

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

95 *CK 9/83*

1. <u>REPORT DATE:</u> April 7, 1992	:	2. <u>BUREAU AGENDA NO.</u> APR-92-T-347*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> April 23, 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-00107793, F. 2, Am-A	:	
9. (a) <u>CAPTION</u> (abbreviate if more than 4 lines) (b) Short summary of history & facts, documents & briefs (c) Recommendation	:	

DOCKETED  
JUN 25 1992

(a) Application of Trans American Trucking Service, Inc., South Plainfield, New Jersey, for the approval of the transfer to applicant of all of the rights held by Lorraine S. Puza, t/d/b/a Edward Pohutsky Movers at A-00106497.

(b) Transferor proposes to transfer her P.U.C. common carrier rights for a total consideration of \$18,000. No tangible assets are involved.

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

GT:np

DOCUMENT  
FOLDER

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

CONTENT OF MOTION: Staff recommendation adopted.



April 28, 1992

IN REPLY, PLEASE  
REFER TO OUR FILE

A-00107793, F.2, Am-A

JOHN A PILLAR ESQUIRE  
PILLAR & MULROY  
SUITE 700  
312 BOULEVARD OF THE ALLIES  
PITTSBURGH PA 15222

**DOCUMENT  
FOLDER**

**DOCKETED**  
**MAY 04 1992**

Application of Trans American Trucking Service, Inc.,

Enclosed is the compliance order issued by the Commission in this proceeding.

The applicant 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 Code.

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 April 23, 1992 and dismiss the application without further proceedings.

Very truly yours,

John G. Alford, Secretary

smk  
Encls.  
Certified Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717)787-5521

TRANS AMERICAN TRUCKING SERVICE INC  
115 ST NICHOLAS AVENUE  
SOUTH PLAINFIELD NJ 07080

Modification

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

**DOCUMENT  
FOLDER**

Public Meeting held April 23, 1992

Commissioners Present:

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

Application of Trans American Trucking Service, Inc., for the transfer of all of the operating rights of Lorraine S. Puza, t/d/b/a Edward Pohutsky Movers, under the certificate issued at A-00106497 subject to the same limitations and conditions.

A-00107793  
F. 2  
Am-A

\_\_\_\_\_  
Pillar and Mulroy by John A. Pillar for the applicant.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 13, 1992. Public notice of the application was given in the Pennsylvania Bulletin of March 28, 1992. The unopposed application is certified to the Commission for its decision without oral hearing.

Trans American Trucking Service, Inc. currently holds common carrier authority from the PUC issued October 9, 1991. Applicant was founded in 1980 and is incorporated in the State of New Jersey. Applicant maintains facilities at Pittsburgh and New Castle, PA, in addition to its office in South Plainfield, NJ. Its fleet consists of both leased and company owned equipment, including specialized equipment for the transportation of heavy commodities. Peter Decker is the full-time safety director, who monitors and controls the safety and insurance programs. The safety program involves inspections every thirty (30) days or whenever the equipment passes through a terminal.

The total consideration for the rights is eighteen thousand (\$18,000) dollars. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: one thousand (\$1,000) dollars is held in escrow; upon execution of the agreement dated February 7, 1992, seven thousand (\$7,000) dollars was deposited into an escrow account. The balance due shall be paid at closing.

**DOCKETED**

**MAY 04 1992**

At paragraph three (3) of the authority to issue we have eliminated the wording "lawfully mined and lawfully prepared" in reference to coal, as such wording is archaic and lends nothing to the grant of authority.

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 October 9, 1991, as amended, be further amended to include the following right(s):

1. To transport, as a Class B carrier, property 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.
2. 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.
3. To transport, as a Class D carrier, coal from mines and breakers in the county of Lackawanna to points in the said county.
4. To transport, as a Class B carrier, household goods in use between points in the city of Scranton, Lackawanna County, and within five (5) miles by the usually traveled highways of the limits of said city.

5. 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.
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, 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.
7. 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.
8. 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.
9. To transport, as a Class B carrier, property between points in the city of Wilkes-Barre, and within five (5) miles, by the usually traveled highways, of the limits of said city;
10. To transport, as a Class C carrier, property from points in the city of Wilkes-Barre, and within five (5) miles, by the usually traveled highways, of the limits of said city, to points within fifteen (15) miles, by the usually traveled highways, of the limits of said city, and vice versa;

with rights no. 9 and 10 subject to the following condition:

That no right, power or privilege is granted to transport household goods in use, works of art, fixtures in use and office furnishings, plant equipment and furnishings between points in the city of Wilkes-Barre and ten (10) miles thereof or from points in the city of Wilkes-Barre and ten (10) miles thereof.

