

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
September 1, 1988	:	SEP-88-T-1043*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	September 29, 1988
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-00108228	:	

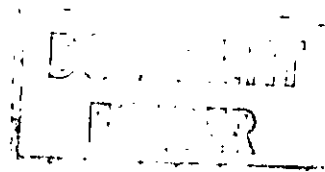
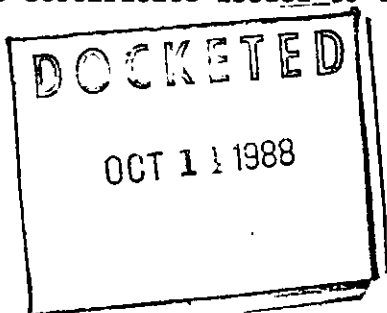
10. (a) CAPTION (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) Recommendation

(a) Application of F. Ambrose Moving, Inc., Horsham, Montgomery County, a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to applicant of all the rights held by Stillwell of Media, Pa., Inc., at A-00090678, F. 3.

(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total of \$14,000; no tangible assets are involved in the sale.

(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.

DAP:11



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

CONTENT OF MOTION: Staff recommendation adopted.



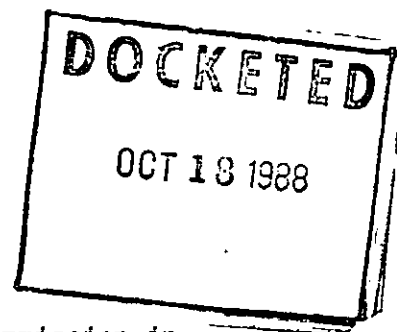
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

October 6, 1988

IN REPLY PLEASE
REFER TO OUR FILE
A-00108228

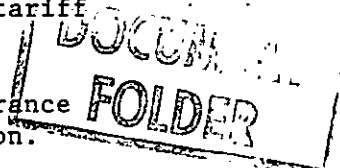
Barry D. kleban, Esquire
1900 Two Penn Center Plaza
Philadelphia, PA 19102

Application of F. Ambrose Moving, 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", written over a large, stylized flourish or scribble.

Jerry Rich, Secretary

cc: F. Ambrose Moving, Inc.
624 Wilhelmina Avenue
Horsham, PA 19044

fao

Enclosures
Certified Mail
Receipt Requested

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 F. Ambrose Moving, Inc.
for the transfer of all of the operating
rights of Stillwell of Media, Inc.
under the certificate issued at A-00090678
subject to the same limitations and
conditions.

A-00108228

Barry B. Kleban for the applicant.

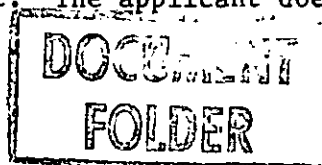
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 1, 1988. Public notice of the application was given in the Pennsylvania Bulletin of August 13, 1988. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, F. Ambrose Moving, Inc., Horsham, Montgomery County, is a close Pennsylvania corporation. Francis J. Ambrose is president and sole stockholder, Frieda Ambrose is secretary/treasurer. The applicant will operate four vans equipped for the transportation of household goods. The applicant's terminal facility is located at 515 Easton Road in Warrington, Bucks County.

An application for emergency temporary authority filed simultaneously with this application was denied. The application for temporary authority is also hereby dismissed. The authority to be transferred contains duplicative and overlapping authority which will herein be amended to eliminate these duplications. Part of the authority to be transferred is for the transportation of coal, coke and crushed stone. The applicant does not currently



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OCT 18 1988

possess the proper equipment to transport these bulk commodities. We caution the applicant that it must obtain the proper equipment and exercise these rights within a reasonable length of time, else they may be determined to be dormant and removed from its certificate.

The total consideration for the rights is \$14,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: \$5,000.00 was deposited in escrow upon consummation of the agreement of sale, June 15, 1988. The remainder shall be paid following approval of the instant application.

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 D carrier, coal, coke and crushed stone between points in the borough of Media, Delaware County, and within an airline distance of ten (10) statute miles of said point.
2. To transport, as a Class D carrier, property, excluding household goods and personal effects in use, between points in the borough of Media, Delaware County and within an airline distance of ten (10) statute miles of the Media Courthouse;

with right number 2 subject to the following condition:

That no right, power or privilege is granted to transport to, from or between points in the city of Philadelphia.

3. To transport, as a Class D carrier, household goods and personal effects in use, between points within an airline distance of ten (10) statute miles of Media Courthouse and from said points to points within an airline distance of twenty-five (25) statute miles of said courthouse.
4. To transport, as a Class D carrier, household goods, works of art, fixtures, office furnishings, plant equipment and furnishings, in use or to be used, between points in the county of Delaware and from said points to points in Pennsylvania and vice versa;

with right number 4 subject to the following condition:

That no right, power or privilege is granted to transport from, to or between points in the townships of Edgmont, Upper Providence, Marple, Newton, Radnor and Haverford, Delaware County.

5. To transport, as a Class B carrier, household goods and office furnishings in use, between points in the city and county of Philadelphia.
6. To transport, as a Class D carrier, household goods and office furnishings, in use, from points in the city of Philadelphia to points in Pennsylvania within an airline distance of twenty-five (25) statute miles of the Philadelphia City Hall and vice versa.

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, \$14,000, 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 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.
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 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 the temporary authority application be dismissed.

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, Stillwater of Media, Pa., Inc. at A-00090678, F. 3 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, looped scribble.

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. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery
 ↑(Extra charge)↑

3. Article Addressed to: <i>A108228 O Buy Dilleban, Esq.</i>	4. Article Number 44363
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>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>[Signature]</i>	
7. Date of Delivery <i>10/11/88</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)↑

3. Article Addressed to: <i>A108228 O Stillwell of Media, Pa. Inc.</i>	4. Article Number 44364
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>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>[Signature]</i>	
7. Date of Delivery <i>10-12-88</i>	

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**