

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u> June 17, 1988	:	2. <u>BUREAU AGENDA NO.</u> JUL-88-T-670*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> July 8, 1988
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> White 7-4387	:	
9. <u>DOCKET NO.:</u> A-00107916	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

(a) Application of Ace World-Wide Moving & Storage Co., a corporation of the Commonwealth of Pennsylvania, Fairless Hills, Bucks County, for the transfer to it of the right authorized under the certificate issued at A-00082822 to Thomas Welsh, Jr., t/d/b/a Don's Moving and Storage, subject to the same limitations and conditions.

(b) The application is unopposed. The applicant will pay the transferor the sum of \$5,000 for the operating authority. No other assets of the transferor are involved. We find that a continuing public need for the service does exist and that the applicant is fit, ready, willing and able to render same.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and that the certificate of the transferor be cancelled by supplemental order, and that the Order to Show Cause entered on February 12, 1988 and the Complaint Proceeding at A-00082822C881 be dismissed.

RW:11

11. MOTION BY:	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
		Commissioner Rhodes - Yes
SECONDED:	Commissioner Fischl	Commissioner Smith - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT  
FOLDER

DOCKETED

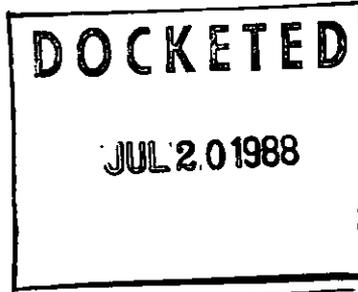
AUG 3 1988



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

July 13, 1988

Ira J. Borrows, Esquire  
2750 Tranton Road  
Lewistown, PA 19056



IN REPLY PLEASE  
REFER TO OUR FILE  
A-00107916

DOCUMENT  
FOLDER

Application of Ace World-Wide Moving and Storage Co., a corporation of  
the Commonwealth of Pennsylvania

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.

Effective date: August 1, 1987

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 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 July 8, 1988 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

cc: Ace World-Wide Moring & Storage Co.  
290 Canal Road  
Fairless Hills, PA 19030

fao

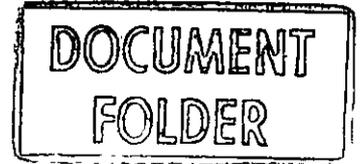
Enclosures  
Certified Mail  
Receipt Requested

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held July 8, 1988

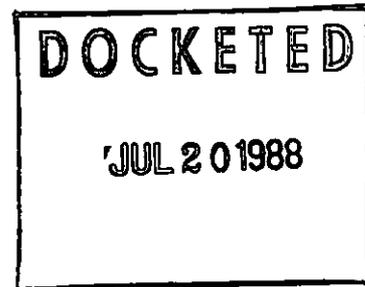
Commissioners Present:

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



Application of Ace World-Wide Moving & Storage Co., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier by motor vehicle, used household furniture and household furniture in use, between points in the city of Philadelphia, Philadelphia County, and from points in the said city to points in the borough of Upper Darby, Delaware County, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00082822 to Thomas Welsh, Jr., t/d/b/a Don's Moving and Storage, subject to the same limitations and conditions.

A-00107916



\_\_\_\_\_  
Ira J. Barrows for the applicant.  
\_\_\_\_\_

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on January 11, 1988, and published in the Pennsylvania Bulletin of April 2, 1988. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Ace World-Wide Moving & Storage Co. (or applicant), 290 Canal Road, Fairless Hills, Bucks County, was organized under the laws of Pennsylvania on February 27, 1970. James H. Johannes, president, secretary and a director, holds 1,029 shares; John U. Steiner, vice president and a director, holds 21 shares; John W. Steiner, a director, holds 200 shares and Judy Edwards, a

director, holds 50 shares. The applicant holds no authority from this Commission. Neither the applicant nor its officers are affiliated with any other carrier.

The applicant owns 10 tractors and 14 trailers which are suitable for use in the service involved herein. An unaudited balance sheet reveals that the applicant has current assets of \$1,494,516, total assets of \$9,971,764 with current liabilities of \$2,463,754 and total liabilities of \$8,223,086, leaving stockholders' equity of \$1,748,678.

Thomas Welsh, Jr., t/d/b/a Don's Moving and Storage (or transferor) has held the pertinent operating authority since 1956. Our records show that he reported no revenue from intrastate operations on his Annual Reports from 1984 through 1986. As a result, a complaint was instituted and an Order to Show Cause why the certificate should not be cancelled was entered on February 12, 1988, docketed at A-00082822C881. The matter has been placed in abeyance and no further action was taken in view of the transfer application we have here.

Although the transferor has not exercised the authority in recent years, he has maintained insurance coverage and is current in all other obligations to this Commission. He has also entered an affidavit in which he avers that there are no unpaid business debts remaining from the business.

