

SCHUBERT ♦ GALLAGHER



TYLER ♦ MULCAHEY

121 SOUTH BROAD STREET, 20TH FLOOR
PHILADELPHIA, PA 19107-4533PHONE: 215.569.3535
FAX: 215.557.7426
WWW.SGTMLAW.COMRichard T. Mulcahey, Jr.
Also Member of New York Bar
Direct Dial No.: (215) 587-0107
e-mail: rmulcahey@sgtmlaw.comRECEIVED
2015 MAR 19 AM 10:39
PA P.U.C. BUREAU
SECRETARY'S BUREAU

March 16, 2015

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265**Re: Application of James E. Fretz & Sons, LLC**

Dear Ms. Chiavetta:

Please be advised that this office represents the above captioned common carrier. Accordingly, I enclose herewith an Application for Approval of Transfer and Exercise of Common Carrier or Contract Rights together with our check in the amount of \$350.00 covering the filing fee.

Also enclosed is Verified Statement of Applicant in connection with this matter.

Kindly acknowledge receipt of the enclosures by time-stamping the enclosed copy of this letter and returning to me in the self-addressed, stamped envelope provided.

Respectfully submitted,

Richard T. Mulcahey, Jr.

RTMJR/mac
Enclosurecc: Mr. James E. Fretz
James E. Fretz & Sons, LLC

**APPLICATION FOR APPROVAL OF TRANSFER
AND EXERCISE OF COMMON CARRIER OR CONTRACT RIGHTS**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of James E. Fretz & Sons, LLC
(Applicant/Transferee-Buyer)

for the approval of the transfer and to exercise the right

as a common carrier, described at Docket
(common - contract)

No. A00087277, Folder No. _____, issued to

James E. Fretz
(Transferor - Seller)

for transportation of Household Goods
(persons - household goods)

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SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. James E. Fretz & Sons, LLC
(Full and Correct Name of Applicant/Transferee)

2. James E Fretz Transfer
(Trade Name, If Any)

The trade name pending been registered with the Secretary of the Commonwealth
(has or has not)

on _____ (attach copy of stamped registration form.)
(Date)

3. 821 812 McClintock Avenue
(Business Street Address) (P. O. Box, If Any)

Belle Vernon Fayette PA 15012 724-929-6869
(City) (County) (State) (Zip) (Telephone)

4. Applicant's attorney (for this application) is:

Richard T. Mulcahey, Jr. 121 South Broad St., 20th Fl., Phila., PA 19107 215-587-0107
(Name) (Address) (Telephone)

5. Any documents should be mailed to:

Transferee: Richard T. Mulcahey, Jr., Esq. 121 South Broad St., 20th Fl., Phila., PA 19107
(Name) (Address)

Transferor: Richard T. Mulcahey, Jr., Esq. 121 South Broad St., 20th Fl., Phila., PA 19107
(Name) (Address)

6. Applicant does not hold Pa. P. U. C. authority under Docket Number
(does or does not)

A- _____ and operates as a _____ carrier.
(common or contract)

7. Applicant Pending hold Interstate Commerce Commission authority at Docket
(does or does not)

No. A- _____.

8. Applicant is (check one):

Individual.

Partnership. Must attach a copy of the partnership agreement (unless a copy is presently on file with PUC), and list names and addresses of partners below (use additional sheet if necessary).

(Name)	(Address)

~~XXXXXXXXX~~ Limited Liability Company ~~XXXXXXXXX~~ Corporation. Organized under the laws of the state of Commonwealth of Pennsylvania and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on Not Applicable (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. If applicant, its stockholder or partnership members are in control of or affiliated with any other carrier, state name of carrier(s), Docket Number(s) and nature of control or affiliation.

10. Applicant proposes to acquire all of the operating rights now held by transferor.
(all or part)

Attach a sheet describing rights to be transferred to applicant and rights to be retained by transferor, if any. If any rights are to be omitted give reasons.

