

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	July 19, 1988	2. <u>BUREAU AGENDA NO.:</u>	
3. <u>BUREAU:</u>	Transportation		AUG-88-T-842*
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			August 18, 1988
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Keener-Farley 7-4386		
9. <u>DOCKET NO.:</u>	A-00108185		

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

(a) Application of Heritage Moving Systems, Inc., t/d/b/a Winters Movers, Concordville, Delaware County, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Winters Movers, Incorporated, under the certificate issued at A-00098137 subject to the same limitations and conditions.

(b) Transferor proposes to transfer all of its PUC operating authority (\$12,500) and other assets (\$47,500) for a total consideration of \$60,000.

(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 and that a copy of the order be forwarded to the Department of Revenue.

LK-F:11

DOCKETED

AUG 25 1988

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

CONTENT OF MOTION: Staff recommendation adopted.

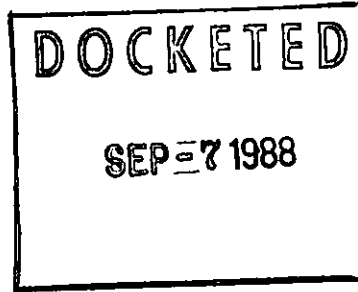
DOCUMENT

AUG 25 1988



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

August 25, 1988



IN REPLY PLEASE
REFER TO OUR FILE
A-00108185

Barry Kleban, Esquire
1900 Two Penn Center Plaza
Philadelphia, PA 19102

Application of Heritage Moving Systems, Inc., t/d/b/a Winters Movers, 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.

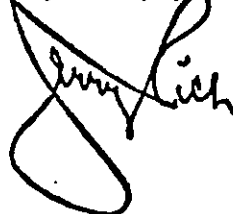
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of August 18, 1988, and dismiss the application without further proceedings.

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

jr
Enclosures
Certified Mail
Receipt Requested

cc: Applicant
Route 202, 1/4 mile South of Route 1
Concordville, PA 19331

0001

HERITAGE MOVING SYSTEMS, INC.

T/A WINTERS MOVERS

ROUTE 202 1/4 MILE SOUTH OF ROUTE 1

CONCORDVILLE PA 19331

SELF

0002

BARRY D. ALBAN, ESQ.

1900 TWO PENN CENTER PLAZA

PHILADELPHIA PA 19102

APPLICANT

0003

WINTERS MOVER, INCORPORATED

219 MANCHESTER AVENUE

MEDIA PA 19063

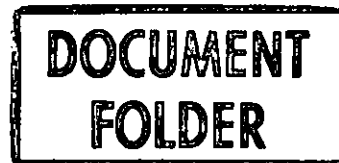
TRANSFEROR

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 18, 1988

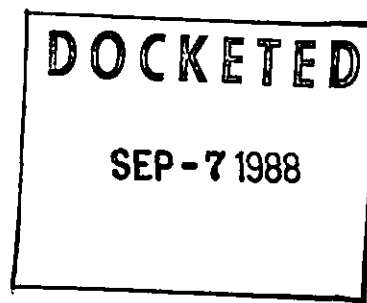
Commissioners Present:

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



Application of Heritage Moving Systems, Inc., t/d/b/a Winters Movers, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Winters Movers, Incorporated, a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00098137 subject to the same limitations and conditions.

A-00108185



Adelman, Lavine, Gold and Levin, by Barry D. Kleban, for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 10, 1988. Public notice of the application was given in the Pennsylvania Bulletin of July 9, 1988. The unopposed application is certified to the Commission for its decision without oral hearing.

Heritage Moving Systems, Inc. (Heritage or applicant) is a Pennsylvania corporation with its principal place of business in Concordville, Delaware County. It will conduct business under the trade designation of "Winters Movers" which has been registered with the Department of State as a fictitious name. Samuel Imburgia is president of the corporation, Paul Imburgia is vice president and Salvatore Imburgia is secretary/treasurer. Each of these officers owns three hundred shares of common stock. Two International 24 foot moving vans, included in the purchase price, will be used to perform the proposed service. As evidence of its financial capacity

to perform the proposed service, Heritage reports assets of \$75,000, with no liabilities.

The total consideration for the rights and other assets including interstate rights, motor vehicles, other equipment and customer list is \$60,000. The rights have been assigned a value of \$12,500 with the other assets valued at \$47,500. The sales agreement requires the consideration to be paid as follows: \$7,500 at execution of the agreement on June 2, 1988, with the balance to be paid at closing.

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. One of the rights, however, refers to the defunct Railway Express Agency; since this shipper no longer exists, we will eliminate it from the rights. The applicant has stated that it has no objection to deletion.

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 rights:

1. To transport, as a Class D carrier, household goods in use from points in the borough of Media, Delaware County, and within a radius of five (5) miles thereof to other points in said borough and within ten (10) miles by the usually traveled highways of the limits of the said borough, and vice versa, excluding service to or from points in the city of Chester, Delaware County, except as otherwise authorized.
2. To transport, as a Class D carrier, household goods and office furniture in use from points in the city of Philadelphia to points within twenty (20) miles by the usually traveled highways of the limits of the said city, and vice versa.

3. To transport, as a Class D carrier, household goods and office furniture, in use, in less-than-truckload lots, from points in the borough of Media, Delaware County, and points within an airline distance of five (5) statute miles of the limits of said borough on and south of U.S. Highway Route 1 and from points within an airline distance of ten (10) statute miles of the limits of said borough on and north of U.S. Highway Route 1, to other points in the said borough and within forty (40) miles of the point of origin, 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, \$12,500, 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 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).

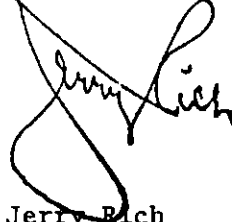
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That 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, Winters Movers, Incorporated, at A-00098137 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 18, 1988

ORDER ENTERED: AUG 25 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: A-108185 <i>o</i> Winters ^{B5} Moore, Inc.	4. Article Number 44230 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 <input checked="" type="checkbox"/> <i>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <input checked="" type="checkbox"/> <i>[Signature]</i>	
7. Date of Delivery <i>8/24/88</i>	

PA 190
 AUG 23 1988
 USPS

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 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: A-108185 <i>o</i> Barry N. Kliban, Esq.	4. Article Number 44231 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 <i>E. Karune</i>	8. Addressee's Address (ONLY if requested and fee paid)
Signature - Agent	
Date of Delivery <i>8/24/88</i>	

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

9. :)



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

September 8, 1988

A-00108185

IN REPLY PLEASE
REFER TO OUR FILE

R-16

Barry Kleban, Esquire
1900 Two Penn Center Plaza
Philadelphia, PA 19102

Heritage Moving Systems, Inc., t/d/b/a
Winters Movers

Dear Sir:

Under date of August 25, 1988 the Secretary's office transmitted to you the Commission's compliance order of August 18, 1988, evidencing approval of the above carrier's application at A-00108185. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

We now have in our files Freight - PA PUC No. 1, for the above carrier, filed under emergency temporary authority which became effective July 1, 1988. However, this tariff's description of operating authority does not conform with the approval of this application.

It will be necessary, therefore, to file a new tariff which should be designated Freight - PA PUC No. 2. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one days notice under authority of PA Code, Title 52, Section 23.42.

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

By: Joseph M. Machulsky, Chief
Financial Document Section

MHD:lpw

cc: Applicant
Route 202, 1/4 mile South of Route 1
Concordville, PA 19331

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