Pursuant to the terms of an agreement of sale dated November 16, 1987, the applicant will pay the transferor the sum of \$5,000 for the operating authority. The full purchase price was placed in escrow at the execution of the agreement, to be released to the applicant upon notice that the application is approved. No other assets of the transferor are involved in the sale.

For reasons known only to the transferor, he has elected not to render service over the past four years. It is not as though the authority is of little use or without merit. To the contrary, it is a right that is generally in demand, i.e., used household furniture and household furniture in use. The applicant has deemed it worthy of a \$5,000 investment. It is our opinion that regardless of the inactiveness on the part of the transferor, the nature of the operating authority is such that an ongoing demand for service does exist.

It is our further conclusion that the public interest would be served by placing the authority in the hands of a carrier that stands ready and anxious to render service.

We find:

1. That a continuing public need for the service does exist.
2. That the applicant is fit, ready, willing and able to provide the service.
3. That approval of the application is in the public interest;

THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that a certificate be issued granting the applicant the right to operate as follows:

To transport, as a Class D carrier, used household furniture and household furniture in use, between points in the city of Philadelphia, Philadelphia County, and from points in said city to points in the borough of Upper Darby, Delaware County, 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 right 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 right herein granted in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$5,000, 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 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 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 the Order to Show Cause entered on February 12, 1988 and the Complaint Proceeding docketed at A-00082822C881, be and are hereby dismissed.

IT IS FURTHER ORDERED: That upon compliance with this order, the right granted the transferor, Thomas Welsh, Jr., t/d/b/a Don's Moving and Storage, at A-00082822 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: July 8, 1988

ORDER ENTERED: JUL 13 1988

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. †(Extra charge)†  
 2.  Restricted Delivery †(Extra charge)†

3. Article Addressed to: *A 707916*  
*Ira J. Brown, Esq.*

4. Article Number: *44301*

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee: *X*

6. Signature - Agent: *X M. Smith*

7. Date of Delivery: *7-15-88*

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

PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. †(Extra charge)†  
 2.  Restricted Delivery †(Extra charge)†

3. Article Addressed to: *A 107916*  
*T. Keld, Jr. & Co*  
*Don's Moving + Storage*

4. Article Number: *44302*

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

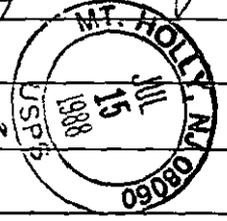
Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee: *X*

6. Signature - Agent: *X*

7. Date of Delivery: *7-15-88*

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



PS Form 3811, Mar. 1987 \* U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**



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

August 11, 1988

A-00107916

IN REPLY PLEASE  
REFER TO OUR FILE

R-16

Ira J. Borrows, Esquire  
2750 Tranton Road  
Lewistown, PA 19056

Ace World-Wide Moving & Storage Co.

Dear Sir:

Under date of July 13, 1988 the Secretary's office transmitted to you the Commission's compliance order of July 8, 1988, evidencing approval of the above carrier's application at A-00107916, which is in effect a transfer of the rights formerly held by Thomas Welsh, Jr., t/d/b/a Don's Moving and Storage, at A-00082822. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

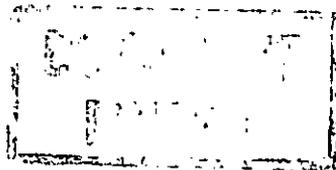
In accordance with the provisions of PA Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records.

We also notice that rates for a part of the authorized service of Thomas Welsh, Jr., t/d/b/a Don's Moving and Storage are provided in tariffs published by Pennsylvania Motor Truck Association, Inc. Should you elect to participate in the agency publications, two copies of a suitable power of attorney should be included with the filing. If you do not elect to participate in the agency publications, a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency for a minimum of 30 days.

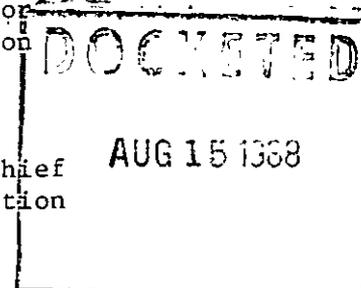
The matter should be given prompt attention, as a certificate of public convenience will not be issued until full compliance with the tariff regulations has been met and if not completed within the time set, approval of the application is subject to rescission. Upon the proper filing of the adoption supplements, accompanied by two copies of the power of attorney, the tariff requirements will be satisfied.

Very truly yours,  
Barry L. Ernst, Director  
Bureau of Transportation

By: Joseph M. Machulsky, Chief  
Financial Document Section



MHD:lpw



Enclosure

cc: Pennsylvania Motor Truck Association, Inc.  
P.O. Box 276  
Camp Hill, PA 17011

New power of attorney to be designated:  
PA F. 1 No. 1 cancels PA F. 1 No. 1  
(Series of Thomas Welsh, Jr., t/d/b/a Don's Moving and Storage)

Applicant  
290 Canal Road  
Fairless Hills, PA 19030

Contact Person: G.L. Baker  
(717) 783-5936