11. The reason for the transfer is Transferor (Father) is retiring and wishes to transfer his business to his Transferee (Sons)

12a. The following must be attached:

- Sales Agreement Exhibit "A"
- List of equipment to be used to render service. (Summarized by type) See Applicant's Statement Attached
- Operating authority to be transferred/retained. Exhibit "B"
- Statement of Financial Position See Applicant's Statement Attached.
- Statement of unpaid business debts of transferor and how they will be satisfied. Exhibit "C"
- Statement of Safety Program. See Applicant's Statement Attached.
- Statement of transferee's experience. See Applicant's Statement Attached.

b. Attach the following, as appropriate (check those attached):

- Partnership Agreement
- Trade Name registration certificate.
- Certificate of Incorporation. (Pa. Corporations only) Exhibit "D"
- Certificate of Authority. (Foreign (out-of-state) Corporations only).
- Statement of Corporate charter purpose. (Corporations only) See Exhibit "D"
- List of Corporate officers and stockholders. (Corporations only) Exhibit "E"

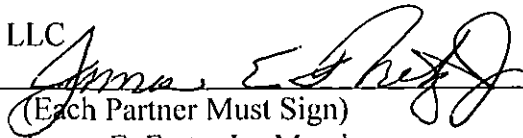
- Copy of short form certificate showing date of death of transferor and name of executor/administrator/administratrix.

- 13. Transferor attests that all General Assessments and fines are paid, and agrees to continue to render the service which is to be transferred until this application is approved, whereupon transferor will surrender said certificate or permit for cancellation.
- 14. Transferee agrees to assume and pay any General Assessments that may be made against transferor as a common carrier for any and all operating periods up to the actual date of the transfer.

WHEREFORE, Transferee and Transferor request that the Commission grant the Transfer.

James E. Fretz & Sons, LLC

Transferee sign here:

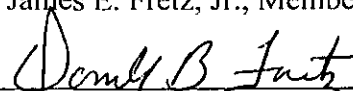


(Each Partner Must Sign)
James E. Fretz, Jr., Member

2/23/15

(Date)

~~(Corporate Seal)~~

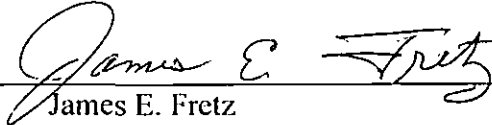


Donald B. Fretz, Member

2/23/15 *

(Date)

Transferor sign here:



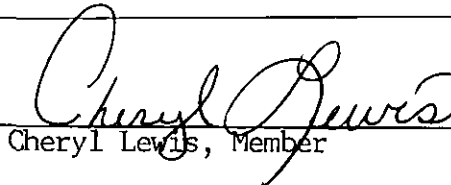
James E. Fretz

2/23/15

(Date)

~~(Corporate Seal)~~

*
Transferee continued:
(Signature)



Cheryl Lewis, Member

3/9/15

(Date)

APPLICATION VERIFICATION

I/We hereby state that the statements made in the application are true and correct to the best of my/our knowledge, information and belief.

The undersigned understand(s) that false statements herein are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to Unsworn Falsification To Authorities.

TRANSFEROR (SELLER)

James E. Fretz (Print Name) [Signature] 2/23/15 (Date)

(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

TRANSFeree (BUYER) James E. Fretz & Sons, LLC

James E. Fretz, Jr. (Print Name) [Signature] 2/23/15 (Date)

Donald B. Fretz (Print Name) [Signature] 2-23-15 (Date)

Cheryl Lewis (Print Name) [Signature] 3/9/15 (Date)

If the Applicant is a sole-proprietor, he/she must complete and sign the Application Verification form. If the application is for a partnership, all partners to the partnership agreement must sign this form. If the Applicant is incorporated, the President or Secretary must sign this form.

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT "A"

AGREEMENT OF SALE

AGREEMENT, made this 23rd day of February, 2015, by and between James E. Fretz, (hereinafter referred to as "Seller/Transferor") and James E. Fretz & Sons, LLC, a Pennsylvania limited liability company (hereinafter referred to as "Buyer/Transferee").

