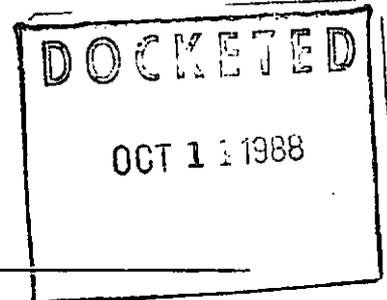


PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	September 2, 1988	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	:	Transportation	:	SEP-88-T-1040*
4. <u>SECTION</u>	:	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>	:	Director: Ernst 7-2154	:	September 29, 1988
7. <u>MONITOR:</u>	:	Supervisor: Bigelow/Marzolf 3-5945	:	
8. <u>PERSON IN CHARGE:</u>	:	Zeigler 3-5946	:	
9. <u>DOCKET NO.:</u>	:	A-00108084	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)				
(b) Short summary of history & facts, documents & briefs				
(c) Recommendation				

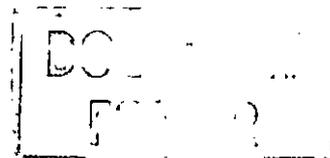


(a) Application of Joseph Sparacino Movers, Inc., a corporation of the Commonwealth of Pennsylvania, Taylor, Lackawanna County, for transfer of all of the rights of Joseph N. Sparacino, t/d/b/a Joseph N. Sparacino Trucking, under the certificate issued at A-00092104, subject to the same limitations and conditions.

(b) The application is unopposed. The transferor seeks to incorporate his sole proprietorship into a newly formed corporation. The rights are assigned a nominal value of \$1.00 with real estate, vehicles and equipment to be transferred without consideration.

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

TZ:11



11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
SECONDED:	Commissioner Smith	Commissioner Rhodes - Yes
		Commissioner Fischl - Yes

CONTENT OF MOTION: Staff recommendation adopted.

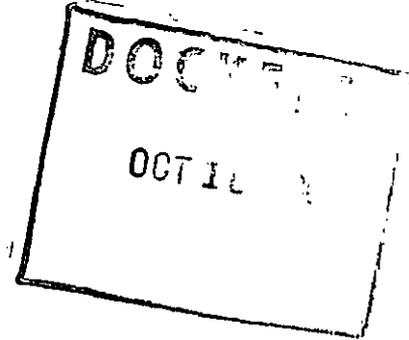


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

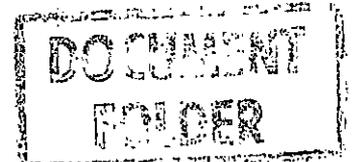
October 6, 1988

IN REPLY PLEASE
REFER TO OUR FILE
A-00108084

Joseph Sparacino Movers, Inc.
No. 6 South Keyser Avenue
Taylor, PA 18517



Application of Joseph Sparacino Movers, Inc.



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 September 29, 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

fao

Enclosures
Certified Mail
Receipt Requested

0001
JOSEPH SPARACINO MOVERS, INC.
NO. 6 SOUTH KEYSER AVENUE
TAYLOR PA 18517
SELF

0002
JOSEPH N. SPARACINO
1620 LUZERNE STREET
SCRANTON PA 18504
TRANSFEROR

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 29, 1988

Commissioners Present:

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

Application of Joseph Sparacino Movers,
Inc. for the transfer of all of the
operating rights of Joseph N. Sparacino,
t/d/b/a Joseph N. Sparacino Trucking,
under the certificate issued at A-00092104,
subject to the same limitations and
conditions.

A-00108084

O R D E R

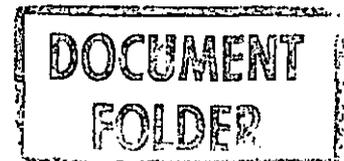
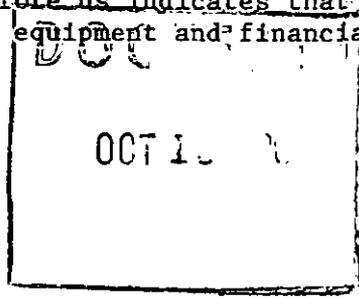
BY THE COMMISSION:

This matter comes before the Commission on an application filed March 21, 1988. Public notice of the application was given in the Pennsylvania Bulletin of April 30, 1988. The unopposed application is certified to the Commission for its decision without oral hearing.

By the instant application, Joseph N. Sparacino, seeks to incorporate his business and transfer his authority to a newly formed corporation Joseph Sparacino Movers, Inc. The principal place of business of the applicant corporation is No. 6, South Keyser Avenue, Taylor, Lackawanna County. The officers and stockholders of the corporation are Joseph N. Sparacino, Sr., secretary/treasurer, Joseph N. Sparacino, Jr., president, Robert J. Sparacino, vice president and Rita T. Sparacino, vice president.

The authority is to be transferred to the corporation for the nominal consideration of \$1.00. All real estate, motor vehicles and equipment are being transferred without consideration.

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 rights:

1. To transport, as a Class B carrier, property between points in the city of Scranton, Lackawanna County, and within three (3) miles of the limits of said city.
2. To transport, as a Class D carrier, household goods in use from points in the city of Scranton, Lackawanna County, to other points in Pennsylvania, and vice versa;

rights 1 and 2 subject to the following condition:

That no right, power or privilege is granted to transport raw silk, materials and finished products of the silk industry.

3. To transport, as a Class B carrier, property between points in the city of Wilkes-Barre, Luzerne County, and within an airline distance of three (3) statute miles of the said city limits.
4. To transport, as a Class D carrier, household goods in use from points in the city of Wilkes-Barre, Luzerne County, and within an airline distance of three (3) statute miles of said city limits to other points in Pennsylvania, and vice versa.
5. To transport, as a Class D carrier, surplus food commodities for the Office of Public Assistance, Department of Public Welfare (formerly the Department of Public Assistance) from the

warehouse in the city of Wilkes-Barre, to points in the counties of Luzerne, Lackawanna, Bradford, Columbia, Lycoming, Schuylkill and Carbon, and vice versa;

rights 3, 4 and 5 subject to the following condition:

That no right, power or privilege is granted to transport raw silk materials and finished products to the silk industry, except that the applicant may carry silk and silk products to and from mills or other places of business and railroad stations.

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, \$1.00, 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).

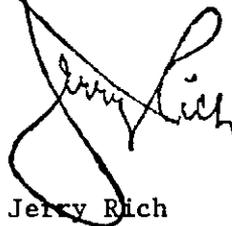
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff 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 upon compliance with this order, the rights granted the transferor, Joseph N. Sparacino, t/d/b/a Joseph N. Sparacino Trucking, at A-00092104 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 29, 1988

ORDER ENTERED: OCT 06 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. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. 2. <input type="checkbox"/> Restricted Delivery ↑(Extra charge)↑	
3. Article Addressed to: <i>A 1080F4</i> <i>Joseph Sparacino Novels Inc.</i>	4. Article Number 44376 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .	
5. Signature - Addressee <i>X Joseph Sparacino</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>X</i>	
7. Date of Delivery OCT 19 1988	

601 76 700