

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

10

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

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97 DEC 12 11:10:31
P.A. CONTR. DIV.

DOCUMENT
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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 Chm. Quain
SECONDED: Commissioner Crutchfield
Commissioner Hanger - Yes
Commissioner Rolka - Yes
Commissioner Bloom - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
NOV 1 1995



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

NOVEMBER 1, 1995

IN REPLY PLEASE
REFER TO OUR FILE

A-00108084, F.2

DOCKETED
JAN 26 1996

EDWIN UTAN ESQUIRE
800 PENN SECURITY BANK BLDG
142 NORTH WASHINGTON AVENUE
SCRANTON 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.

PROPERTY:

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K
J
B

Minimum Limits for Pa. Public Utility Commission Authorizing
Service

PASSENGER CARRIERS:

15 passengers or less: \$35, 000 to cover liability for bodily injury, death or property damage incurred in an accident.

\$25,000 first party medical benefits,
\$10,000 first party wage loss benefits
and shall conform to 75 Pa. C.S. §§1701-1798
(relating to Motor Vehicle Financial
Responsibility Law).

First party coverage of the driver of
certificated vehicle shall meet the
requirements of 75 Pa. C.S. §1171 (relating
to required benefits).

16 to 28 passengers: \$1,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.

29 passengers or more: \$5,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.

PROPERTY CARRIERS:

Bodily Injury: \$300,000 per accident per vehicle to cover liability for bodily injury, death or property damage incurred in an accident.

Insurance coverage of motor carriers of
75 Pa. C.S. §1701-1798 (relating to Motor
Vehicle Financial Responsibility Law).

Cargo: \$5,000 for loss or damage to cargo carried on a motor vehicle.

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 (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of October 26, 1995 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: Insurance Unit
(717)-783-5933

Tariff Filings: Tariff Unit
(717) 787-5521

Very truly yours,

John G. Alford, Secretary

smk
encls.
cert.mail
JOSEPH SPARACINO MOVER INC
NO 6 SOUTH KEYSER AVENUE
TAYLOR PA 18517

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

DOCKETED
JAN 26 1996

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.

**DOCUMENT
FOLDER**

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:

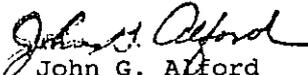
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H as a evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.

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: NOV - 1 1995

property

ENTRY NO.: 0001
NAME: SPARACINO, JOSEPH, MOVERS, INC.
ADDRESS1: NO. 6 SOUTH KEYSER AVENUE
ADDRESS2:
CITY: TAYLOR STATE: PA ZIP: 18517
REPRESENTING: SELF TYPE

ENTRY NO.: 0002
NAME: EDWIN UTAN, ESQUIRE ✓
ADDRESS1: 800 PENN SECURITY BANK BUILDING
ADDRESS2: 142 NORTH WASHINGTON AVENUE
CITY: SCRANTON STATE: PA ZIP: 18517
REPRESENTING: APPLICANT TYPE

ENTRY NO.: 0003
NAME: EUGENE LAVELLE ✓
ADDRESS1: 270 NORTH SHERMAN STREET
ADDRESS2:
CITY: WILKES-BARRE STATE: PA ZIP: 18102
REPRESENTING: TRANSFEROR TYPE

[CU25]] [A-00108084] [F] [0002] [] [] PRINT- []

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A 0008084, F2
KJR C.O.
Edwin Utam, Esq

4a. Article Number

P 916 269 512

4b. Service Type

CERTIFIED

7. Date of Delivery

11-6-95

5. Signature - (Addressee)

Edwin Utam

6. Signature - (Agent)

8. Addressee's Address

(ONLY if requested and fee paid.)