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May 4, 2015

Re: Service Emporium, Inc. t/a Man With A Van
Docket No. A-2015-2472602

Ms. Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

MAILED WITH U.S. POSTAL SERVICE
CERTIFICATE OF MAILING FORM 3817

Dear Ms. Chiavetta:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

William A. Gray

PA.P.U.C.
SECRETARY'S BUREAU

2015 MAY - 4 AM 10:48

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Enclosure

cc: Service Emporium, Inc. t/a Man With A Van (w/enc.)(By Certified Mail)
Weleski Transfer, Inc.

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MAY - 4 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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SECRETARY'S BUREAU

DOCKET NO. A-2015-2472602
SERVICE EMPORIUM, INC. t/a MAN WITH A VAN

PROTEST AND REQUEST
FOR ORAL HEARING

The motor carrier shown on Appendix A hereof (herein called protestant) protests the above application and requests that the application be assigned for oral hearing and in support thereof respectfully represents as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.
2. Protestant holds authority from this Commission at the docket number shown in Appendix A and the relevant authority is attached to the protest. Unless otherwise indicated in Appendix A, protestant will withdraw the protest only in the event an amendment is made which will totally eliminate the interest of the protestant.
3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestant presently holds authority to provide service in the area affected by the application, (b) protestant and other existing carriers is providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, (d) the applicant does not possess the technical and financial ability to provide the proposed service and lacks a propensity to operate safely

and legally, and (e) approval of the application will adversely affect protestant and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestant requests that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestant will appear and present evidence in opposition to the grant of the application unless the application is amended so as to eliminate the interest as set forth in this protest.

WHEREFORE, protestant requests that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestant to participate fully therein; and applicant be required to make available at the hearing competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

WELESKI TRANSFER, INC.

By: _____

William A. Gray, Esq.
Attorney for Protestant

VUONO & GRAY, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219-2383
(412) 471-1800

Dated: May 4, 2015

/151290

Re: Service Emporium, Inc. t/a Man With A Van
Docket No. A-2015-2472602

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on April 18, 2015, applicant seeks authority to operate as a common carrier, transporting:

Household goods in use between points in Pennsylvania

INTEREST OF PROTESTANT:

1. Weleski Transfer, Inc., 140 West Fourth Avenue, Tarentum, PA 15084, (412-361-3125) holds authority at Docket No. A-00096502. A copy of the relevant authority of Weleski is attached hereto. Since this application seeks authority to provide service between points in Pennsylvania, all of Weleski's authority attached hereto is relevant to this application.

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SECRETARY'S BUREAU

Weleski Transfer, Inc.

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96502

Application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, dated February 16, 1971, 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 ANDY L. WELESKI (deceased) and ANTHONY L. WELESKI, copartners, trading and doing business as WELESKI TRANSFER, under report and order issued at A. 84519, Folder 1 on August 19, 1957 and the certificate of public convenience issued thereunder, as modified and amended, and under report and order issued at A. 84519, Folder 2 on August 19, 1957 and the certificate of public convenience issued thereunder, which certificates will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class B carrier, property between points in the borough of Tarentum, Allegheny County. (Formerly A. 84519, Folder 1)
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Tarentum and within an airline distance of three (3) statute miles of the limits of said borough to points within an airline distance of forth (40) statute miles of point of origin, and vice versa. (Formerly A. 84519, Folder 1)
3. To transport, as a Class B carrier, property between points in the borough of New Kensington, Westmoreland County. (Formerly A. 64519, Folder 1)
4. To transport, as a Class B carrier, household goods and equipment, in use, between points in the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519,

5. To transport, as a Class D carrier, household goods and equipment, in use, from the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa. (Formerly A. 84519, Folder 1)
6. To transport, as a Class D carrier, electrical household equipment for the Keller Electric Company from Ochiltree Electric Company in the city of Pittsburgh, Allegheny County, to the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)
7. To transport, as a Class D carrier, property for Montgomery Ward & Company and M. Rom & Sons Company from points in the borough of New Kensington to points in a westerly, northerly and easterly direction within thirty (30) miles by the usually traveled highways of the limits of said borough and to points in a southerly direction within twelve (12) miles by the usually traveled highways of the limits of said borough and vice versa. (Formerly A. 84519, Folder 1)
8. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the city of Pittsburgh, Allegheny County, and within thirty (30) miles by the usually traveled highways of the limits of said city. (Formerly A. 84519, Folder 1)
9. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the county of Allegheny. (Formerly A. 84519, Folder 1)
10. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the county of Allegheny to other points in Pennsylvania, and vice versa. (Formerly A. 84519, F.1)
11. To transport, as a Class D carrier, amiesite, stone, limestone, wire tools, sawed and planed lumber, coal, building materials and building construction materials, such as are usually transported in dump trucks, between points in the borough of Apollo, Armstrong County, and within twenty (20) miles by the usually traveled highways of the limits of said borough; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination. (Formerly A. 84519, Folder 1)

