

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	January 19, 1989	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation		FEB-89-T-141*
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			February 9, 1989
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	White 7-4387		
9. <u>DOCKET NO.:</u>	A-00108351		

DOCKETED  
MAR -1 1989

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

(a) Application of Wayne Storage Co., a corporation of the Commonwealth of Pennsylvania, West Chester, Chester County, for the transfer to it of all of the rights authorized under the certificate issued at A-00101732 to American Movers, Inc., subject to the same limitations and conditions.

(b) The application is unopposed. The transferor, American Movers, Inc., has filed for bankruptcy in the United States Bankruptcy Court for the Eastern District of Pennsylvania at Case No. 88-20537/T. The court has approved the sale of the operating authority to the applicant for the amount of \$46,000. No tangible assets of the transferor are involved. We find that the applicant has shown that it is fit, ready, willing and able to render the proposed service, and that approval of the application is in the public interest.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application, and that the certificate of the transferor be cancelled by supplemental order.

RW:11

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT  
FILED



COMMONWEALTH OF PENNSYLVANIA  
 PENNSYLVANIA PUBLIC UTILITY COMMISSION  
 P. O. BOX 3265, HARRISBURG, Pa. 17120  
 February 15, 1989

IN REPLY PLEASE  
 REFER TO OUR FILE

**DOCKETED**  
**MAR 22 1989**

A-00108351

Barry D. Kleban, Esquire  
 Two Penn Center Plaza  
 Suite 1900  
 Philadelphia, PA 19102-1799

Application of Wayne Storage Co., a corporation of the Commonwealth of Pennsylvania

RECEIVED  
 MAR 22 1989

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.

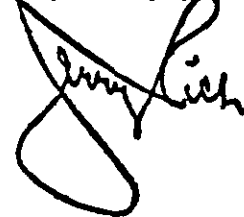
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of February 9, 1989 and dismiss the application without further proceedings.

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,



Jerry Rich, Secretary

cc: Wayne Storage Co.  
1237 Wright's Lane  
West Chester, PA 19380

fao

Enclosures  
Certified Mail  
Receipt Requested

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held February 9, 1989

Commissioners Present:

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

**DOCKETED**  
**MAR 22 1989**

Application of Wayne Storage Co., a corporation of the Commonwealth of Pennsylvania, for the transfer to it of all of the rights authorized under the certificate issued at A-00101732 to American Movers, Inc., subject to the same limitations and conditions.

A-00108351

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Adelman, Lavine, Gold and Levin, by Barry D. Kleban for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on August 29, 1988, and published in the Pennsylvania Bulletin of October 29, 1988. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Wayne Storage Co. (or applicant) is a Pennsylvania corporation having obtained a Certificate of Incorporation on October 12, 1984. Daniel F. McGarity, a resident of West Chester, Chester County, is sole stockholder, president and secretary. The corporation is domiciled at 1237 Wright's Lane, in West Chester. It holds no authority from this Commission or the I.C.C., and it is not affiliated with any other carriers.

An unaudited balance sheet shows that as of May 30, 1988, the applicant had current assets of \$177,558, total assets of \$399,046, with current liabilities of \$106,813 and no long-term liabilities, leaving stockholder equity of \$292,233. It owns 25 pieces of equipment (tractors, trucks, vans and trailers) with which the service will be rendered.

American Movers, Inc. (or transferor) was issued a common carrier certificate on April 7, 1980. Thereafter, the certificate was amended on several occasions to include additional authority at Folder 1, Amendments A, B and C. By our order entered March 29, 1988, the transferor was asked to show cause why its certificate of public convenience should not be revoked for failure to maintain evidence of current insurance on file with this Commission.

By letter received June 15, 1988, the Commission was advised that the transferor has filed for bankruptcy in the United States Bankruptcy Court for the Eastern District of Pennsylvania at Case No. 88-20537/T. A request was incorporated into the letter by the transferor's court-appointed trustee in bankruptcy that the Commission refrain from cancelling the certificate so that the underlying authority could be sold with the approval of the bankruptcy court.

On August 19, 1988, an order was entered by the Commission wherein the June 15 letter was regarded as a petition for a one-year voluntary suspension of the transferor's certificate. Consequently, the certificate was suspended for a one-year period from the December 4, 1987 expiration of the transferor's cargo insurance coverage, with the stipulation that either evidence of renewed insurance or an appropriate application for transfer of the authority be placed before us by December 4, 1988. The immediate application has been timely filed.

The operating authority of American Movers, Inc. is being sold through this application pursuant to Bankruptcy Court Order dated July 28, 1988, a true and correct copy of which is included in the record before us. No other assets of the transferor are involved. The Court Order reveals that the successful bidder was another carrier by the name of American Way Movers, Inc., however, upon reconsideration, its bid was withdrawn. The applicant, Wayne Storage Co., was willing to purchase the rights for the same price as the successful bidder had offered, namely, \$46,000.

Pursuant to the terms of an agreement of sale between Francis J. Sullivan, trustee of American Movers, Inc., and the applicant, Wayne Storage Co., the total consideration for the operating authority is \$46,000. A deposit of \$6,900 has been placed in an interest-bearing escrow account. Disbursement of the escrow account and the remaining \$39,100 will be made within five days after the applicant's receipt from the transferor of a tariff adoption supplement signed by the transferor in compliance with the final order of the Commission approving the application.