W I T N E S S E T H

WHEREAS, Seller is presently authorized by the Pennsylvania Public Utility Commission (hereinafter referred to as "Commission") to operate as a common carrier, and

WHEREAS, Buyer wishes to purchase and Seller wishes to sell its operating authority under the following stated conditions.

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties hereto, intending to be legally bound hereby, agree as follows:

1. Sale of Authority. Seller agrees to sell, transfer and pledge all of its rights, title and interest received from the Pennsylvania Public Utility Commission at Docket No. A-00087277, with respect to operating authority to transport, as a common carrier, household goods in use, between certain points in the Commonwealth of Pennsylvania.

2. Purchase Price. The purchase price shall be One Thousand (\$1,000.00) Dollars, satisfied within five (5) business days after receipt of the Commission's favorable decision to a Transfer Application in the form of a Compliance Order.

3. Certificate of Public Convenience. The following items are to be included in the aforementioned purchase price and shall be transferred from Seller to Buyer upon the Commission's approval:

All the operating authority issued at Docket No. A-00087277.

In the event the Commission fails to transfer all the operating authority to Buyer, Buyer, at its sole discretion, may cancel this Agreement

4. Prosecution and Expenses. Seller and Buyer agree to file promptly and prosecute with reasonable diligence an Application with the Commission for approval of this transaction. Seller agrees to furnish all information, data and documents deemed necessary by Buyer or required by the Commission and to cooperate in processing said Application. Each party shall satisfy its own expenses and Buyer shall pay the transfer fee charged by the Commission.

5. Representations and Warranties of Seller. To induce Buyer to enter into this Agreement and to complete Closing hereunder, Seller represents and warrants to Buyer that:

(a) Seller has no knowledge of any judgment, order, decree, injunction or suit, existing, pending or threatened involving the assets of any violation by Seller of any law, administrative ruling or regulation which might in any way affect the assets of the title to be received by Buyer. In the event there exists any judgment, order, decree, injunction or suit involving the Certificate to be transferred, this contract is voidable at Buyer's option.

(b) Seller's assets here sold are free and clear of all encumbrances, judgments, liens, liabilities, security interests, taxes and claims.

(c) Seller, as applicable, will comply with the Rules and Regulations of the Commission pertaining to the operations during the transfer period. Seller will promptly keep Buyer fully informed of all events and occurrences relevant to Seller's operating authority.

(d) Seller will be responsible for payment of any of Seller's debts, fines, penalties and assessments due the Commission or any governmental authority with regard to the assets, except those that result from operations by the Buyer, after the parties receive Commission approval of the transfer of said license. In the latter event, such debts, fines, penalties and assessments shall be paid by Buyer.

(e) To the best of Seller's knowledge, it has filed all reports required by the Commission. In the event the Commission requires any reports from Seller prior to acting on this transfer request, Seller shall immediately comply with said requirements.

6. Representations and Warranties of Buyer. To induce Seller to enter into this Agreement and to complete Closing hereunder, Buyer represents and warrants to Seller that on the date hereof and on the Closing Date:

(a) Buyer's execution, delivery and performance of this Agreement complies with all laws to which Buyer is subject and will not breach any contract or agreement to which Buyer is a party.

(b) To the knowledge of Buyer, no representation or warranty contains any untrue statement of a material fact or omits any material fact which would otherwise make the statements herein misleading.

7. Headings. The headings or titles given each paragraph are used and included merely for the convenience of the parties, and they shall in no way affect or alter the meaning, effect or interpretation of any of the terms and provisions hereof.

8. Severability. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be illegal, invalid or unenforceable in any respect,

such illegality, invalidity or unenforceability shall not affect in other provision hereof, but this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

9. Documents. Each of the parties agrees to execute, in recordable form, if necessary, any and all documents, agreements, filings, etc. as may be necessary or usable in order to effectuate and carry out the terms and purposes of this Agreement.

10. Successors in Interest. This Agreement and all of the provisions hereof shall be binding upon and inure to the benefit of the successors and assigns in interest of the parties hereto.

