



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

October 22, 1992

RM REPLY PLEASE
REFER TO OUR FILE

A-00108519
F.2, Am-A

JAMES P MELIA ESQUIRE
TUCKER ARENSBERG P C
116 PINE STREET
HARRISBURG PA 17101



Application of Ace Moving and Storage Corporation,
a corporation of the Commonwealth of Pennsylvania

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 Oct. 15, 1992 and dismiss
the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

DOCKETED

OCT 29 1992

smk
Encls.
Certified Mail
Receipt Requested
Tariff Contract Person: Joseph Machulsky (717) 787-5521
ACE MOVING & STORAGE CORPORATION
1313 WYOMING AVENUE
EXETER PA 18643

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



Public Meeting held October 15, 1992

Commissioners Present:

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

Application of Ace Moving and Storage Corporation, a corporation of the Commonwealth of Pennsylvania, for the transfer of part of the rights authorized under the certificate issued at A-00086551, F. 3, to Domenic Cristinzio, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

A-00108519
F. 2
Am-A

DOCKETED

OCT 29 1992

Tucker Arensberg, by James P. Melia for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application for transfer of operating authority filed on June 1, 1992, and published in the Pennsylvania Bulletin of July 25, 1992. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Ace Moving and Storage Corporation (transferee or applicant) is a Pennsylvania corporation with its principal place of business located at 1313 Wyoming Avenue, Exeter, Luzerne County, and has held a common carrier certificate from this Commission since January 3, 1990, which authorizes it to transport household goods in use. It also holds I.C.C. authority docketed at MC-224537.

The applicant operates a suitable fleet of equipment consisting of six straight trucks, five tractors, six trailers and all of the accessorial equipment necessary to operate a moving and storage business. An unaudited balance sheet shows that the applicant, as of December 31, 1991, had current assets of \$207,980, total assets of \$618,145, with current liabilities of \$102,182 and total liabilities of \$323,512, leaving shareholders' equity of \$294,633. An unaudited statement of income for 1991, shows that a net profit of \$112,795 was realized from revenues of \$2,267,995.

Under the terms of an agreement of sale dated April 16, 1992, the applicant will pay the sum of \$50,000 for the operating authority. No tangible assets are involved. The sum of \$5,000 was paid as a deposit at the execution of the agreement and is to be held in an escrow account pending full settlement. Final settlement is to be made within five days after entry of our order approving the transaction.

By letter dated February 28, 1992, Domenic Cristinzio, Inc. (transferor) advised that it totally ceased operations as of March 14, 1992, and cancelled all existing insurance coverage. At the same time, it requested that the operating authority be placed under voluntary suspension. By staff letter of March 4, 1992, Domenic Cristinzio, Inc., was advised that the authority was placed in voluntary suspension for a period of one year until March 31, 1993, conditioned upon submission of proof of insurance or a transfer application prior to that date.

In addition to the household goods moving authority at Folder 2 which is the subject of transfer here, the transferor also holds authority at Folder 3, authorizing the transportation of business machines. An application for acquisition of the Folder 3 authority was filed by Tad's Delivery Service, Inc., t/d/b/a T & N Van Service, docketed at A-00109244, F. 1, Am-A. In effect, Domenic Cristinzio, Inc., is in the process of complete liquidation.

Our discussion here must include a close look at some of the individual rights and the transferor's intent concerning which rights are to be transferred and which rights are to be retained. For example, the lead right at Folder 3 reads as follows:

"To transport, as a Class D carrier, household goods and office furniture, new and in use, between points in the city and county of Philadelphia." (Emphasis added)

It is the applicant's intent regarding this right, to transfer only that portion of the authority permitting transportation of the household goods and office furniture in use, and would retain the right to transport new household goods and office furniture. Essentially, there are two distinct commodities involved and we will accept the transferor's proposed fragmentation of the authority.

The transferor holds two paragraphs of authority at Folder 3, Am-A which authorize the right to transport, (1) property as a Class B carrier between railroad terminals and other points in the city and county of Philadelphia and, (2) property for Wayne Pump Company between points in the counties of Philadelphia, Delaware and Montgomery. It is the transferor's intent to retain these two rights and, in order to eliminate any duplication between the authority to be transferred and the authority to be retained, the applicant has agreed to accept restrictions in the transferred authority against providing this service.

