

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

McCARTHY

Public Meeting held July 30, 1975  
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Acting Chairman Kelly  
Commissioner Bloom  
Commissioner Carter

Application Docket No. 99283--Application of JIMMY WILSON, JR.,  
STORAGE OF LANCASTER, INC., a corporation of the Commonwealth  
of Pennsylvania

REPORT AND ORDER  
APPROVING SERVICE AS A MOTOR CARRIER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JIMMY WILSON, JR., STORAGE OF LANCASTER, INC., a corporation of the Commonwealth of Pennsylvania, dated May 8, 1975, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the right granted herein is in effect a transfer of the right which had been held by CHARLES I. SHEELY, trading and doing business as JIMMY WILSON, JR., STORAGE OF LANCASTER, under report and order issued at A. 92081, Folder 1 on May 3, 1965 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by JIMMY WILSON, JR., STORAGE OF LANCASTER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following right:

To transport, as a Class D carrier, property usual to use in a household when a part of such household equipment or supply in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment, in connection with a removal from one location to another; and works of art, furniture, musical instruments, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, from points in Lancaster County to points in Pennsylvania, and vice versa.

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

FIRST: 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 right 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.

SECOND: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the right herein granted in excess of the actual cost of such right to the original holder thereof.

THIRD: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and revised General Order No. 29 effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient to suspend, revoke or rescind the rights and privileges conferred by the certificate.

*C. of P. C.  
issued  
8-20-75*

NOW, to wit, July 30, 1975, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty 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.

(SEAL)

BY THE COMMISSION

ORDER ADOPTED: July 30, 1975  
ORDER ENTERED: August 6, 1975

WILL KETNER  
Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Public Meeting Held May 13, 1983  
Harrisburg, PA 17120

Commissioners Present:

Linda C. Taliaferro, Chairman  
Micahel Johnson  
James H. Cawley

Application of Jimmy Wilson, Jr., Storage of Lancaster, Inc. A-00099283

O R D E R

BY THE COMMISSION

It appearing that the holder of the certificate of public convenience in this proceeding requests that the said certificate be amended to stand in the name of JACK TREIER, INC., and it further appearing that said certificate holder has properly filed with the Secretary of the Commonwealth to amend its name; THEREFORE,

IT IS ORDERED: That the certificate issued to JIMMY WILSON, JR., STORAGE OF LANCASTER, INC., be and is hereby modified and amended to stand in the name of JACK TREIER, INC.

IT IS FURTHER ORDERED: That no service shall be rendered under the amended name prior to compliance with the Pennsylvania Code, Title 52, Sections 23.13 and 23.124, where applicable. Failure to comply may result in the suspension or revocation of the certificate.

BY THE COMMISSION,

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: May 13, 1983

ORDER ENTERED: JUN - 6 1983

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held June 16, 2010

Commissioners Present:

James H. Cawley, Chairman  
Tyrone J. Christy, Vice Chairman  
Wayne E. Gardner  
Robert F. Powelson

Application of Jack Treier Inc., a corporation of the Commonwealth of Pennsylvania, for the amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods in use, from points in Lancaster County, to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of household goods in use, from points in the City of Lebanon, Lebanon county, and within ten (10) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa, which is to be a transfer of all rights authorized under the certificate issued at A-00097607 to T. H. Heilig, Inc., subject to the same rights and conditions.

A-00099283  
A-2010-2165814

**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed April 6, 2010. Notice of the application was given in the *Pennsylvania Bulletin* of April 24, 2010, with protests due by May 10, 2010. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of the application, an agreement of sale between Jack Treier Inc., and T. H. Heilig, Inc. (transferor).

**DISCUSSION AND FINDINGS**

Jack Treier, Inc., (Jack Treier or applicant) seeks the initial amended right to transport household goods in use by acquiring, through transfer, the household goods in use rights from points in the City of Lebanon, Lebanon county, and within ten (10) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa, which is to be a transfer of all household goods in use rights authorized under the certificate issued at A-00097607 to T. H. Heilig, Inc., subject to the same rights and conditions. Presently, Jack Treier holds household goods in use authority to operate from points in Lancaster County, to points in Pennsylvania, and vice versa, as well as property authority. Both authorities have been active since August 19, 1975.

Applicant intends to continue to utilize the policies and procedures presently in place for its Commission certificated authorities. There has been no change in ownership and the applicant continues to operate from the same facilities. Applicant maintains 10 tractors, 19 trailers, nine straight vans, and four service vehicles with which to render service.

Applicant's most recent balance sheet, dated December 31, 2009, the applicant indicated cash assets of \$830,090, current assets of \$1,204,153, total assets of \$1,932,213, total liabilities of \$649,455, and an owner's equity of \$1,282,758.

A review of the record before us indicates that the applicant possesses the technical expertise, experience, facilities, sufficient capital and other resources necessary to provide the proposed service. Applicant has no outstanding fines or assessments, which would prevent transfer of its authority. Transferor has no outstanding debts or encumbrances.

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 270 A.2d 186 (Pa. 1970); Hostetter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We advise the applicant to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a common carrier as authorized by this grant of authority. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed at [www.pacode.com](http://www.pacode.com).

**After complete review of the record, we find:**

1. Applicant is fit, willing and able to provide the amended 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 application be and is hereby approved and that a certificate be issued granting the following right:

To transport, by motor vehicle, household goods in use, from points in the City of Lebanon, Lebanon county, and within ten (10) miles by the usually traveled highways of the limits of said city, and from points in Lancaster county, to points in Pennsylvania, and vice versa.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the applicant has received a certificate of public convenience from the Commission.

