

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

NVL

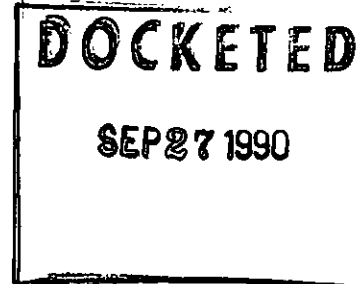
1. <u>REPORT DATE:</u>	May 15, 1990	:	2. <u>BUREAU AGENDA NO.</u>	JUN-90-T-674*
3. <u>BUREAU:</u>	Transportation	:		
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	June 14, 1990
6. <u>APPROVED BY:</u>		:		
Director:	Ernst 7-2154	:		
Supervisor:	Bigelow/Marzolf 3-5945	:		
7. <u>MONITOR:</u>		:		
8. <u>PERSON IN CHARGE:</u>	Keener-Farley 7-4386	:		
9. <u>DOCKET NO.:</u>	A-00108714, F. 3	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

(a) Application of Sanford Alderfer Antique Transport, Inc., t/d/b/a Atlantic Moving Service, Hatfield, Montgomery County, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Atlantic Moving Service, Inc., under the certificate issued at A-00108137 subject to the same limitations and conditions.

(b) Transferor proposes to transfer all its PUC operating authority (\$114,000) and other assets (\$75,000) for a total consideration of \$189,000.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and that the certificate issued to the transferor be cancelled by supplemental order and that a copy of the order be forwarded to the Department of Revenue.

LK-F:11



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

CONTENT OF MOTION: Staff recommendation adopted.



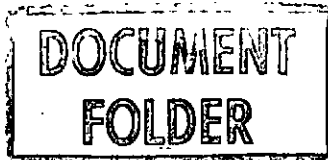
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

AMH

June 26, 1990

IN REPLY PLEASE
REFER TO OUR FILE
A-00108714
F.3

James W. Maza, Esquire
114-120 East Broad Street
Souderton, PA 18964



DOCKETED
SEP 20 1990

Application of Sanford Alderfer Antique Transport, Inc., t/d/b/a Atlantic Moving Service

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.

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 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

29 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.

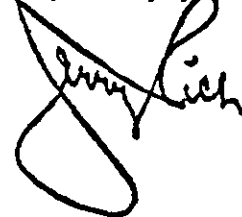
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of June 14, 1990 and dismiss the application without further proceedings.

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 scribble or flourish.

Jerry Rich, Secretary

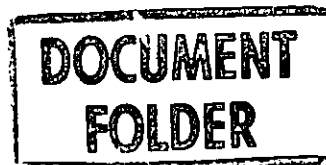
fao
Enclosures
Certified Mail
Receipt Requested
Sanford Alderfer Antique Transport, Inc.
t/d/b/a Atlantic Moving Service
501 Fairgrounds Road
Hatfield, PA 19440

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 14, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka



Application of Sanford Alderfer Antique
Transport, Inc., t/d/b/a Atlantic Moving
Service for the transfer of all of the
operating rights of Atlantic Moving Service,
Inc., under the certificate issued at
A-00108137 subject to the same limitations
and conditions.

A-00108714
F. 3

DOCKETED
SEP 20 1990

Souder, Rosenberger, Bricker, Buschman & Maza, by James W. Maza,
for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 2, 1990. Public notice of the application was given in the Pennsylvania Bulletin of May 12, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

Sanford Alderfer Antique Transport, Inc., t/d/b/a Atlantic Moving Service (Alderfer or applicant), is a Pennsylvania corporation, chartered October 3, 1988, with its principal place of business in Hatfield, Montgomery County. Sanford Alderfer is president and treasurer of the corporation and owns one thousand shares of stock; Vernon Martin is vice president and secretary and also owns one thousand shares of stock. By order adopted March 15, 1990, Alderfer was granted common carrier authority, at Folder 1, to transport antiques, collectibles and used furniture and accessories to and from its auction center in Hatfield. An application for additional authority is pending at Folder 2. By this transfer application, Alderfer seeks to obtain the Philadelphia area household goods authority of Atlantic Moving

Service, Inc. (transferor). As evidence of its financial capacity to operate the rights involved herein, the applicant reports assets of \$81,337, with liabilities of \$69,510, leaving a shareholders' equity of \$11,827.

The total consideration for the rights and other assets including two motor vehicles and other equipment and assets is \$189,000. The rights have been assigned a value of \$114,000 with the vehicles valued at \$35,000 and \$29,000 and the other equipment and assets valued at \$11,000. The sales agreement requires the consideration to be paid as follows: \$18,900 at execution of the agreement and the balance at closing after the approval of this transfer.