11. Amendments. This Agreement may be amended only with the consent of all of the parties. No amendment shall be effective unless same shall be in writing and signed by all of the parties hereto.

12. Interpretation. This Agreement encompasses the entire agreement between the parties hereto, and there are no other agreements, oral or written, not set forth herein. Moreover, this Agreement hereby supersedes and renders null and void any and all previous Agreements in the nature thereof previously entered into by the parties hereto. This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania.

13. Survival of Terms. The terms and conditions of this Agreement shall survive the execution and delivery of any one or more deeds, assignments, conveyances or other documents required hereunder, and this Agreement shall continue in full force and effect until fully complied with and shall not be deemed to have merged in any one or more of said documents.

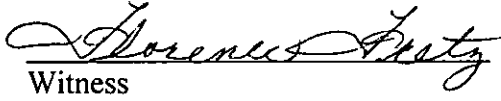
14. Broker. Seller and Buyer acknowledge that there are no brokers involved in this transaction.

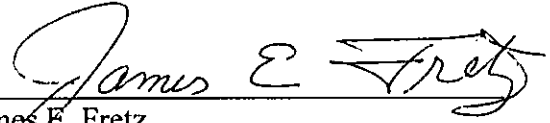
[Intentional left blank – signatures to follow on next page.]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed by their authorized officers and its corporate seal to be affixed the day and year first above written.

SELLER/TRANSFEROR:

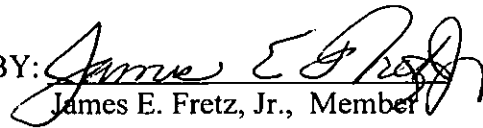
James E. Fretz

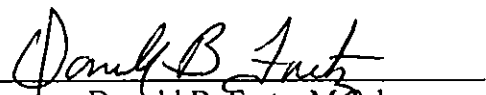

Witness


James E. Fretz

BUYER/TRANSFeree:

James E. Fretz & Sons, LLC

BY: 
James E. Fretz, Jr., Member

BY: 
Donald B. Fretz, Member

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PA. PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT "B"

PREPARED BY CWW
BY SW
CHECKED ✓
REVIEWED AND APPROVED

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 87277

Application of JAMES E. FRETZ

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JAMES E. FRETZ, dated March 31, 1960, 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 rights granted herein are in effect a transfer of the rights which have been held by HAROLD L. BAROVSKY, trading and doing business as MILLER TRANSFER CO., under report and order issued at A. 86919 on January 18, 1960, and the certificate of public convenience issued pursuant thereto, 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 JAMES E. FRETZ, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class B carrier, property between points in the City of Monessen, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of the said city.

To transport, as a Class C carrier, property from points in the City of Monessen, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of the said city to points within ten (10) miles by the usually traveled highways of the limits of the said city.

To transport, as Class D carrier, household goods and office furniture, in use, from points in the City of Monessen, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of the said city 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 certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

INDEXED
APPROVED IN DOCKET
JUL 12 1960
ENTR. AA

RECORD
FOLDER

(continued)

- 2 -

A. 87277

SECOND: 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.

THIRD: That the applicant shall not record in his utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

FOURTH: That the applicant charge to his proprietorship account \$5,500 being the amount of the consideration payable by him for the rights, and going concern value attributable thereto, less any amount recorded under condition "3" above and subject to further adjustment due to any normal interim transactions to the date of actual transfer.

FIFTH: 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 cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, June 27, 1960, 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.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Leontine Ward
Chairman

William P. Rau

Secretary

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of James E. Fretz & Sons, LLC t/a James E. Fretz Transfer

Transferor, James E. Fretz, does not have any unpaid business debts.