12. To transport, as a Class D carrier, mine machinery and supplies from the freight station in the borough of Apollo, Armstrong County, to mines within twenty (20) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
13. To transport, as a Class D carrier, household goods, in use, between points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
14. To transport, as a Class D carrier, household goods in use, from points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (Formerly A. 84519, Folder 2)

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.

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 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 rights herein granted in excess of the actual cost of such rights to the original holder thereof;

FOURTH: That the certificate holder shall comply with all of 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

NOW, to wit, May 17, 1971, 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.

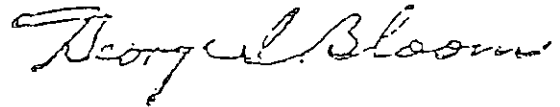
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 15, 1981

Commissioners Present:

Susan M. Shanahan, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Weleski Transfer, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its
common carrier certificate: SO AS TO
PERMIT the transportation of household
goods, personal effects and property
used or to be used in a dwelling, when
a part of the equipment or supplies of
such 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, labor-
atories, hospitals or other establish-
ments, when a part of the stock, equip-
ment or supply of such stores, offices,
museums, institutions, laboratories,
hospitals or other establishments, in
connection with a 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 Butler, and from points in
said County to points in Pennsylvania,
and vice versa.

A-00096502,
F.1, Am-C

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge
Matuschak dated January 12, 1981, and his Ruling on Exceptions dated March 26, 1981;
THEREFORE,

IT IS ORDERED:

1. That the application of Weleski Transfer, Inc., at Docket A-00096502,
F.1, Am-C, as amended, be and is hereby approved in part and denied in part, and that
the Certificate of Public Convenience issued to applicant on July 15, 1971, as amended,
be further amended to include the following right:

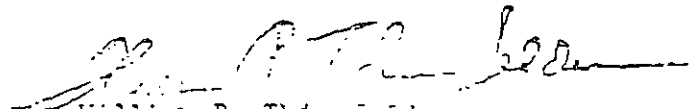
To transport, as a Class D carrier, by motor vehicle, household goods, personal effects and property used or to be used in a dwelling, when a part of the equipment or supplies of such dwelling, as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, laboratories, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, laboratories, hospitals or other establishments, in connection with a 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, from points in the County of Butler, to points in Pennsylvania, and vice versa;

PROVIDED, however, that no right, power or privilege is granted to provide any transportation from Monroe County to Butler County.

2. That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of this Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

3. That in the event said applicant has not, on or before sixty (60) days from the date of service of this Order, complied with the requirements hereinabove set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: May 15, 1981

ORDER ENTERED: JUN 9 1981

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 20, 1989

Commissioners Present:

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

Application of Weleski Transfer, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for the transfer to it of
all of the rights held by Sylvia B. Sgro
and Angelo H. Sgro, copartners, t/d/b/a
Sgro Brothers, under the certificate
issued at A-00097338, subject to the same
limitations and conditions.

A-00096502
F. 1
Am-E

Vuono, Lavelle & Gray, by John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on January 30, 1989, and published in the Pennsylvania Bulletin of February 18, 1989. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Weleski Transfer, Inc. (or applicant) was organized under the laws of Pennsylvania on May 12, 1969. It is authorized to issue 100,000 shares of common stock, each having a par value of \$1.00 per share. To date, 38,000 shares have been issued to Anthony L. Weleski, president and a director of the corporation. Gary L. Weleski is vice president and a director, and Faye N. Weleski is secretary-treasurer and a director. All are residents of the borough of Tarentum, Allegheny County. The corporation itself is domiciled at 140 West Fourth Avenue, Tarentum, Allegheny County.

The applicant's operating fleet presently consists of 42 power units and 24 trailers of various kinds, all of which are company-owned. The applicant's unaudited balance sheet shows that as of November 30, 1988, it had current assets of \$737,618, total assets of \$1,750,433, with current liabilities of \$339,402 and total liabilities of \$969,308, leaving stockholder equity of \$781,125.