11. To transport, as a Class D carrier, wire, cables and electrical equipment, in emergencies, from the city of Wilkes-Barre to points in Pennsylvania within seventy-five (75) miles, by the usually traveled highways of the limits of said city; provided, that the rights, powers and privileges hereby granted shall be limited and restricted to twelve (12) trips per calendar year, and a report of such trips to be filed with the Public Utility Commission;
12. To transport, as a Class D carrier, structural steel and other structural materials requiring rigging or special equipment between points in Pennsylvania within seventy-five (75) miles, by the usually traveled highways of the limits of the city of Wilkes-Barre;
13. To transport, as a Class D carrier, freight in less-than-carload lots for The Delaware and Hudson Railroad Corporation at Wilkes-Barre, Hudson, Pittston and Avoca, Luzerne County, Moosic, Scranton, Dickson City, Olyphant, Jessup, Peckville, Archbald, Jermyn, Mayfield, and Carbondale, Lackawanna County;

with right nos. 9 through 13 subject to the following condition:

That no right, power or privilege is granted to transport raw silk, materials or finished products of the silk industry, provided, however, that the applicant may transport silk and silk products to and from mills and railroad stations or other places of business.

14. To transport, as a Class D carrier, property between points in the city of Wilkes-Barre, Luzerne County, and within ten (10) miles by the usually traveled highways of the limits of the said city;

with right no. 14 subject to the following condition:

That no right, power or privilege is granted to transport household goods in use, works of art, fixtures in use and office furnishings, plant equipment and furnishings between points in the city of Wilkes-Barre and ten (10) miles thereof or from points in the city of Wilkes-Barre and ten (10) miles thereof.

15. To transport, as a Class D carrier, property excluding household goods in 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 the said city, to points within twenty-five (25) miles by the usually traveled highways of the limits of the said city and vice versa; excluding the cities of Scranton and Hazelton, and excluding the transportation of structural steel and other heavy objects and materials requiring special handling, rigging or hoisting, and excluding the transportation of products of the silk (natural or artificial) industry;

with right no. 15 above subject to the following condition:

That no right, power or privilege is granted to transport works of art, fixtures in use and office furnishings, plant equipment and furnishings in use from points in the city of Wilkes-Barre, Luzerne County and within ten (10) miles thereof.

16. To transport, as a Class D carrier, tobacco, tobacco products and property used in the processing thereof, and containers of tobacco products and property used in processing tobacco and tobacco products, for the Consolidated Cigar Company, from its plants in the township of Banks, Carbon County, to its plants in the borough of Berwick, Columbia County, and vice versa;

with right no. 16 above subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

17. To transport, as a Class D carrier, property 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;

18. To transport, as a Class D carrier, property 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;
19. 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 the 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 boroughs of Clarks Green, Dalton and Moscow and the village of Waverly, Lackawanna County, except as authorized under the 17th right hereinabove granted;

with rights numbers 17, 18 and 19 above subject to the following conditions:

- a. That no right, power or privilege is granted to pick up or deliver between the city of Scranton, Lackawanna County, and the city of Carbondale, Lackawanna County, or intermediate points, except household goods, office furnishings and plant equipment in use.
- b. That no right, power or privilege is granted to pick up or deliver between the borough of Old Forge, Lackawanna County, and the city of Wilkes-Barre, Luzerne County, or between the borough of Old Forge and the city of Scranton, Lackawanna County, or intermediate points lying between and adjacent thereto, except household goods, office furnishings and plant equipment in use.
- c. That no right, power or privilege is granted to transport raw silk, materials and finished products of the silk industry, provided, however, that the applicant may transport silk and silk products to and from mills or other places of business and railroad station.



- d. That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

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, \$18,000, 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 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 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 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 the Order to Show Cause for failure to maintain evidence of insurance issued to transferor docketed at A-00106497C9201 is dismissed upon compliance with the other conditions set forth herein.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Lorraine S. Puza, t/d/b/a Edward Pohutsky Movers, at A-00106497 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: April 23, 1992

ORDER ENTERED: APR 28 1992

**SENDER:**

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4a & b.
- 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 Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00107793, F.2, AM-A C.O.

John A. Pillar, Esq

4a. Article Number

044251

4b. Service Type

- Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

30 APR 1992

5. Signature (Addressee)

Carrie Anne Cerven

6. Signature (Agent)

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

PS Form 3811, November 1990 \* U.S. GPO: 1991-287-068

**DOMESTIC RETURN RECEIPT**

**SENDER:**

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4a & b.
- 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 Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00107793, F.2, AM-A C.O.

Lorraine S. Puzo  
 The Ed Pohutsky Movers

5. Signature (Addressee)

Lorraine S. Puzo

6. Signature (Agent)

4a. Article Number

044252

4b. Service Type

- Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

4/30/92

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

L.S.P.

PS Form 3811, November 1990 \* U.S. GPO: 1991-287-068

**DOMESTIC RETURN RECEIPT**