The transferor intends to retain the second paragraph of authority at Folder 3, Am-B, which authorizes transportation of household goods and office furniture, in use, for the Unisys Corporation between points in the counties of Philadelphia, Chester, Montgomery and Bucks, and from points in said counties to points in Pennsylvania, and vice versa. The transferred authority will be restricted accordingly in this instance also, in order to avoid duplication of authority between the transferred and retained rights.

The lead right at Folder 3, Am-B as it was issued to the transferor by our order adopted May 10, 1990, and entered on May 18, 1990, granted authority to transport household goods and office furniture, in use, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks which are included within a line connecting the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, and from points in that territory to other points in Pennsylvania, and vice versa. This right is also being transferred to the applicant.

With further regard to the right immediately above, for some reason, the transferor is under the assumption that the right authorized the transportation of household goods and office furniture, new and in use, and therefore would transfer only the used portion and retain the new portion. The assumption is erroneous and there is nothing in the right to retain.

In keeping with the elimination of duplicating authority, it is significant to note that all of the rights, with the exception of the rights authorizing service for Unisys Corporation, Wayne Pump Company, the transportation of new household goods and office furniture, and the Class B authority between railroad terminals and points in the city and county of Philadelphia, are fully encompassed within the so-called Diamond Zone household goods right now held by the transferor at Folder 3, Am-B. Accordingly, this will be the only right subject to 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.

We find:

1. That the applicant is fit, willing and able to provide the service as proposed and modified.
2. That the transfer of the authority, as modified, 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 as modified and that the certificate issued to the applicant on January 3, 1990, be amended to include the following right:

To transport, as a Class D carrier, household goods and office furniture, in use, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, and from that territory to other points in Pennsylvania, and vice versa;

with the above right subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service between railroad terminals and other points in the city and county of Philadelphia.
- (b) That no right, power or privilege is granted to provide service for Wayne Pump Corporation between points in the counties of Philadelphia, Delaware and Montgomery.
- (c) That no right, power or privilege is granted to provide service for Unisys Corporation;

with all of the above 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 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, \$50,000, 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. Section 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 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 applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That upon compliance with this order, part of the rights granted the transferor, Domenic Cristinzio, Inc., at A-00086551, F. 3, be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: October 15, 1992

ORDER ENTERED: OCT 22 1992

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, a, & 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 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-00108519, F.2, AM-A

C.O.

4a. Article Number
MAGAZINE

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

7. Date of Delivery

Domenic Cristinzi, Inc

5. Signature (Addressee)
Domenic M. Cristinzi

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

6. Signature (Agent)

KSP

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 2 for additional services.
- Complete items 3, a, & 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.
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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-00108519, F.2, AM-A

C.O.

4a. Article Number
MAGAZINE

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

7. Date of Delivery

James P. Melior, Esq.

5. Signature (Addressee)

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

6. Signature (Agent)
Lisa Ketterer

KSP

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

KJR

October 22, 1992

IN REPLY PLEASE
REFER TO OUR FILE

JAMES P MELIA ESQUIRE
116 PINE STREET
HARRISBURG PA 17101

DOCUMENT
FOLDER

Re: A-00108519, F. 2, AM-A, Ace Moving and Storage Corporation

Dear Mr. Melia:

Under date of 10-22-92, the Secretary's office transmitted to you the Commission's compliance order adopted 10-15-92, evidencing approval of the above application which is in effect a transfer of a part of the rights formerly held by Domenic Cristinzio, Inc. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change of ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariffs for the reason that the transfer is partial in scope and it is, therefore, necessary to file a new tariff.

The new tariff may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42 and shall be designated Freight Pa. P.U.C. No. 5.

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


By Joseph M. Machulsky, Chief
Financial Document Section

cc: Ace Moving and Storage Corporation
1313 Wyoming Avenue
Exeter, PA 18643

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