**IT IS FURTHER ORDERED:** That a certificate of public convenience shall not be issued until the following are submitted to the Commission and approved by the Commission:

1. Form E, as evidence of bodily injury and property damage liability insurance.
2. Form H, as evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That applicant must demonstrate safety fitness by completing a Safety Fitness Review. Applicant will be contacted by the Commission's Bureau of Transportation and Safety, which will schedule a review to be completed within 180 days of the date your certificate is issued. Failure to submit to a Safety Fitness Review or to attain a satisfactory evaluation will result in cancellation of the certificate.


**IT IS FURTHER ORDERED:** That upon compliance with the requirements above set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

**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 in the event said applicant has not, on or before sixty (60) days from the date of entry 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 household goods in use rights granted the transferor, T. H. Heilig, Inc., at A-00097607 be canceled. Transferor will still retain its non-transferable property rights at same folder and will be required to submit a separate discontinuance request to eliminate those rights.

BY THE COMMISSION,

  
Rosemary Chavetta  
Secretary

(SEAL)

ORDER ADOPTED: June 16, 2010

ORDER ENTERED: June 23, 2010

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held May 5, 2011

Commissioners Present:

Robert F. Powelson, Chairman  
John F. Coleman, Jr., Vice Chairman  
Tyrone J. Christy  
Wayne E. Gardner  
James H. Cawley

Application of Jack Treier, Inc., t/a Tri-State Moving Systems – a corporation of the Commonwealth of Pennsylvania – for amendment to its authority to transport household goods in use, from points in the county of Lancaster to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of household goods in use, 1) from points in the county of York to points in Pennsylvania, and vice versa and; 2) between points in the counties of Adams, Cumberland, Dauphin, and Lebanon; which is to be a transfer of all of the rights authorized under the certificate issued at A-00102480, F. 1, AM-A, AM-C, and AM-E to Shelly Moving & Storage, Inc., subject to the same limitations and conditions.

A-00099283  
A-2011-2233456

**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed March 30, 2011. Notice of the application was given in the *Pennsylvania Bulletin* of April 9, 2011, with protests due by April 25, 2011. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of the application and an agreement of sale between Jack Treier, Inc. and Shelly Moving & Storage, Inc. (transferor).

**DISCUSSION AND FINDINGS**

Jack Treier, Inc., ( Jack Treier or applicant) seeks the amended right to transport household goods in use by acquiring, through transfer, household goods in use from points in the county of York, to points in Pennsylvania, and vice versa; and between points in the counties of Adams, Cumberland, Dauphin, and Lebanon; which is to be a transfer of all of the rights authorized under the certificate issued at A-00102480, F. 1, AM-A, AM-C, AND AM-E to Shelly Moving & Storage, Inc. Applicant has been certificated with this Commission since 1979.

Applicant intends to continue to utilize the policies and procedures presently in place for its Commission certificated authorities. There has been no change in ownership and the applicant continues to operate from the same facilities. Applicant maintains 6 tractors, 9 trailers, five straight vans, and two service vehicles with which to render service.

Applicant's most recent balance sheet, dated December 31, 2010, the applicant indicated cash assets of \$902,373, current assets of \$1,204,153, total assets of \$1,223,633, total liabilities of \$663,601, and an owner's equity of \$560,032.

A review of the record before us indicates that the applicant possesses the technical expertise, experience, facilities, sufficient capital and other resources necessary to provide the proposed service. Applicant has no outstanding fines or assessments, which would prevent transfer of its authority. Transferor has no outstanding debts or encumbrances.

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 270 A.2d 186 (Pa. 1970); Hostetter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We advise the applicant to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a common carrier as authorized by this grant of authority. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed at [www.pacode.com](http://www.pacode.com).

**After complete review of the record, we find:**

1. Applicant is fit, willing and able to provide the amended 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 application be and is hereby approved and that a certificate be issued granting the following right:

To transport, by motor vehicle, household goods in use, from points in the county of York, to points in Pennsylvania, and vice versa; and between points in the counties of Adams, Cumberland, Dauphin, and Lebanon.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the applicant has received a certificate of public convenience from the Commission.



**IT IS FURTHER ORDERED:** That a certificate of public convenience shall not be issued until the following are submitted to the Commission and approved by the Commission:

1. Form E, as evidence of bodily injury and property damage liability insurance.
2. Form H, as evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That applicant must demonstrate safety fitness by completing a Safety Fitness Review. Applicant will be contacted by the Commission's Bureau of Transportation and Safety, which will schedule a review to be completed within 180 days of the date your certificate is issued. Failure to submit to a Safety Fitness Review or to attain a satisfactory evaluation will result in cancellation of the certificate.

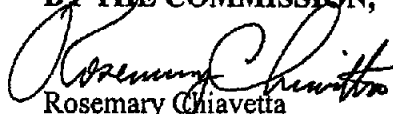
**IT IS FURTHER ORDERED:** That upon compliance with the requirements above set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

**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 in the event said applicant has not, on or before sixty (60) days from the date of entry 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 household goods in use rights granted the transferor, Shelly Moving & Storage, Inc., at A A-00102480, F. 1, AM-A, AM-C, AND AM-E be canceled. Transferor retains other active household goods in use authority at A-00102480, F. 1, AM-B and AM-D.

BY THE COMMISSION,

  
Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: May 5, 2011

ORDER ENTERED: May 10, 2011