

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	June 22, 1988	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation		JUL-88-T-675*
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			July 8, 1988.
	Director: Ernst 7-2154		
	Supervisor: Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Pike 3-5947		
9. <u>DOCKET NO.:</u>	A-00108106		

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

(a) Application of Murphy's Hauling Service, Inc., a Pennsylvania corporation, Rockledge, Montgomery County, for the transfer of all of the operating rights of Zoomer Trucking, Ltd. at A-00104234.

(b) No protests were filed. No oral hearings were held. The transferor desires to exit the motor carrier industry. Transferee has agreed to a sales price of \$700; no tangible assets are involved. Approval of the application is necessary for the accommodation and convenience of the public.

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

DAP:11

DOCUMENT
FOLDER

DOCKETED
AUG - 3 1988

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

CONTENT OF MOTION: Staff recommendation adopted.

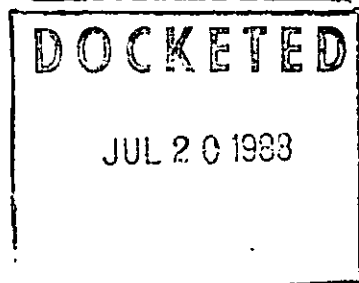


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

July 13, 1988

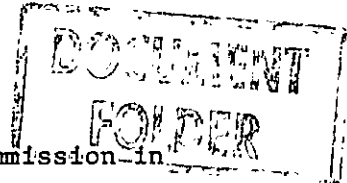
IN REPLY PLEASE
REFER TO OUR FILE
A-00108106

Raymond A. Thistle, Jr., Esq.
206B Benson East
100 Old York Road
Jenkintown, PA 19046



Application of Murphy's Hauling Service, Inc., a corporation of the Commonwealth
of Pennsylvania

Dear Sir:



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.

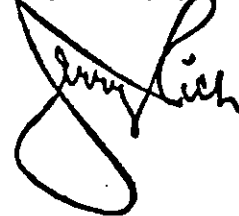
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of July 8, 1988, and dismiss the application without further proceedings.

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,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the bottom.

Jerry Rich, Secretary

jr
Enclosures
Certified Mail
Receipt Requested
cc: Applicant
20 Park Ave.
Rockledge, PA 19111

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 Murphy's Hauling Service,
Inc. for the transfer of all of the
operating rights of Zoomer Trucking, Ltd.
under the certificate issued at A-00104234
subject to the same limitations and
conditions.

A-00108106

Raymond A. Thistle, Jr. for the applicant.

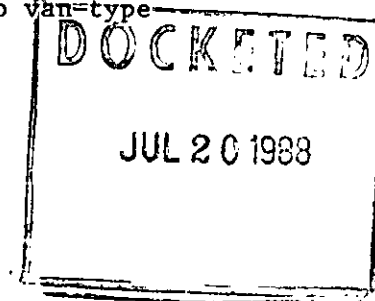
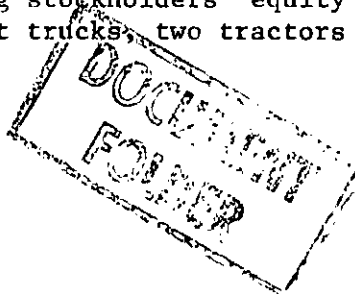
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 11, 1988. Public notice of the application was given in the Pennsylvania Bulletin of May 14, 1988. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant is a Pennsylvania corporation, chartered October 18, 1985 with its principal place of business at 20 Park Avenue, Rockledge, Montgomery County. Cecelia M. Murphy is president and holds 500 shares of stock issued. Richard J. Murphy is vice president and holds 500 shares, Thomas M. Murphy, vice president holds the remaining outstanding 500 shares. Katherine K. Kuczborski is secretary-treasurer.

Applicant's financial statement shows total assets of \$136,979 with liabilities of \$116,086, leaving stockholders' equity of \$20,793. The applicant will use four straight trucks, two tractors and two van-type trailers to provide service.



The total consideration for the rights is seven hundred dollars (\$700). No tangible assets are involved. The total consideration was paid upon consummation of the sales agreement, February 4, 1988.

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 right(s):

1. To transport, as a Class B carrier, property (excluding household goods, in use, new and used furniture and perishable fruits and vegetables) between points in the city of Philadelphia, Philadelphia County.
2. To transport, as a Class D carrier, machinery, machinery parts, forgings, castings, assemblies and work in process, for Peter J. Salmon Company, Inc., from its plant in the village of Glenside, Abington Township, Montgomery County, to points in the city and county of Philadelphia and within ten (10) miles of the limits of said city and county, and vice versa.
3. To transport, as a Class C carrier, machinery, machinery parts, forgings, castings, assemblies, work in progress, and materials used or useful in the manufacture of the foregoing items, for Gimpel Machine Works, Inc., from its plant in the borough of Langhorne, Bucks County, to points in the counties of Bucks, Berks, Chester, Delaware, Lancaster, Lebanon and Montgomery, and vice versa;

4. To transport, as a Class D carrier, machinery parts, forgings and castings, for Gimpel Machine Works, Inc., from its plant in the borough of Langhorne, Bucks County, to points in the counties of Bucks, Berks, Chester, Delaware, Lancaster, Lebanon and Montgomery, and vice versa;

with rights No. 2, 3 and 4 above subject to the following condition:

That the service herein authorized is restricted to that wherein the request for service and the pick-up and delivery are made in the same calendar day.

