

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

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| 1. REPORT DATE: October 16, 2006 | 2. BUREAU AGENDA NO. NOV-2006-TSM-0282* |
| 3. BUREAU: Transportation and Safety | |
| 4. SECTION(S): MCS&E | 5. PUBLIC MEETING DATE: |
| 6. APPROVED BY: Director: Hoffman 3-3846 Mgr/Spvr: Minder 7-1168 Legal Review: <i>RK</i> | November 9, 2006 DOCUMENT FOLDER |
| 7. PERSONS IN CHARGE: Fackler 5-0624 <i>GF</i> | 9. EFFECTIVE DATE OF FILING: N/A |
| 8. DOCKET NO.: A-00108084, F. 1, Am-A | DOCKETED |

10. (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, for the approval of the transfer of the common carrier household goods, in use, right held by Sparacino Brothers, Inc. at A-00104113.

(b) Applicant has demonstrated that it possesses the requisite vehicles, technical expertise, experience, equipment, facilities, sufficient capital and other resources necessary to provide the proposed service.

(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 to be canceled by supplemental order.

Order Doc. No. 633005 Supplemental Order Doc. No. 633481 C.S. Doc No. 633012

11. **MOTION BY:** Commissioner Chm. Holland
SECONDED: Commissioner Cawley
 Commissioner Pizzingrilli - Yes
 Commissioner Fitzpatrick - Yes
 Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held November 9, 2006

Commissioners Present:

**Wendell F. Holland, Chairman
James H Cawley, Vice Chairman
Kim Pizzingrilli
Terrance J. Fitzpatrick**

Application of Joseph Sparacino Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for the amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods in use, from points in the city of Scranton, Lackawanna County, to other points in Pennsylvania and vice versa: SO AS TO PERMIT the transportation of household goods in use: (1) from points in the city of Scranton, Lackawanna County, and within an airline distance of three (3) statute miles of the limits of the said city to other points in Pennsylvania, and vice versa; (2) between points in the city of Pottsville, Schuylkill County, and within ten (10) miles by the usually traveled highways of the limits of said city and from points in said area to other points in Pennsylvania and vice versa, with right No. 2 subject to the following conditions: (a) that no right, power or privilege is granted to pick up household goods, in use, from points on Highway Route 29 between the borough of Tamaqua and the city of Hazleton; provided however, that the right is granted to pick up in Tamaqua, and (b) that no right, power or privilege is granted to pick up household goods, in use, from points on Highway Route 209 between the boroughs of Nesquehoning and Tamaqua, provided however, that the right is granted to pick up in Tamaqua; and (3) from points in the borough of Ashland, Schuylkill County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00104113 to Sparacino Brothers, Inc., subject to the same limitations and conditions.

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F. 1, Am-A

Vuono & Gray, LLC by William A. Gray, Esquire, for applicant.
Riley and Fanelli, P.C. by Frederick J. Fanelli, Esquire, for protestant: Pottsville Moving and Storage Co., Inc.
Gino L. Andreuzzi, Esquire, for protestant: LaBuda Trucking, Inc.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 14, 2005. Public notice of the application was given in the *Pennsylvania Bulletin* of February 11, 2006 with protests due by March 6, 2006. The above-referenced carriers protested the application. The matter was assigned to the Office of Administrative Law Judge for processing on March 29, 2006. An Initial Decision was served to all parties on August 10, 2006 dismissing the protests and no exceptions were filed. On September 22, 2006, a Final Order was entered and the case was referred back to the Bureau of Transportation and Safety on September 25, 2006 for handling under modified procedure. The now unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Joseph Sparacino Movers, Inc. (applicant or Sparacino) seeks to amend its common carrier certificate to transport, by motor vehicle, household goods in use, by acquiring through transfer the right held by Sparacino Brothers, Inc. The principal place of business is located at #6 South Keyser Avenue, Taylor, Lackawanna County, Pennsylvania.

Sparacino has held a certificate of public convenience to transport household goods in use since January, 1989. Joseph Sparacino is the sole officer and stockholder of Joseph Sparacino Movers, Inc. Applicant will use its existing equipment to provide the additional service requested in its application. A safety program is currently in place, which includes regular safety meetings, issuance of brochures from its insurance company, and employment of qualified driver personnel.

The balance sheet of the applicant dated December 31, 2004 shows total assets of \$121,569 and total liabilities of \$500, for owner's equity of \$121,069. Applicant has operated its business since 1989 and the application is a transfer of authority which involves a limited additional service area; therefore, a more recent balance sheet was not requested.