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SECRETARY'S BUREAU

EXHIBIT "C"

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SECRETARY'S BUREAU

EXHIBIT "D"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS
401 NORTH STREET, ROOM 206
P.O. BOX 8722
HARRISBURG, PA 17105-8722
WWW.CORPORATIONS.STATE.PA.US/CORP

James E. Fretz & Sons, LLC

THE BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS IS HAPPY TO SEND YOU YOUR FILED DOCUMENT. THE BUREAU IS HERE TO SERVE YOU AND WANTS TO THANK YOU FOR DOING BUSINESS IN PENNSYLVANIA.

IF YOU HAVE ANY QUESTIONS PERTAINING TO THE BUREAU, PLEASE VISIT OUR WEB SITE LOCATED AT WWW.CORPORATIONS.STATE.PA.US/CORP OR PLEASE CALL OUR MAIN INFORMATION TELEPHONE NUMBER (717)787-1057. FOR ADDITIONAL INFORMATION REGARDING BUSINESS AND / OR UCC FILINGS, PLEASE VISIT OUR ONLINE "SEARCHABLE DATABASE" LOCATED ON OUR WEB SITE.

ENTITY NUMBER: 4325836

Mulcahey, Richard T, JrEsq
121 S Broad St 20th Fl
Philadelphia, PA 19107

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Certificate of Organization
Domestic Limited Liability Company
(15 Pa.C.S. § 8913)

Name		
Richard T. Mulcahey, Jr., Esquire		
Address		
121 South Broad Street, 20 TH Floor		
City	State	Zip Code
Philadelphia, PA		19107-4533

Document will be returned to the name and address you enter to the left.



Commonwealth of Pennsylvania
CERTIFICATE OF ORGANIZATION 3 Page(s)

Fee: \$125



In compliance with the requirements of 15 Pa.C.S. § 8913 (relating to certificate of organization), the undersigned desiring to organize a limited liability company, hereby certifies that:

1. The name of the limited liability company (<i>designator is required, i.e., "company", "limited" or "limited liability company" or abbreviation</i>): James E. Fretz & Sons, LLC
--

2. The (a) address of the limited liability company's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:
(a) Number and Street City State Zip County
821 McClintock Avenue Belle Vernon PA 15012 Fayette
(b) Name of Commercial Registered Office Provider County
c/o:

3. The name and address, including street and number, if any, of each organizer is (<i>all organizers must sign on page 2</i>):
Name Address
Richard T. Mulcahey, Jr., Esquire 121 South Broad Street, 20 TH Floor, Philadelphia, PA 19107-4533

PA DEPT. OF STATE
JAN 23 2015

~~4. Strike out if inapplicable term:~~

~~A member's interest in the company is to be evidenced by a certificate of membership interest.~~

5. *Strike out if inapplicable:*

Management of the company is vested in a manager or managers.

6. The specified effective date, if any is: upon filing.

month date year hour, if any

~~7. Strike out if inapplicable: The company is a restricted professional company organized to render the following restricted professional service(s):~~

8. For additional provisions of the certificate, if any, attach an 8½ x 11 sheet.

IN TESTIMONY WHEREOF, the organizer(s) has (have) signed this Certificate of Organization this

20TH day of January, 2015.



Richard T. Mulcahey, Jr., Esquire

Signature

Signature

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of James E. Fretz & Sons, LLC t/a James E. Fretz Transfer

The following individuals are Members of Applicant, a Pennsylvania Limited Liability Company:

Name and Address:	Percentage Interest
James E. Fretz, Jr., Member 909 McClintock Avenue Belle Vernon, PA 15012	33-1/3%
Donald B. Fretz, Member 814 Fayette Avenue Belle Vernon, PA 15012	33-1/3%
Cheryl Lewis 820 McClintock Avenue Belle Vernon, PA 15012	33-1/3%

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MAR 19 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VERIFIED STATEMENT OF APPLICANT

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE APPLICANT'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

A-t/b/a		RECEIVED MAR 19 2015	
PUC Application Docket No.			
James E. Fretz & Sons, LLC		PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU	
Legal Name of Applicant			
James E. Fretz Transfer (registration pending)		PA 15012	
Trade Name, if any			
821 McClintock Avenue	Belle Vernon	PA	15012
Street Address (principal place of business)	City or Municipality	State	Zip Code

The Verified Statement of the Applicant is more or less a business plan, or your proposal for providing the transportation service for which you are making application. Prior to deciding to make application for operating authority from the Public Utility Commission, you likely gave much consideration to the manner in which you would operate the business in order that you could provide satisfactory service to your customers and so that you could make a reasonable profit. As part of the application process, you must provide the Commission with your proposal to provide the transportation service.

