

1. <u>REPORT DATE:</u>	September 24, 1992	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation		OCT-92-T-947*
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			October 22, 1992
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>PERSON IN CHARGE:</u>	Zeigler 3-5946		
8. <u>DOCKET NO.:</u>	A-00106803, F. 1, Am-D		

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

(a) Application of Kleins' Bus Service, Inc., a corporation of the Commonwealth of Pennsylvania, Douglassville, Berks County, for transfer of all of the group and party rights of Reeder's, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00091213, F. 1, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The transferor seeks to sell all its group and party operating authority and other assets to the applicant for the consideration of \$170,000. The intrastate operating rights have been assigned a value of \$3,500. The transferor is retaining its scheduled route authority at A-00091213, F. 2.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application; and cancelling the authority held by the transferor at A-00091213, F. 1, by supplemental order.

TZ:kmb

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

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT FOLDER**

**DOCKETED**  
DEC 08 1992



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

October 28, 1992

IN REPLY PLEASE  
REFER TO OUR FILE

A-00106803

F.1, Am-D

J BRUCE WALTER ESQUIRE  
RHOADS & SINON  
PO BOX 1146  
HARRISBURG PA 17108-1146



HLS

Application of Klein's Bus Service, Inc.,  
a corporation of the Commonwealth of Pennsylvania

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

The application 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 Commission.

Commission regulations require compliance with the above  
requirement within sixty (60) days of the date of this letter.  
Failure to comply within the sixty (60) day period will cause  
the Commission to rescind the action of Oct. 22, 1992 and dismiss  
the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

**DOCKETED**

NOV 04 1992

smk

Encls.

Certified Mail

Receipt Requested

Tariff Contract Person: Joseph Machulsky (717) 787-5521

KLEIN'S BUS SERVICE INC  
PO BOX 246  
DOUGLASSVILLE PA 19518

MODIFICATION

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265



Public Meeting held October 22, 1992

Commissioners Present:

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

Application of Kleins' Bus Service, Inc.,  
a corporation of the Commonwealth of  
Pennsylvania, for the transfer of all of  
the operating rights of Reeder's, Inc., a  
corporation of the Commonwealth of  
Pennsylvania, under the certificate issued  
at A-00091213, F. 1, subject to the same  
limitations and conditions.

A-00106803  
F. 1  
Am-D

\_\_\_\_\_  
J. Bruce Walter for the applicant.  
\_\_\_\_\_

**DOCKETED**

**NOV 04 1992**

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 10, 1992. Public notice of the application was given in the Pennsylvania Bulletin of September 12, 1992. The unopposed application is certified to the Commission for its decision without oral hearing.

Kleins' Bus Service, Inc., seeks to acquire all of the group and party authority of Reeder's, Inc. Kleins' Bus Service, Inc., is now certified as a common carrier to transport persons in group and party service in territory comprised of parts or all of the counties of Berks, Chester, Lancaster and Montgomery. Kleins' operates a fleet of coach type vehicles with which to provide service. It has held its certificate of public convenience since September of 1986 and is experienced in the type of service involved. It will acquire two additional coach type vehicles from the transferor as part of this transfer proceeding.

Reeder's, Inc., is retaining its scheduled route authority at Folder 2. There will be no duplication of authority being transferred and authority being retained as the authorities are different in nature.

As evidence of its financial capacity to provide the additional service proposed the applicant incorporates by reference its annual reports on file with the Commission since its certification in 1986. As a currently certificated carrier there is a presumption of fitness.

The total consideration for the rights and other assets including motor vehicles and customer list is \$170,000. The intrastate rights have been assigned a value of \$3,500 with the equipment comprised of two buses, \$150,000, interstate operating rights \$1,500 and customer list \$15,000. The sales agreement requires the consideration to be paid as follows: \$10,000 was paid at the signing of the sales agreement on June 2, 1992. An additional \$135,000 was paid on or before June 15, 1992. The balance of \$25,000 will be paid upon approval of the transfer of the rights.

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 issued September 10, 1986, as amended, be further amended to include the following rights:

1. To transport, as a common carrier, by motor vehicle, groups and parties of persons from the city of Coatesville, the boroughs of South Coatesville, Modena, Parkesburg and Atglen and the townships of East Fallowfield, Sadsbury, West Calm and West Brandywine, Chester County, to points in Pennsylvania.
2. To transport, as a common carrier, by motor vehicle, groups and parties of persons from the borough of West Chester, Chester County, and within a radius of seven (7) miles of the said borough to points in Pennsylvania.

3. To transport, as a common carrier, by motor vehicle, groups and parties of persons from points in the township of Valley, Chester County, to points in Pennsylvania.
4. To transport, as a common carrier, by motor vehicle, groups and parties of persons and persons on special excursions and tours or sight-seeing trips between points in Chester County south of the Pennsylvania Turnpike, and from points in the said territory to points in Pennsylvania and return; excluding transportation originating within an airline distance of six (6) statute miles of the limits of Phoenixville, except as presently authorized.

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, \$3,500, 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 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, Reeder's, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00091213, F. 1, be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: October 22, 1992

ORDER ENTERED: OCT 28 1992

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & 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 will show to whom the article was delivered and the date delivered.

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

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A-00106803, F-1, AM-A* C.O.

4a. Article Number: *44554*

4b. Service Type

Registered  Insured

Certified  COD

Express Mail  Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee): *Reeder's, Inc*

6. Signature (Agent): *[Signature]*

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & 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 will show to whom the article was delivered and the date delivered.

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

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A-00106803, F-1, AM-D* C.O.

4a. Article Number: *44555*

4b. Service Type

Registered  Insured

Certified  COD

Express Mail  Return Receipt for Merchandise

7. Date of Delivery: *OCT 30 1992*

5. Signature (Addressee): *J. Bruce Walter, Esq*

6. Signature (Agent): *Michael E. Stavel*

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.