modified, and that the certificate issued on July 15, 1971, as amended, be further amended to include the following rights:

To transport, as a Class D carrier:

1. office equipment in use and new pianos from points in the city of Johnstown, Cambria County, and within five (5) miles by the usually travelled highways of the limits of said city to other points in Pennsylvania, and vice versa;
2. household goods in use between points in the county of Cambria and in other counties within fifteen (15) miles, by the usually travelled highways of the limits of the city of Johnstown;
3. household goods in use from points in the county of Cambria and in other counties within fifteen (15) miles by the usually travelled highways of the limits of the city of Johnstown to other points in Pennsylvania, and vice versa;

with rights number 1, 2, & 3 immediately above subject to the following condition:

That no right is granted to transport household goods in use from the borough of Windber, Somerset County.

4. household goods in use from points in the borough of Benson, Somerset County, and within fifteen (15) miles by the usually travelled highways of the limits of said borough to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

1. 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.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to

any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition 2 above.
5. 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 other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the property authority amendment is dismissed as moot.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:


1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the temporary authority application filed in this proceeding be and is hereby dismissed.

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, John Paul Burton, Sr., and Katherine Burton, Copartners, t/d/b/a Burton Moving & Storage Co. at A-00095974 be and are hereby cancelled.

BY THE COMMISSION,



John G. Alford  
Secretary

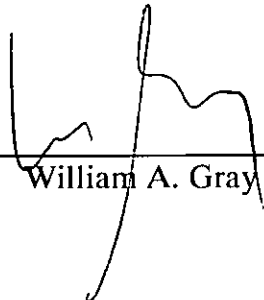
(SEAL)

ORDER ADOPTED: February 24, 1995

ORDER ENTERED: MAR 3 1995

CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of February, 2014, served a copy of the above protest and request an oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

  
\_\_\_\_\_  
William A. Gray

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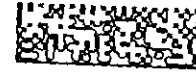
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Law Offices

**VUONO & GRAY, LLC**

310 Grant Street, Suite 2310  
Pittsburgh, PA 15219-2383

**TO:**

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



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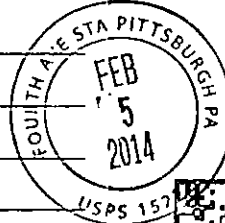
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