At minimum, the Verified Statement of the Applicant should include a discussion of the numbered items listed below and on the following pages. You are encouraged to provide as much information as possible about the particular subject as is necessary to fully explain your plan. If you fail to provide sufficient information about the subjects listed below, it may cause the review of your application to be delayed until you provide the necessary information. If you need more space to provide your explanation, please attach additional pages that list the appropriate item by number.

1. Identify the person making the Verified Statement on behalf of the applicant. If the applicant is a sole proprietor making the statement, this will be the same information as provided above. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number, and indicate that the applicant's directors/owners/partners/etc. have authorized the witness to speak for the business.

James E. Fretz, Jr., Donald B. Fretz and Cheryl A. Lewis, members of Applicant.

2. List the applicant's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.

None.

3. Describe your business experience, particularly any experience relating to the operation of a transportation service. You may also include an explanation of education or training that

you believe may be relevant.

James E. Fretz, Jr. has 39 years of experience with his dad's business, James E. Fretz Transfer, the Transferor, as a driver/laborer moving household goods. James attended Central Westmoreland Vocational School with a Certificate in Auto Mechanics (3 years). Maintains a CDL.

Donald B. Fretz has 32 years of experience with his dad's business, James E. Fretz Transfer, Transferor, as a driver/laborer moving household goods. Donald attended Central Westmoreland Vocational School with a Certificate in Auto Mechanics (3 years). Maintains a Pennsylvania State Inspection License and a CDL/with Hazmat endorsement.

Cheryl A. Lewis has 37 years of experience with her dad's business, James E. Fretz Transfer, Transferor, as an office manager including scheduling, dispatching, accounts payable and accounts receivable.

4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to include the office area, office machines that will be utilized, and the facility to house vehicles. Household goods in use carriers should include a description of their storage facilities, if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers. Finally, please state your intended business hours.

Transferee will assume Transferor's business which includes: Business office of 200 square feet located in Rostraver Township, Pennsylvania, comprised of 3 offices with furniture, network computers, printers, telephones and other office equipment. Vehicle housing of 5000 square feet of heated space located in Belle Vernon, Pennsylvania, with all necessary tools and equipment. Storage facility of 5000 square feet of heated space located in Belle Vernon, Pennsylvania, with all necessary equipment including loading dock, dollies, moving pads and packing materials. Record maintenance program comprised of weekly reports and recording keeping of all activities of the business. Other business records are maintained regarding business activities, intra and inter state activities, as well as those required by our accountants and lawyers; Transferor will maintain a relationship with Tri-State Household Goods, Inc. to maintain and comply with all reports regarding tariffs and rates. The communication process includes receipt of customer requests via telephone; all employees carry cell phones for immediate notification as necessary. Business hours are covered 24/7 to achieve the highest customer satisfaction possible.

5. Please state the number of employees you intend to use, along with a description of their duties. Please explain why that number of employees is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. **(Do not address drivers in your explanation about this item; drivers are addressed separately in item # 6).**

In addition to the Transferor's daughter as office manager, Transferee will continue to employ 6 additional persons: 2 dispatchers to receive and schedule appointments; 4 laborers to perform duties including packing, loading and unloading of household goods; the numbers are based on the experience of Transferor over the past 3 years.

6. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the geographical territory you will be serving. In addition, please explain:
 - a. Your hiring standards for drivers;
 - b. Your system to ensure prospective drivers will be subject to criminal background checks;
 - c. Your driver training program;
 - d. Your system for ensuring that your drivers are properly licensed at all times;
 - e. Your system to ensure that all drivers will be subject to a criminal background check every two years;
 - f. Your policies regarding alcohol and drug use by your drivers.