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, \$700, 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 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 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 issuance of the certificate be withheld pending receipt of the 1988-89 Annual Assessment of the transferor.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Zoomer Trucking, Ltd. at A-00104234 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. 2. Restricted Delivery
↑(Extra charge)↑ ↑(Extra charge)↑

3. Article Addressed to: <p style="font-size: 1.5em; margin-left: 20px;">A-108106</p> <p style="text-align: right; margin-right: 20px;"><i>o</i></p>	4. Article Number <p style="font-size: 1.5em; margin-left: 20px;">44314</p>
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee <p>X <i>R. A. Theatle</i></p>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <p>X</p>	
7. Date of Delivery <p style="font-size: 1.5em; margin-left: 20px;">7-15-08</p>	

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.

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↑(Extra charge)↑ ↑(Extra charge)↑

3. Article Addressed to: <p style="font-size: 1.5em; margin-left: 20px;">A-108106</p> <p style="text-align: right; margin-right: 20px;"><i>o</i></p>	4. Article Number <p style="font-size: 1.5em; margin-left: 20px;">44315</p>
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee <p>X <i>Gomer Trucking Ltd.</i></p>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <p>X</p>	
7. Date of Delivery <p style="font-size: 1.5em; margin-left: 20px;">10-20-09</p>	

PS Form 3811, Mar. 1987

* U.S.G.P.O. 1987-178-268

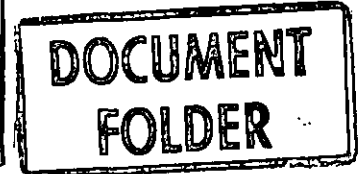
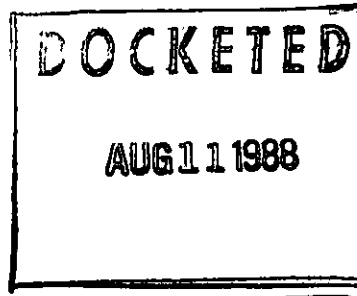
DOMESTIC RETURN RECEIPT



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

August 5, 1988

IN REPLY PLEASE
REFER TO OUR FILE



Raymond A. Thistle, Jr.
Attorney at Law
206B Benson East
100 Old York Road
Jenkintown, PA 19046

In re: A-00108106 - Application of Murphy's Hauling Service, Inc.

Dear Mr. Thistle:

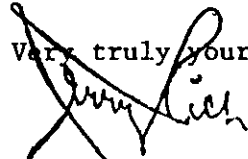
Enclosed is a corrected copy of Page 2 of the order adopted July 8, 1988 and entered July 13, 1988.

The third ordering paragraph has been corrected to read as follows:

- "3. To transport, as a Class D carrier, machinery, machinery parts, forgings, castings, assemblies, work in progress, and materials used or useful in the manufacture of the foregoing items, for Gimpel Machine Works, Inc., from its plant in the borough of Langhorne, Bucks County, to points within the city and county of Philadelphia and within an airline distance of fifteen (15) statute miles of the limits of said city and county, and vice versa;

We are sorry for any inconvenience this may have caused and thank you for calling the error to our attention.

Very truly yours,


Jerry Rich, Secretary
Public Utility Commission

The total consideration for the rights is seven hundred dollars (\$700). No tangible assets are involved. The total consideration was paid upon consummation of the sales agreement, February 4, 1988.

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

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3. To transport, as a Class D carrier, machinery, machinery parts, forgings, castings, assemblies, work in progress, and materials used or useful in the manufacture of the foregoing items, for Gimpel Machine Works, Inc., from its plant in the borough of Langhorne, Bucks County, to points within the city and county of Philadelphia and within an airline distance of fifteen (15) statute miles of the limits of said city and county, and vice versa;

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. 2. Restricted Delivery
†(Extra charge)† †(Extra charge)†

3. Article Addressed to: <div style="font-size: 1.2em; font-family: cursive;">A-00108106 Corrected page</div>	4. Article Number <div style="font-size: 1.2em; font-weight: bold;">44405</div>
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee <div style="font-size: 1.2em; font-family: cursive;">Daniel O. McAleer Esq</div>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <div style="font-size: 1.2em; font-family: cursive;">E. Ad...</div>	
7. Date of Delivery <div style="font-size: 1.2em; font-family: cursive;">8-8-88</div>	

PS Form 3811, Mar. 1987

* U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT