

CMS BUREAU OF TRANSPORTATION

TR01 DOCKET NUMBER A-00108084 F 0002 UTIL CODE 848562 A

REF NO A-00102924 CASE STATUS A

APPLICANT SPARACINO, JOSEPH, MOVERS, INC.

TRADE NAME

DATE FILED 062795 DATE CLOSED TECH STAFF KEENER-FARLEY

COUNTY LACKAWANNA RESPONSIBLE BUREAU TNR

CAPTION

ADDITIONAL RIGHT (TRANSFER) - HOUSEHOLD GOODS IN USE, BETWEEN POINTS IN CITY. OF WILKES-BARRE, LUZERNE COUNTY, AND WITHIN 25 MILES BY THE USUALLY TRAVELLED HIGHWAYS OF CITY HALL, SUBJECT TO VARIOUS CONDITIONS; WHICH IS TO BE A TRF OF RIGHTS HELD BY EUGENE LAVELLE, T/D/B/A LAVELLE'S EXPRESS, A-00102924, SUBJECT TO SAME LIMITATIONS AND CONDITIONS.

MORE CAPTION? (Y/N) N PRINT CAPTION SHEET? (Y/N) N T

**REPORT
FOLDER**

*Leona
7-12-95*

DATE: October 10, 1995

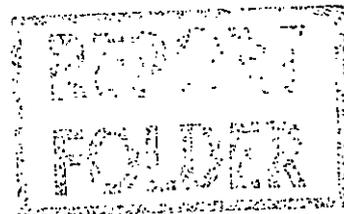
SUBJECT: A-00108084, F. 2, Joseph Sparacino Movers,
Inc., #6 South Keyser Avenue, Taylor, PA 18517

TO: Financial Responsibility Section - Insurance

FROM: Gale E. Travitz
Application Review Specialist
Bureau of Transportation and Safety

The application docketed to the above number is for the transfer of all of the rights issued at A-00102924 to Eugene Lavelle, t/d/b/a Lavelle's Express, subject to the same limitations and conditions.

GET:rs



PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

X-CAL

OCT 26 1995

1. REPORT DATE: October 10, 1995	2. BUREAU AGENDA NO.: OCT-95-TS-MC-257*
3. BUREAU: Transportation & Safety	
4. SECTION(S): Application Review	5. PUBLIC MEETING DATE: October 26, 1995
6. APPROVED BY: Director: Nicely 3-3846 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Travitz 7-5513	
8. DOCKET NO.: A-00108084, F. 2	

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INFO. CONTROL DIV.

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

(a) Application of Joseph Sparacino Movers, Inc., Taylor, Lackawanna County, a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to applicant of all of the rights held by Eugene Lavelle, t/d/b/a Lavelle's Express at A-00102924.

(b) Transferor proposes to transfer all of his P.U.C. common carrier household goods rights for a total consideration of \$1,900. No tangible assets are involved.

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

DJB

10. MOTION BY: Commissioner

Commissioner

SECONDED: Commissioner

Commissioner

Commissioner

CONTENT OF MOTION:

REPORT
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held October 26, 1995

Commissioners Present:

John M. Quain, Chairman
Lisa Crutchfield, Vice-Chairman
John Hanger
David W. Rolka
Robert K. Bloom

Application of Joseph Sparacino Movers,
Inc., for the transfer of all of the
operating rights of Eugene Lavelle,
t/d/b/a Lavelle's Express, under the
certificate issued at A-00102924, subject
to the same limitations and conditions.

A-00108084
F. 2

Epstein, Utan, Wilson & Marshall by Edwin Utan for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 27, 1995. Public notice of the application was given in the Pennsylvania Bulletin of August 26, 1995. The unopposed application is certified to the Commission for its decision without oral hearing.

Joseph Sparacino Movers, Inc. (applicant, transferee or Sparacino) is a family-owned and operated business. Applicant currently operates pursuant to authority issued at Folder 1. The two sons of the president, Joseph Sparacino, Sr., will drive the equipment. Applicant's household goods authority is primarily of an interstate nature. A comprehensive safety and maintenance program is in effect. The applicant owns the following equipment: one Mack tractor, one Transcraft trailer, three van trucks and one pickup truck. Sparacino states that it has been in the household goods business since March 1, 1965. The financial data submitted by the transferee shows total current assets of \$18,011, total assets of \$147,111, total liabilities of \$32,000 and total owner's equity of \$112,111 (sic). The statement of income shows total revenue and gains of \$184,380, less total operating expenses and losses of \$174,821, resulting in a net income before taxes of \$9,559. A net income of \$9,259 was reported.

The rights have been assigned a value of \$1,900.

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 a certificate be issued granting the following rights:

To transport, as a Class D carrier, household goods and office furnishings, in use, between points in the city of Wilkes-Barre, Luzerne County, and within twenty-five (25) miles by the usually traveled highways of the Wilkes-Barre City Hall; and from points in said territory to points in Pennsylvania, and vice versa;

subject to the following condition:

Provided no right, power or privilege is granted to render service to or from points within the city of Scranton, Lackawanna County, and/or to or from points south of the line extending east and west of the boroughs of Alberts and Blytheburn.

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 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 in this application until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H as a evidence of cargo liability insurance.
3. 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 upon compliance with this order, the rights granted the transferor, Eugene Lavelle, t/d/b/a Lavelle's Express at A-00102924 be and is hereby cancelled and the record be marked "CLOSED".

BY THE COMMISSION,

John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: October 26, 1995

ORDER ENTERED:

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

Public Meeting held October 26, 1995

EUGENE LAVELLE
270 NORTH SHERMAN STREET
WILKES-BARRE PA 17102

Application Docket No. A-00102924 - Application of Eugene Lavelle, t/d/b/a Lavelle's Express

SUPPLEMENTAL ORDER CANCELLING
CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

It appearing that the rights granted to Eugene Lavelle, t/d/b/a Lavelle's Express under the certificate of public convenience issued at A-00102924, have been transferred to Joseph Sparacino Movers, Inc. at A-00108084, F. 2 and are now contained under the certificate of public convenience issued to it, and that the transferor has no other operating authority; THEREFORE,

IT IS ORDERED: That the operating rights and the certificate of public convenience at A-00102924 be and are hereby cancelled and all rights, powers and privileges granted hereby shall forthwith cease and terminate.

IT IS FURTHER ORDERED: That a copy of this supplemental order at A-00102924 be forwarded to Ms. Katherine L. Zeigler, Audit Program Manager, Department of Revenue, 10th Floor, Strawberry Square, Harrisburg, Pennsylvania.

BY THE COMMISSION,

John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: October 26, 1995

ORDER ENTERED:

END