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, property usual to use in a household when a part of such household equipment or supply, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property usual in a store, office, museum, institution, hospital or other establishment, when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment, in connection with a removal from one location to another; and works of art, furniture, musical instruments, displays, exhibits and articles required specialized handling and equipment usually employed in moving household goods, between points in the city and county of Philadelphia

and from points in said city to other points in Pennsylvania within an airline distance of fifty (50) miles of the Philadelphia City Hall, and vice versa.

2. To transport, as a Class D carrier, household goods, aircraft and other personal property, in use, including furniture, furnishings, stock and fixtures, equipment and works of art, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places.
3. To transport, as a Class D carrier, household goods, aircraft and other personal property, in use, including furniture, furnishings, stock and fixtures, equipment and works of art, from points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, to other points in Pennsylvania, 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, \$114,000, 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 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, Atlantic Moving Service, Inc., at A-00108137, be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in black ink and is positioned above the typed name.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 14, 1990

ORDER ENTERED: JUN 26 1990

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. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: <i>A 10874 F. 3 O Atlantic Moving Service Inc.</i>	4. Article Number 044163
5. Signature - Addressee <i>[Signature]</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 <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent <i>X</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery	8. Addressee's Address (ONLY if requested and fee paid) <i>[Circular Postmark]</i>

PS Form 3811, Apr. 1989

* U.S.G.P.O. 1989-238-815

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. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: <i>A 108714, F. 3 O James W. Maza, Esq.</i>	4. Article Number 044164
5. Signature - Addressee <i>X [Signature]</i>	Type of Service: <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent <i>X</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery	8. Addressee's Address (ONLY if requested and fee paid) <i>[Circular Postmark]</i>

PS Form 3811, Apr. 1989

* U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

Property

0001
SANFORD ALDERFER ANTIQUE TRANSPORT, INC
T/A ATLANTIC MOVING SERVICE
501 FAIRGROUNDS ROAD
HATFIELD PA 19440
SELF

0002
JAMES W MAZA ESQ ✓
114-120 EAST BROAD STREET
SOUDERTON PA 18964
APPLICANT

0003 ✓
ATLANTIC MOVING SERVICE INC
P O BOX 414
FORT WASHINGTON PA 19034
TRANSFEROR



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

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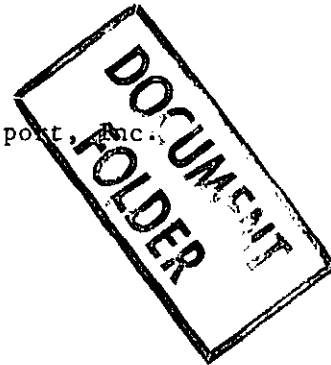
June 28, 1990

IN REPLY PLEASE
REFER TO OUR FILE

R-16

Joseph W. Maza, Esquire
114-120 East Broad Street
Souderton, PA 18964

Re: A-00108714, F. 3 - Sanford Alderfer Antique Transport, Inc.
t/d/b/a Atlantic Moving Service.

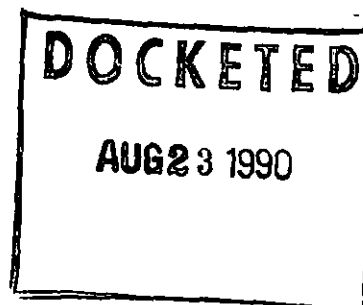


Dear Mr. Maza:

Under date of 6-26-90, the Secretary's office transmitted to you the Commission's compliance order adopted 6-14-90, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Atlantic Moving Service, Inc. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

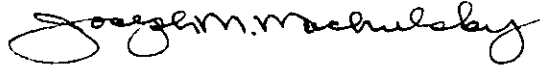
In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

We also notice that rates for a part of the authorized service being transferred are provided in tariffs published by Pennsylvania Motor Truck Association, Inc. Agent (Harrisburg Chapter). Should you elect to participate in the agency publication(s), two copies of a suitable power of attorney should be included with the filing. If you do not elect to



participate in the agency publication(s) a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency (agencies) for a minimum of 30 days.

Very truly yours,
Barry L. Ernst, Director
Bureau of Transportation



By: Joseph M. Machulsky, Chief
Financial Document Section

Enclosure (1 set)

cc: PMTA (Hbg. Chapter)
P.O. Box 276
Camp Hill, PA 17011

New Power of Attorney to be designated:
Pa. F. 1 No. 1 cancels 1 (Series of transferor)

Sanford Alderfer Antique Transport, Inc.
501 Fairgrounds Road
Hatfield, PA 19440

Contact Person: G.L. Baker
(717) 783-5936