

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: 6/9/98	2. BUREAU AGENDA NO. JUL-98-TS-MC-156*
3. BUREAU: T&S	5. PUBLIC MEETING DATE: July 9, 1998
4. SECTION(S): MCS&E	
6. APPROVED BY: Director: Mahan 7-2496 <i>GM</i> Supervisor: Marzolf 3-5945 <i>psm</i>	<p style="text-align: center;"> DOCKETED JUL 17 1998 EEF </p>
7. PERSONS IN CHARGE: Travitz 7-5513	
8. DOCKET NO.: A-00106548 F. 1, Am-C	

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

(a) Application of Debo Moving and Storage, Inc., New Brighton, Beaver County, a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to applicant of part of the rights held by David E. Bauman and Company, Inc., t/d/b/a Don Martin Trucking Division at A-00110722.

(b) Transferor proposes to transfer all of its common carrier household goods in use rights for a total consideration of \$2,500. No tangible assets are involved.

(c) The Bureau of Transportation and Safety recommends that the Commission adopt the attached proposed order approving the transfer application and that the authority as held be amended to include the involved rights. The rights issued to the transferor be modified as set forth in the attached proposed supplemental order.

10. **MOTION BY:** Commissioner Chm. Quain **Commissioner Rolka - Yes**
Commissioner Brownell - Yes
SECONDED: Commissioner Bloom **Commissioner Wilson - Yes**

CONTENT OF MOTION: Staff recommendation adopted.

**DO NOT REMOVE
THIS FROM
FOLDER**



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

Rec

SRB

IN REPLY PLEASE
REFER TO OUR FILE

July 9, 1998

A-00106548
F. 1, Am-C

JOHN A PILLAR ESQUIRE
1106 FRICK BUILDING
PITTSBURGH PA 15219

Application of DEBO MOVING AND STORAGE, INC.

DOCKETED

JUL 22 1998

To Whom It May Concern:

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

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

MOTOR CARRIERS OPERATING WITHOUT COMPLYING WITH THE ABOVE REQUIREMENT WILL BE SUBJECT TO THE PENALTY PROVISIONS OF THE PUBLIC UTILITY CODE.

Commission regulations require compliance with the above requirement within sixty day period will cause the Commission to rescind the action of July 9, 1998 and dismiss the application without further proceedings.

Very truly yours,

DOCUMENT
FOLDER

James J. McNulty
James J. McNulty, Secretary

EMD

DEBO MOVING AND STORAGE INC
PO BOX 278
NEW BRIGHTON PA 15066

ENTRY NO.: 0001
NAME: DEBO MOVING AND STORAGE, INC.
ADDRESS1: P. O. BOX 278
ADDRESS2:
CITY: NEW BRIGHTON STATE: PA ZIP: 15066
REPRESENTING: SELF TYPE

ENTRY NO.: 0002
NAME: JOHN A. PILLAR
ADDRESS1: ATTORNEY AT LAW
ADDRESS2: 1106 FRICK BUILDING
CITY: PITTSBURGH STATE: PA ZIP: 15219
REPRESENTING: APPLICANT TYPE

ENTRY NO.: 0003
NAME: DAVID E. BAUMAN AND COMPANY, INC.
ADDRESS1: T/A DON MARTIN TRUCKING DIVISION
ADDRESS2: BOX 336
CITY: SAXONBURG STATE: PA ZIP: 16056
REPRESENTING: TRANSFEROR TYPE

[CU25] [] [A-00106548] [F] [0001] [AMC] [] PRINT- []

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 9, 1998

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
David W. Rolka
Nora Mead Brownell
Aaron Wilson, Jr.

Application of Debo Moving and Storage, Inc., for the transfer of part of the operating rights of David E. Bauman and Company, Inc., t/d/b/a Don Martin Trucking Division, under the certificate issued at A-00110722, subject to the same limitations and conditions.

A-00106548, F. 1, Am-C

DOCKETED

JUL 22 1998

Pillar, Mulroy & Ferber by John A. Pillar for the applicant.

DOCUMENT
FOLDER

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 17, 1998. Public notice of the application was given in the Pennsylvania Bulletin of May 2, 1998. The unopposed application is certified to the Commission for its decision without oral hearing.

Transferor proposes to transfer all of its household goods in use rights and maintain its property right.

There is a discrepancy in the household goods in use rights and the restrictive amendments. In order to eliminate this discrepancy, we shall modify the rights and restrictive amendments so that all shall be subject to a five (5) mile limitation instead of the eight (8) mile limitation as set forth in the Corrected Order of January 6, 1994. This restriction is acceptable to all parties involved.

The total consideration for all the household goods in use rights is \$2,500.

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: 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 the certificate issued on May 11, 1994, as amended, be further amended to include the following rights:

To transport, household goods in use:

- (1) as a Class D carrier, between points on the west side of the Allegheny River, and within ten (10) miles by the usually traveled highways of the limits of the borough of Brackenridge, Allegheny County;
- (2) as a Class D carrier, from points in the area described in the above right (Right No. 1) excluding the borough of New Kensington, to points in Pennsylvania, and vice versa;
- (3) as a Class B carrier, between points in the borough of Brackenridge, Allegheny County;
- (4) as a Class C carrier, from points in the borough of Brackenridge, to points within five (5) miles by the usually traveled highways of the limits of the said borough, and vice versa; and
- (5) as a Class B carrier, between points in the borough of Brackenridge, and within five (5) miles by the usually traveled highways of the limits of said borough;

with Rights No. 3, 4 and 5, immediately above, subject to the following conditions:

- (a) That all transportation shall originate or end in the borough of Brackenridge, Allegheny County, or within five (5) miles by the usually traveled highways of the limits of said borough;

- (b) That the transportation of household goods shall be limited and restricted to points in the borough of Brackenridge, Allegheny County, and within five (5) miles by the usually traveled highways of the limits of said borough.

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(s) 3 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.

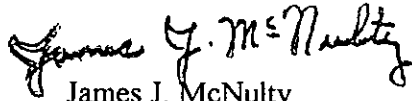
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That 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, David E. Bauman and Company, Inc., t/d/b/a Don Martin Trucking Division at A-00110722 be modified pursuant to the supplemental order.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: July 9, 1998

ORDER ENTERED: **JUL 13 1998**