A review of the record before us indicates that the applicant possesses the technical expertise, experience, facilities, sufficient capital and other resources necessary to provide the proposed service.

Applicant has evidence of bodily injury and property damage liability insurance on file to cover its current operations, however, the Commission will require a new filing to cover the amended rights granted herein.

After complete review of the record, we find:

1. 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 application be and is hereby approved and that a certificate be issued granting the following right:

To transport, as a common carrier, by motor vehicle, household goods in use: (1) from points in the city of Scranton, Lackawanna County, and within an airline distance of three (3) statute miles of the limits of the said city to other points in Pennsylvania, and vice versa; (2) between points in the city of Pottsville, Schuylkill County, and within ten (10) miles by the usually traveled highways of the limits of said city and from points in said area to other points in Pennsylvania and vice versa, with right No. 2 subject to the following conditions: (a) that no right, power or privilege is granted to pick up household goods, in use, from points on Highway Route 29 between the borough of Tamaqua and the city of Hazleton; provided however, that the right is granted to pick up in Tamaqua, and (b) that no right, power or privilege is granted to pick up household goods, in use, from points on Highway Route 209 between the boroughs of Nesquehoning and Tamaqua, provided however, that the right is granted to pick up in Tamaqua; and (3) from points in the borough of Ashland, Schuylkill County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa.

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 right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefore, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

1. Form E, as evidence of bodily injury and property damage liability insurance.
2. A tariff establishing just and reasonable rates.

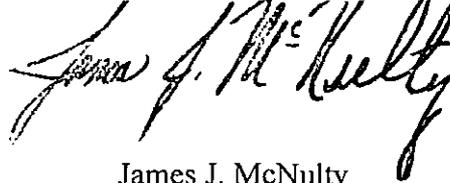
IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of entry 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 right granted the transferor, Sparacino Brothers, Inc. at A-00104113 be canceled and the record marked closed.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: November 9, 2006

ORDER ENTERED: November 14, 2006

2. Article Number



7160 3901 9843 1290 2386

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Margaret Kurtz* B. Date of Delivery *9/26/06*

C. Signature *x Margaret Kurtz* Agent Addressee

D. Is delivery address different from Item 1? Yes No
If YES, enter delivery address below:

A-00108084F0001AMA F10

Frederick J. Faxelli Esq

PS Form 3811, [Redacted] Domestic Return Receipt

2. Article Number



7160 3901 9843 1290 2546

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *K.C. WILLIAMS* B. Date of Delivery *9/28*

C. Signature *x K.C. Williams* Agent Addressee

D. Is delivery address different from Item 1? Yes No
If YES, enter delivery address below:

A-00108084F0001AMA F10

William A. Gray Esq

PS Form 3811, March 2005 Domestic Return Receipt

2. Article Number



7160 3901 9843 1290 2560

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *JOE SPARACINO*

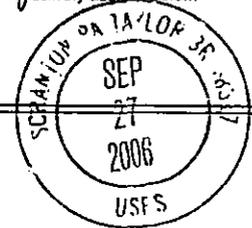
C. Signature *x Joe Sparacino*

D. Is delivery address different from Item 1? Yes No
If YES, enter delivery address below:

A-00108084F0001AMA F10

Joseph Sparacino Doves

PS Form 3811, March 2005 Domestic Return Receipt



2. Article Number



7160 3901 9843 1290 4311

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

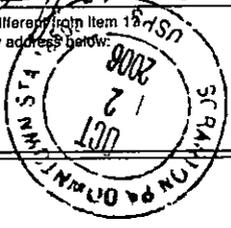
1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery _____

C. Signature *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____



A-00108084 F0001AMA F10

David Sparacino

PS Form 3811, March 2005 Domestic Return Receipt

2. Article Number



7160 3901 9843 1289 8405

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *ZAPF* B. Date of Delivery *11-16*

C. Signature *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____

William A Gray Esq.

A-00108084 F0001 AM-A

PS Form 3811, March 2005 Domestic Return Receipt

2. Article Number



7160 3901 9843 1290 4564

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

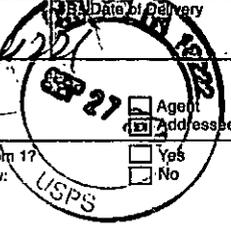
1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Erico Andreuzzi* B. Date of Delivery _____

C. Signature *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____



A-00108084 F0001AMA F10

Erico L. Andreuzzi Esq.

PS Form 3811, March 2005 Domestic Return Receipt