

A-00107793, F.2

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 16, 1994

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

DOCUMENT
FOLDER

Application of Ace Moving and Storage
for the transfer of a portion of the
operating rights of Trans American Trucking
under the certificate issued at A-00107793,
F. 2 subject to the same limitations and
conditions.

A-00108519
F. 1
Am-C

David H. Radcliff for the applicant.
Louis J. Carter for the transferor.

CKETED

JUL 15 1994

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed December 17, 1993 . Public notice of the application was given in the Pennsylvania Bulletin of March 5, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Ace Moving and Storage Corporation (Ace or applicant) is a Pennsylvania corporation, with its principal place of business in Exeter, Luzerne County. It was initially certificated in 1990 and currently holds nine paragraphs of operating authority. A fleet of four straight trucks, five tractors, and four trailers is available to perform the proposed service. As a presently operating carrier, the applicant has a comprehensive safety program for drivers and equipment. As evidence of its financial capacity to perform the additional service, Ace reports assets of \$684,946, with liabilities of \$601,915, leaving a shareholder's equity of \$83,031.

The total consideration for the rights is \$13,500. No tangible assets are involved. The sales agreement requires the consideration to be paid at closing after approval of this transfer application.

BTL

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 Superior Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

Since this is a partial transfer of rights, the transferor has taken certain restrictions prohibiting the movement of household goods and related items, in use, in order to avoid a duplication of authority.

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 FURTHER ORDERED: That the transfer application be and is hereby approved and that the certificate of public convenience issued on January 3, 1990, as amended, be further amended to include the following right(s):

1. To transport, as a Class B carrier, household goods, in use, between points in the boroughs of Sewickley, Haysville, Glen Osborne, Edgeworth and Leetsdale, Allegheny County.
2. To transport, as a Class D carrier, household goods in use, from points in the boroughs of Sewickley, Haysville, Glen Osborne, Edgeworth and Leetsdale, Allegheny County, to other points in Pennsylvania.

with Right Nos. 1 and 2 subject to the following condition:

That no right, power or privilege is granted to transport household goods in use to points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually travelled highways of the limits of said borough.

3. To transport, as a Class B carrier, household goods, works of art, fixtures, office furnishings, plant equipment and furnishings, in use, or to be set up for use, between points in the borough of Dickson City, Lackawanna County

and within an airline distance of three (3) statute miles of the limits of said borough;

4. To transport, as a Class B carrier, household goods in use from points in the borough of Dickson City, Lackawanna County and within an airline distance of three (3) statute miles of the limits of said borough, to other points in Pennsylvania; and vice versa;
5. To transport, as a Class B carrier, household goods in use from points in the city of Scranton, Lackawanna County, and within five (5) miles by the usually traveled highways of the limits of said city;
6. To transport, as a Class D carrier, household goods, works of art, fixtures, office furnishings, plant equipment and furnishings, in use, or to be set up for use, between points in the city of Wilkes-Barre, Luzerne County, and within ten (10) miles, by the usually traveled highways, of the limits of said city;
7. To transport, as a Class D carrier, household goods, works of art, fixtures, office furnishings, plant equipment and furnishings, in use, or to be setup for use, from points in the city of Wilkes-Barre, Luzerne County, and within ten (10) miles, by the usually traveled highways, of the limits of said city to other points in Pennsylvania, and vice versa;
8. To transport, as a Class B carrier, household goods in use, office furniture in use, office fixtures in use, equipment and property of stores, offices, museums, institutions, hospitals or other establishments when presently a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments; and articles in use, including objects of art, displays, and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods between points in the city of Scranton and borough of Dunmore, Lackawanna County, and within an airline distance of three (3) statute miles of the limits of said city and borough.
9. To transport, as a Class D carrier, household goods in use from points in the city of Scranton and borough of Dunmore, Lackawanna County, and within an airline distance of three (3) statute miles of the limits of said city and borough to other points in Pennsylvania, and vice versa.
10. To transport, as a Class D carrier, household goods, office furnishings and plant equipment, in use, between

points in the borough of Old Forge, Lackawanna County, and within an airline distance of ten (10) statute miles of the limits of the said borough;

11. To transport, as a Class D carrier, household goods, office furnishings and plant equipment, in use, from points in the borough of Old Forge, Lackawanna County, and within an airline distance of three (3) miles of the limits of the said borough to the cities of Wilkes-Barre, Luzerne County, and Carbondale, Lackawanna County, and points intermediate between those cities and the borough of Old Forge;
12. To transport, as a Class D carrier, household goods in use, from points in the borough of Old Forge, Lackawanna County, and within an airline distance of ten (10) statute miles of the limits of said borough to points in Pennsylvania, and vice versa, excluding service to or from points in the city of Nanticoke, Luzerne County, and excluding service to or from points in the borough of Clarks Green, Dalton and Moscow and the village of Waverly, Lackawanna County, except as authorized under the 10th right hereinabove granted.

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(s) no. 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.

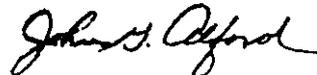
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. a tariff establishing just and reasonable rates.

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, Trans American Trucking Service, Inc., at A-00107793, F. 2 be modified pursuant to supplemental order.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: June 16, 1994

ORDER ENTERED: JUN 22 1994