Pursuant to the terms of a sales agreement dated December 30, 1988, the applicant will purchase the operating rights for the sum of \$3,000. No other assets are involved. The sum of \$500 has been placed in escrow at the execution of the sales agreement. The balance of \$2,500 will be paid within 30 days of the effective date of our order approving the application.

The applicant has held a common carrier certificate from this Commission since 1972. A review of the matters of record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to adequately provide the additional service sought herein.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

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

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 transfer application be and is hereby approved and that the certificate of public convenience issued to the applicant on November 10, 1972, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, household goods and office furniture in use, between points in the township of Cowanshannock, Armstrong County, and from points in the said township and within an airline distance of ten (10) statute miles of the limits of the said township, to points in Pennsylvania and vice versa;

subject to the following conditions:

- (a) That no right, power or privilege is granted to transport household goods or office furniture in use, to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport household goods and office furniture in use from points in said borough of Indiana and township of White to points

in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning and vice versa.

- (b) That no right, power or privilege is granted to transport household goods and office furniture in use from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough; provided, however, that the applicant may transport household goods and office furniture in use from said borough of Ford City and within an airline distance of five (5) statute miles of the limits of the said borough to points in the said township of Cowanshannock and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning.
2. To transport, as a Class B carrier, farm machinery, horses, cattle, grain and feed, between farms in the township of Cowanshannock, Armstrong County, and other points within an airline distance of five (5) statute miles of the said township.
 3. To transport, as a Class C carrier, mine machinery in use, between points in Cowanshannock Township, Armstrong County, and from points in said township to points within an airline distance of twenty-five (25) statute miles of Nu Mine, Armstrong County.
 4. To transport, as a Class D carrier, household goods and office furniture in use from points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough to points within forty (40) miles of the point of origin 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, when a part of the equipment or supplies of such dwelling, in connection with the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and such property of stores, offices, museums, institutions,

hospitals or other establishments, when a part of the stock, equipment or supplies of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; objects of arts, furniture, displays, exhibits, musical instruments and any articles, in use, requiring specialized handling and equipment usually employed in moving household goods in use, between points in the county of Armstrong and from points in the county of Armstrong to other points in Pennsylvania and vice versa;

with Right No. 5 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport household goods or office furniture in use, to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport household goods and office furniture in use from points in said borough of Indiana and township of White to points in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning, Armstrong County, and vice versa.
 - (b) That no right, power or privilege is granted to transport household goods and office furniture in use from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the said borough; provided, however, that the applicant may transport household goods and office furniture in use from said borough of Ford City and within an airline distance of five (5) statute miles of the limits of the said borough to points in the said township of Cowanshannock, Armstrong County, and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning, Armstrong County.
6. To transport, as a Class D carrier, new furniture between points in the township of Cowanshannock, Armstrong County, and from points in the said township, and within an airline distance of ten

(10) statute miles of the limits of the said township to points in Pennsylvania, and vice versa;

with Right No. 6 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport new furniture to or from the borough of Indiana and the township of White, Indiana County; provided, however, that applicant may transport new furniture from points in said borough of Indiana and township of White to points in the township of Cowanshannock, Armstrong County, and vice versa, and to points in the borough of Kittanning, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough, and vice versa.
- (b) That no right, power or privilege is granted to transport new furniture from points in the borough of Ford City, Armstrong County, and within an airline distance of five (5) statute miles of the limits of the said borough; provided, however, that the applicant may transport new furniture from said borough and within an airline distance of five (5) statute miles of the said borough, to points in the township of Cowanshannock, Armstrong County, and to points within forty (40) miles of any point of origin located in the borough of Kittanning, Armstrong County, or within an airline distance of five (5) statute miles of the limits of the said borough of Kittanning;

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, \$3,000, 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 issuance of the certificate be withheld pending receipt of the 1988 Annual Report of the transferor.

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, Sylvia P. Sgro and Angelo H. Sgro, copartners, t/d/b/a Sgro Brothers, at A-00097338 be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 20, 1989

ORDER ENTERED: APR 25 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 24, 1995

Commissioners Present:

Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Application of Weleski Transfer, Inc., for the transfer of all of the operating rights of John Paul Burton, Sr., and Katherine Burton, Copartners, t/d/b/a Burton Moving & Storage Co., under the certificate issued at A-00095974, subject to the same limitations and conditions.