The specifics about the intended drivers, which will be Transferor's existing 2 full time and 1 part time drivers are sufficient, base on a 3 year analysis of requests, to fulfill the service area; specifically:

- a. Hiring standards: A thorough research is performed on drivers prior to job offer. This process includes verification of license, experience, safety record and on road driving test.
- b. Background Check: Pre-employment background check is performed on all drivers.
- c. Driver Training Program: Employment is offered to experienced drivers only and training will be periodically to conform with changes in regulations and conditions.
- d. Driver License: Semi, annual and random license verification process is performed by company. In addition, drivers are required to complete an annual driver violation questionnaire.
- e. Background Check: Transferee will continue Transferor's policy of performing criminal background check every 2 years on all drivers.
- f. Alcohol/Drug Policy: Transferee will continue Transferor's policy to perform both an annual and random drug & alcohol screening. Immediate termination of employment if driver tests positive for drugs or alcohol.

7. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below.

<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>SEATING CAPACITY</u>	<u>VEHICLE ID #</u>	<u>MILEAGE</u>
2001	Ford	F350	3	20258	180,000
1991	International	LP4700	2	334791	321,000
1998	Kenworth	W900L	2	32244	900,000
1998	Kenworth	W900L	2	32017	916,000

1998	Kenworth	W900L	2	32954	1,000,000
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8. Describe your vehicle safety program. Please include the following in your explanation:
- Your periodic vehicle maintenance plan;
 - Your system for ensuring your vehicles will continuously comply with Pennsylvania's equipment standards (67 Pa. Code, Chapter 175) that are applicable to the type of vehicles used in your business;
 - Your system for ensuring your vehicles will maintain compliance with the PUC's requirements for passenger service at 52 Pa. Code, Section 29.403 (applicable to passenger applicants only);
 - Your system for replacing vehicles once they are greater than eight model years in age in compliance with 52 Pa. Code, Section 29.314(d)(applicable to taxicabs) or 52 Pa. Code, Section 29.333(e)(applicable to limousines);
 - Your system for ensuring the filing of an annual vehicle list (taxicabs and limousines);
 - Your system for ensuring your vehicles will comply with the requirements of 49 CFR Parts 393 and 396, as adopted by the PUC at 52 Pa. Code, Chapter 37 (applicable to HHG applicants).

The following is the safety program Transferee will adopt from Transferor:

- Transferor will maintain bi weekly preventative service review and necessary maintenance
 - Maintain annual Pennsylvania state vehicle inspection including annual renewal of registration
 - n/a
 - n/a
 - n/a
 - Transferee will adhere to the same safety standards of Transferor, which complies with all safety codes, and have reviewed the regulations at 52 Pa. Code, Chapter 37 to adhere complete compliance in future operations.
9. Please explain what steps you have taken to determine if you can obtain and pay the premiums to maintain insurance coverage for the proposed number of vehicles for your business.

Transferee will perform an annual budget for the following year to anticipate insurance premiums, consistent with the successful practices of Transferor for over 50 years.

10. Please describe your customer service standards. Within your description, please explain:
- Your plan to inform customers of the procedures for filing complaints with the PUC;
 - Your intended customer complaint resolution procedure.

Transferee will strive to achieve 100% customer satisfaction by consistently delivering quality, efficient service to the public, as did Transferor, and will: a. have the PUC number conspicuous on all paperwork, estimates, forms and vehicles; and b. address all customer inquiries and complaints as expeditiously as possible.

11. Criminal Record. Have you been convicted of a misdemeanor or felony for which you remain subject to supervision by a court or correctional institution?

___ YES X NO

12. Financial Data. In addition to demonstrating your technical fitness, you must also demonstrate that you possess the financial fitness to provide the proposed transportation service. Therefore you must complete both parts of the "Statement of Financial Position", which follows this page. The first part is the Balance Sheet. You need only provide the applicable information. The second part of the Statement of Financial Position is the Projected Income Statement. The projection is your estimation of expected revenues and specific expenses for one year. You should use the projected information, along with the financial data reported on your balance sheet to help you determine if proposed business can be feasible. Please feel free to also provide clarification information with your "Statement of Financial Position", which explains why you believe you have sufficient funds to ensure your transportation business can provide reliable service to the public in a safe manner.

