

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u> July 26, 1988	:	2. <u>BUREAU AGENDA NO.</u> AUG-88-T-826*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> August 18, 1988
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> Pike 3-5947	:	
9. <u>DOCKET NO.:</u> A-00107747, F. 2	:	

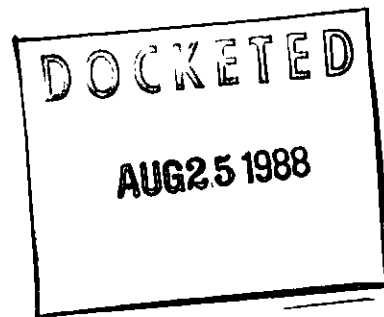
10. (a) CAPTION (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) Recommendation

(a) Application of Robert P. Scott Professional Moving Van Service Co., 4602 Gary Drive, Bristol, Bucks County, a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to applicant of all of the rights held by Robert W. Badey at A-00068090.

(b) Transferor proposes to transfer its rights for \$500. Vehicles, equipment and other considerations for \$11,500. A total of \$12,000.

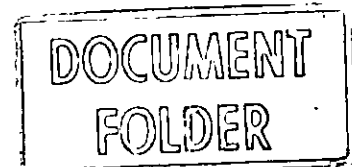
(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and cancelling the certificate issued to the transferor by supplemental order.

DP:np



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

CONTENT OF MOTION: Staff recommendation adopted.





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

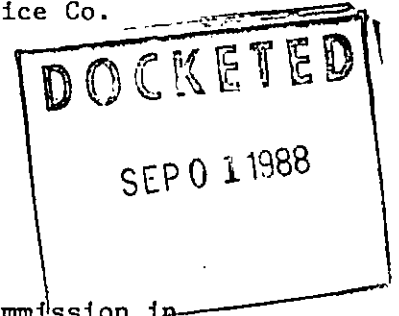
August 25, 1988

IN REPLY PLEASE
REFER TO OUR FILE
A-00107747
F. 2

Lonny Cades, Esquire
699 Longview Drive
Huntingdon Valley, PA 19006



Application of Robert P. Scott Professional Moving Van Service Co.



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
4602 Gary Drive
Bristol, PA 19007

0003
ROBERT W. BADEY
252 W. NEDRO AVENUE
PHILADELPHIA PA 19120
TRANSFER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 18, 1988

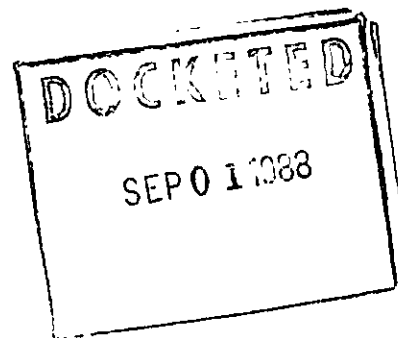
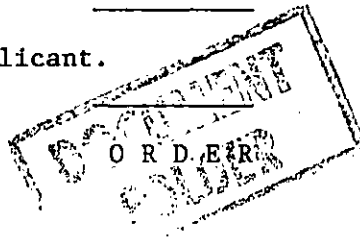
Commissioners Present:

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

Application of Robert P. Scott Professional Moving Van Service Co., for the right to begin to transport, as a common carrier, by motor vehicle, (1) household goods and office furniture in use between points in the city and county of Philadelphia; and (2) household goods and office furniture in use, on occasional trips, from points in the city and county of Philadelphia to other points in Pennsylvania, provided that the right, power and privilege hereby granted shall not exceed twelve (12) trips per calendar year, and each of such trips shall be reported to the Public Utility Commission; which is to be a transfer of the rights authorized under the certificate issued at A-00068090 to Robert W. Badey, subject to the same limitations and conditions.

A-00107747
F. 2

Lonny Cades, for the applicant.



BY THE COMMISSION:

This matter comes before the Commission on an application filed December 17, 1987. Public notice of the application was given in the Pennsylvania Bulletin of January 23, 1988. No protests were filed and the record is now certified to the Commission for its decision without oral hearing. The record consists of information furnished by the applicant.

The applicant, Robert P. Scott Professional Moving Van Service Co., is a Pennsylvania corporation, chartered on April 21, 1987, with its principal place of business at 4602 Gary Drive, Bristol. Donna Scott, president/treasurer holds 501 shares of common stock, Robert P. Scott holds the remaining 499 shares of common stock authorized.

The total amount of consideration to be paid is \$12,000, deposited with the seller upon execution of the sales agreement May 9, 1987, and to be held in escrow pending this Commission's approval of the transfer. The consideration was determined as follows: Rights \$500, truck \$10,500, equipment \$500 and restrictive covenant \$500.

The applicant's unaudited financial statement shows cash on hand \$3,000, motor vehicles, material and supplies \$15,000, with liabilities of \$1,000. Total shareholders' equity of \$17,000. The applicant will operate two International van type trucks with which to provide service from its principal place of business.

The second right to be transferred has a condition which requires notification be furnished to the Public Utility Commission of all trips from the origin area to other points in Pennsylvania, such trips not to exceed twelve (12) per year. We caution the transferee to comply with this requirement since it is a restriction to the right. Our records show that the transferor did handle such shipments; although nothing in our records indicate the transferor ever notified this Commission of such trips. Applicant may wish to file an application to eliminate this restriction which appears to be cumbersome and arbitrary from an after the fact review.

We find that:

1. Applicant has the equipment and fitness necessary to provide continuing service.
2. Approval of the application is necessary for the accommodation and convenience of the public, THEREFORE,

IT IS ORDERED: That the application for transfer of all of the rights held by Robert W. Badey at A-00068090, be and is hereby approved granting the applicant the following rights:

1. To transport, as a Class D carrier, household goods and office furniture in use, between points in the city and county of Philadelphia;
2. To transport, as a Class D carrier, household goods and office furniture in use, on occasional trips, from points in the city and county of Philadelphia to other points in Pennsylvania, subject to the following condition:

Provided that the right, power and privilege hereby granted shall not exceed twelve (12) trips per calendar year, and each of such trips shall be reported to the Public Utility Commission;

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, \$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. Section 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.

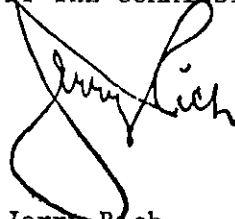
IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1988-89 assessment of the transferor.

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, Robert W. Badey at A-00068090 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, circular scribble or flourish.

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: <i>A-107747, F.2 O</i>	4. Article Number 44234
<i>Robert W. Bodoy</i>	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>X Robert W. Bodoy</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>X</i>	
7. Date of Delivery <i>8/27/88</i>	

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 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: <i>A-107747, F.2 O</i>	4. Article Number 44235
<i>Lonny Codes, Esq.</i>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
	Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee <i>X Lonny Codes</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>X</i>	
7. Date of Delivery AUG 29 1988	

PS Form 3811, Mar. 1987

* U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT