

KJR

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|--|------------------------|--------------------------------|---------------|
| 1. <u>REPORT DATE:</u> | May 21, 1992 | 2. <u>BUREAU AGENDA NO.</u> | JUL-92-T-573* |
| 3. <u>BUREAU:</u> | Transportation | | |
| 4. <u>SECTION</u> | Technical Review | 5. <u>PUBLIC MEETING DATE:</u> | July 2, 1992 |
| 6. <u>APPROVED BY:</u> | | | |
| Director: | Ernst 7-2154 | | |
| Supervisor: | Bigelow/Marzolf 3-5945 | | |
| 7. <u>PERSON IN CHARGE:</u> | Travitz 7-5513 | | |
| 8. <u>DOCKET NO.:</u> | A-00108714, F. 3, Am-A | | |
| 9. (a) <u>CAPTION</u> (abbreviate if more than 4 lines) | | | |
| (b) Short summary of history & facts, documents & briefs | | | |
| (c) Recommendation | | | |

DOCKETED
SEP 23 1992

(a) Application of Sanford Alderfer Antique Transport, Inc., t/d/b/a Atlantic Moving Service, Hatfield, Montgomery County, for the approval of the transfer to applicant all of the rights held by FHT, Inc. at A-00109662.

(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total consideration of \$75,000. No tangible assets are involved.

(c) The Bureau of Transportation recommends that the Commission adopt the attached 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.

GT:np

DOCUMENT FOLDER

| | | |
|----------------|-------------------------|----------------------------|
| 10. MOTION BY: | Commissioner Chm. Rolka | Commissioner Holland - Yes |
| | | Commissioner |
| SECONDED: | Commissioner Rhodes | Commissioner |

CONTENT OF MOTION: Staff recommendation adopted.



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

KJR

IN REPLY PLEASE
REFER TO OUR FILE

July 9, 1992

A-00108714, F.3, Am-

EDWARD J HUGHES ESQUIRE
KAUFMAN & HUGHES
MONTGOMERY PLACE SUITE 905
NORRISTOWN PA 19401

**DOCUMENT
FOLDER**

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.

The application will not be permitted to operate or engage
in any transportation granted by the enclosed order until a tariff
has been prepared and filed in accordance with the enclosed
instructions.

Motor carriers operating without complying with the above
requirement will be subject to the penalty provisions of the
Public Utility Commission.

Commission regulations require compliance with the above
requirement 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 July 2, 1992 and dismiss
the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

DOCKETED
JUL 24 1992

smk
Encls.
Certified Mail
Receipt Requested
Tariff Contract Person: Joseph Machulsky (717) 787-5521
SANFORD ALDERFER ANTIQUE TRANSPORT INC
501 FAIRGROUNDS ROAD
HATFIELD PA 19440

MODIFICATION

**DOCUMENT
FOLDER**

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 2, 1992

Commissioners Present:

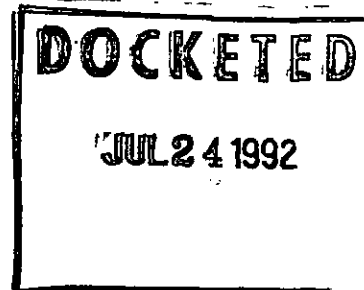
David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner

Application of Sanford Alderfer Antique
Transport, Inc., t/d/b/a Atlantic Moving
Service for the transfer of all of the
operating rights of FHT, Inc. under the
certificate issued at A-00109662 subject
to the same limitations and conditions.

A-00108714
F. 3
Am-A

Edward J. Hughes, Esquire for the applicant.

O R D E R



BY THE COMMISSION:

This matter comes before the Commission on an application filed April 8, 1992. Public notice of the application was given in the Pennsylvania Bulletin of May 16, 1992. 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, transferee or applicant) is a corporation of the Commonwealth of Pennsylvania being incorporated on October 3, 1988. Alderfer currently provides Pennsylvania intrastate common carrier service transporting generally, household goods under the broad form household goods right 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, and from said territory to other points in Pennsylvania and vice versa. Applicant also holds rights to transport antiques, collectibles and used furniture from the facilities of Sanford Alderfer Auction, located in the township of Hatfield, Montgomery County to points in Pennsylvania and vice versa. Applicant's PUC certificates were issued in 1990. Transferee has the following equipment available in order to render the service: one 1988 GMC cube van, three straight trucks, two tractors and four trailers. A comprehensive safety and maintenance program is in effect.

The total consideration for the rights is \$75,000. No tangible assets are involved. The sales agreement requires the consideration to be

paid as follows: seven thousand five hundred (\$7,500) dollars has been paid to Edward J. Hughes, Esquire, Escrow Agent, pursuant to the terms of the agreement. The balance of sixty-seven thousand five hundred (\$67,500) dollars shall be paid in cash or certified check at closing.

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 the certificate of public convenience issued on August 2, 1990, be amended to include the following rights:

1. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the borough of Norristown, Montgomery County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough, excluding the city of Philadelphia.
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Norristown, Montgomery County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough, excluding the city of Philadelphia, to other points in Pennsylvania, and vice versa.

further 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, \$75,000, 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.
4. 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 a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1991 Annual Report of the transferor.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1992 Assessment of the transferor.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, 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 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, FHT, Inc. at A-00109662, be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: July 2, 1992

ORDER ENTERED: JUL 09 1992

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4.
- 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 will show to whom the article was delivered and the date delivered.

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-00108714, F.3, AM-A

4a. Article Number
044656

FHT, Inc.

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery
7-11-92

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid):

6. Signature (Agent)

KJR

PS Form 3811, December 1991 * U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4.
- 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 will show to whom the article was delivered and the date delivered.

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-00108714, F.3, AMA

4a. Article Number
044657

Edward J. Hughes, Esq

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

KJR

PS Form 3811, December 1991 * U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



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

KUR

July 14, 1992

IN REPLY PLEASE
REFER TO OUR FILE

R-16

EDWARD J HUGHES ESQUIRE
MONTGOMERY PLACE SUITE 905
NORRISTOWN PA 19401



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

Dear Mr. Hughes:

Under date of July 9, 1992, the Secretary's office transmitted to you the Commission's compliance order adopted July 2, 1992, evidencing approval of the above application which is in effect a transfer of the rights formerly held by FHT, Inc. at A-00109662. 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.)
P.O. Box 276
Camp Hill, PA 17011
New power of attorney to be designated:
Pa. F. 1 No. 3 cancels 2 (series of transferor)

Sanford Alderfer Antique Transport, Inc.,
t/a Atlantic Moving

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