A-00096502
P. 1
Am-7

Vuono, Lavelle & Gray by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 17, 1994. Public notice of the application was given in the Pennsylvania Bulletin of November 5, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Weleski Transfer, Inc. (transferee, applicant or Weleski), seeks to amend its common carrier rights by acquiring the rights involved in this transfer proceeding. Applicant and its predecessors have been continuously in business for more than 80 years. Weleski has held authority from this Commission since 1971 and throughout its history, has specialized in the transportation of household goods and office furnishings. It is also engaged in the transportation of other types of property pursuant to various grants of authority. Applicant's personnel are familiar with all aspects of the household goods moving business and are well qualified to assume the operations of the transferor which has provided a similar type service to the public in south central Pennsylvania. Applicant operates various pieces of equipment and is qualified to provide the transportation of household goods. Applicant has a comprehensive safety and maintenance program in effect at this time.

The balance sheet of the applicant as of December 31, 1993 shows total current assets of \$1,000,759.42, total assets of \$3,043,001.93, total

current liabilities of \$563,988.86, total liabilities of \$1,922,510.32 and total capital of \$1,120,491.51. The statement of income shows gross revenue of \$6,529,310.53, less cost of operations of \$3,947,911.31 resulting in a gross profit of \$2,581,399.22 less other expenses of \$2,099,058.99, resulting in an operating profit before interest and depreciation of \$482,340.23, a profit before income of \$220,389.17 was realized. A net income of \$130,645.17 was reported.

The total consideration for the rights is seven thousand (\$7,000) dollars.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Beverly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

DISCUSSION AND FINDINGS

Due to recently enacted Federal legislation, on January 1, 1995, the Pennsylvania Public Utility Commission no longer has jurisdiction over the rates, routes and service provided by property carriers, except for the transportation provided by household goods movers including office equipment in use. This application was received prior to the law being enacted and therefore, applicant applied for the transfer of all rights which include property along with specific rights to transport household goods and office equipment in use and new pianos. Due to the Federal legislation, the property rights will not be transferred. The only rights to be transferred in this proceeding are those involving office equipment in use and household goods in use.

Applicant currently operates pursuant to emergency temporary authority approved at Public Meeting of July 21, 1994. As we are processing the permanent application, the temporary authority application shall be dismissed herein.

We find:

1. The property authority amendment is dismissed as moot.
2. The applicant is fit, willing and able to provide the service proposed.
3. 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 transfer application be and is hereby approved, as modified, and that the certificate issued on July 15, 1971, as amended, be further amended to include the following rights:

To transport, as a Class D carrier:

1. office equipment in use and new pianos from points in the city of Johnstown, Cambria County, and within five (5) miles by the usually travelled highways of the limits of said city to other points in Pennsylvania, and vice versa;
2. household goods in use between points in the county of Cambria and in other counties within fifteen (15) miles, by the usually travelled highways of the limits of the city of Johnstown;
3. household goods in use from points in the county of Cambria and in other counties within fifteen (15) miles by the usually travelled highways of the limits of the city of Johnstown to other points in Pennsylvania, and vice versa;

with rights number 1, 2, & 3 immediately above subject to the following condition:

That no right is granted to transport household goods in use from the borough of Windbar, Somerset County.

4. household goods in use from points in the borough of Benson, Somerset County, and within fifteen (15) miles by the usually travelled highways of the limits of said borough to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. 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.

3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition 2 above.
5. 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 other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the property authority amendment is dismissed as moot.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the temporary authority application filed in this proceeding be and is hereby dismissed.

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 upon compliance with this order, the rights granted the transferor, John Paul Burton, Sr., and Katherine Burton, Copartners, t/d/b/a Burton Moving & Storage Co. at A-00095974 be and are hereby cancelled.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: February 24, 1995

ORDER ENTERED: MAR 3 1995

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CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of May, 2015, served a copy of the above protest and request an oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.



William A. Gray



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Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg PA 17105-3265

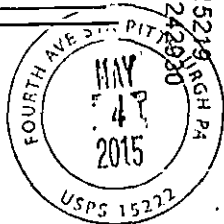


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Law Offices

VUONO & GRAY, LLC

310 Grant Street, Suite 2310
Pittsburgh, PA 15219-2383

TO:

Ms. Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265