A review of the record indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the service it seeks herein.

We find:

1. That the applicant is fit, willing and able to provide the proposed service.

2. That the 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 application be and is hereby approved and that a certificate be issued granting the applicant the right to operate as follows:

1. To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; 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 township of Uwchlan, Chester County, and within an airline distance of eight (8) statute miles of the said township; and from said territory to points in Pennsylvania, and vice versa.
2. To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, in the connection with the removal from one location to another; and articles in use, including objects of art, displays and exhibits which because of their unusual nature or value requires specialized handling and equipment usually employed in moving household goods, between points in the township of West Fallowfield, Chester County, and within an airline distance of five (5) statute miles of the limits of the said township, and from the said territory to points in Pennsylvania, and vice versa;
3. To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, in connection with the removal from one location to another; 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 county of Chester, and from points in said county, to other points in Pennsylvania, and vice versa;

4. To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; 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 township of Radnor, Delaware County, and from points in the said township, to other points in Pennsylvania, and vice versa;
5. To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, in connection with the removal from one location to another; 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 township of Newtown, Delaware County, and from points in the said township, to points in Pennsylvania, and vice versa.

with all of the above rights 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 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, \$46,000, 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(3).

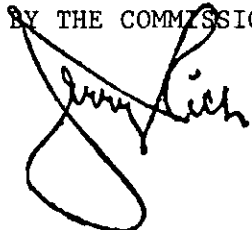
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That 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 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 upon compliance with this order, the rights granted the transferor, American Movers, Inc., at A-00101732 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 horizontal line.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: February 9, 1989

ORDER ENTERED: February 15, 1989

0001  
WAYNE STORAGE CO.  
1237 WRIGHT'S LANE  
WEST CHESTER PA 19380  
SELF

0002  
BARRY D KLEBAN ESQ  
TWO PENN CENTER PLAZA  
SUITE 1900  
PHILADELPHIA PA 19102-1799  
APPLICANT

0003  
AMERICAN MOVERS INC  
896 FERN HILL ROAD  
WEST CHESTER PA 19380  
TRANSFEROR

**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.  Restricted Delivery  
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: A. 108351 O American Movers, Inc	4. Article Number 44772 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 Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery 5-11-87 <i>Fed. Order Expired</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.  Restricted Delivery  
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: A 108351 O Barry D. Kleban	4. Article Number 44780 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 Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
5. Signature - Addressee X <i>Barry D. Kleban</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery 2/17/89	

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



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

March 8, 1989

A-00108351

IN REPLY PLEASE  
REFER TO OUR FILE

R-16

Barry D. Kleban, Esquire  
Two Penn Center Plaza  
Suite 1900  
Philadelphia, PA 19102-1799

Wayne Storage Co.

Dear Sir:


Under date of February 15, 1989 the Secretary's office transmitted to you the Commission's compliance order of February 9, 1989, evidencing approval of the above carrier's application at A-00108351, which is in effect a transfer of the rights formerly held by American Movers, Inc., at A-00101732. The letter transmitting the order directs attention 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 tariffs of the former operator will become the tariffs 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 each of the necessary supplements to be properly executed by you, the original and one copy each of which must be returned to us for filing and the remaining ones to be retained for your records.

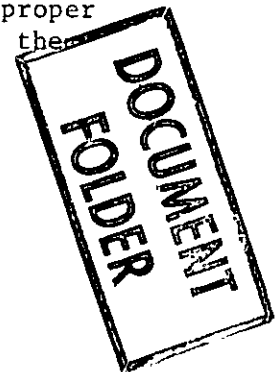
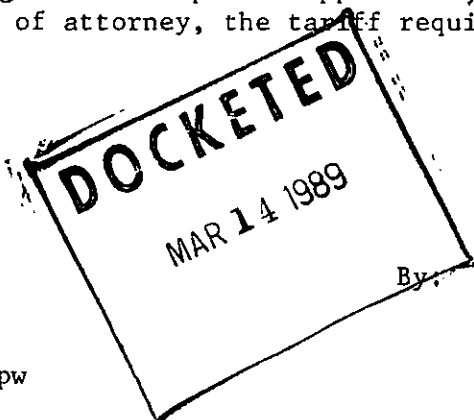
We also notice that rates for a part of the authorized service of American Movers, Inc. are provided in tariffs published by Tristate Household Goods Tariff Conference, Inc. Should you elect to participate in the agency publications, two copies of a suitable power of attorney should be included with the filing. If you do not elect to participate in the agency publications, new tariffs should be filed containing the same rates, rules and regulations published by the agency for a minimum of 30 days.

The matter should be given prompt attention, as a certificate of public convenience will not be issued until full compliance with the Tariff Regulations has been met and if not completed within the time set, approval of the application is subject to rescission. Upon the proper filing of the adoption supplements, accompanied by two copies of the power of attorney, the tariff requirements will be satisfied.

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

  
By: Joseph M. Machulsky, Chief  
Financial Document Section

MHD:lpw



Enclosures (3 sets)

cc: Tristate Household Goods Tariff Conference, Inc.  
P.O. Box 9023  
Lester, PA 19113

New power of attorney to be designated:  
PA F. 1 No. 1 cancels PA F. 1 No. 1  
(Series of American Movers, Inc.)

Applicant  
1237 Wright's Lane  
West Chester, PA 19380

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