Verification of Statement

The undersigned deposes and says that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief. The undersigned understands that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

<u>James E. Fretz, Jr.</u> (Signature)	<u>2-23-15</u> (Date)
James E. Fretz, Jr., Member (Name and Title, printed or typed)	
<u>Donald B. Fretz</u> (Signature)	<u>2-23-15</u> (Date)
Donald B. Fretz, Member (Name and Title, printed or typed)	
<u>Cheryl A. Lewis</u> (Signature)	<u>2-23-15</u> (Date)
Cheryl A. Lewis, Member (Name and Title, printed or typed)	

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SECRETARY'S BUREAU

BALANCE SHEET
As of February 20, 2015

Current Assets	
Cash	\$1,000
Tangible Assets	
Equipment	\$200,000
PUC License	\$1,000
Total Assets	\$202,000
Total Liabilities	\$ -0-

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

One Year Projected Income Statement

REVENUE and GAINS

Operating Revenue	\$300,000
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EXPENSES

Equipment Maintenance and Garage Expense	8,640
Insurance Expense	31,170
Employee Salaries	140,000
Fuel Expense	30,000
Materials and Supplies	3,000
General Office Expense	1,170
Advertising Expense	2,670
Telephone Expense	4,000
Accounting Expense	8,000
Operating Taxes and Licenses	<u>12,000</u>
Total Operating Expenses	\$240,650

<i>Net Income</i>	\$59,350
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**PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU**

Application for Registration of Fictitious Name
54 Pa.C.S. § 311

Name		
Richard T. Mulcahey, Jr., Esquire		
Address		
121 South Broad Street, 20 th Floor		
City	State	Zip Code
Philadelphia, PA		19107-4533

Document will be returned to the name and address you enter to the left.



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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Fee: \$70

In compliance with the requirements of 54 Pa.C.S. § 311 (relating to registration), the undersigned entity(ies) desiring to register a fictitious name under 54 Pa.C.S. Ch. 3 (relating to fictitious names), hereby state(s) that:

1. The fictitious name is: James E. Fretz Transfer

2. A brief statement of the character or nature of the business or other activity to be carried on under or through the fictitious name is: transportation of property.
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3. The address, including number and street, if any, of the principal place of business (P.O. Box alone is not acceptable):				
821 McClintock Avenue	Belle Vernon	PA	15012	Fayette
Number and street	City	State	Zip	County

4. The name and address, including number and street, if any, of each individual interested in the business is:			
Name	Number and Street	City	State
N/A			

5. Each entity, other than an individual, interested in such business is (are):

James E. Fretz & Sons, LLC	limited liability company	Pennsylvania
Name	Form of Organization	Organizing Jurisdiction

821 McClintock Avenue, Belle Vernon, PA 15012

Principal Office Address

PA Registered Office, if any

Name	Form of Organization	Organizing Jurisdiction
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Principal Office Address

PA Registered Office, if any

6. The applicant is familiar with the provisions of 54 Pa.C.S. § 332 (relating to effect of registration) and understands that filing under the Fictitious Names Act does not create any exclusive or other right in the fictitious name.

7. Optional): The name(s) of the agent(s), if any, any one of whom is authorized to execute amendments to, withdrawals from or cancellation of this registration in behalf of all then existing parties to the registration, is (are):

N/A

IN TESTIMONY WHEREOF, the undersigned have caused this Application for Registration of Fictitious Name to be executed this

10th day of March, 2015.

Individual Signature

Individual Signature

Individual Signature

Individual Signature

James E. Fretz, LLC

Entity Name


Signature

Entity Name


Signature

James E. Fretz, Jr., Member

Title

Donald B Fretz, Member

Title