


PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: March 21, 1994	2. BUREAU AGENDA NO. APR-94-T-319*
3. BUREAU: Transportation	
4. SECTION(S): Technical Review	5. PUBLIC MEETING DATE: April 14, 1994
6. APPROVED BY:  Director: Ernst 7-2154 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Pike 3-5947	
8. DOCKET NO.: A-00111204	

DOCKETED
APR 26 1994

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

(a) Application of Sinclair Moving & Storage, Inc., Berlin, New Jersey, a corporation of the State of New Jersey, for the approval of the transfer to applicant of part of the rights held by Acme Piano Co., Inc., at A-00107825, subject to the same limitations and conditions.

(b) Transferor proposes to transfer part of its P.U.C. common carrier rights for a total of \$55 00. No tangible assets are involved in the sale.

(c) The Bureau of Transportation recommends that the Commission adopt the attached proposed order approving the transfer application and cancelling the certificate issued to the transferor by supplemental order.

DAP:rs



- 10. MOTION BY:** Commissioner Rhodes Commissioner Quain - Yes
SECONDED: Commissioner Hanger Commissioner Crutchfield - Yes

CONTENT OF MOTION: Staff recommendation adopted.



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

APRIL 21, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00111204

EDWARD J HUGHES ESQUIRE
905 ONE MONTGOMERY PLAZA
NORRISTOWN PA 19401

DOCUMENT
FOLDER

DOCKETED

MAY 16 1994

Application of Sinclair Moving & Storage, Inc.

Enclosed is the compliance order issued by the Commission in this proceeding.

A Certificate of Public Convenience evidencing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements:

- I. Arrange through an insurance agent to have an insurance company file the following forms with the Commission.
 - a. A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this sheet.
 - b. A Form H or Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than \$5,000 per vehicle. Under certain circumstances, exemption from the cargo insurance requirement may be secured by filing the enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed instructions except applicants for transfer of authority must file a tariff adoption supplement which will be forwarded by separate cover at a later date.

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

15 passengers or less: \$35,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

\$25,000 first party medical benefits, \$10,000 first party wage loss benefits and shall conform to 75 Pa. C.S. §§1701-1798 (relating to Motor Vehicle Financial Responsibility Law).

First party coverage of the driver of certificated vehicles shall meet the requirements of 75 Pa. C.S. §1171 (relating to required benefits).

16 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

29 passengers or more: \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

Property Carriers:

Common or Contract: \$300,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

Insurance coverage of motor carriers of property shall meet the requirements of 75 Pa. C.S. §1701-1798 (relating to Motor Vehicle Financial Responsibility Law).

Common only: \$5,000 per accident per vehicle for loss or damage to cargo.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate has been issued authorizing actual operations. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of April 14, 1994 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

Insurance Filings: Mr. William P. Hoshour-Insurance Section
(717) 783-5933

Tariff Filings: Mr. Joseph Machulsky-Tariff Section
(717) 787-5521

Very truly yours,



John G. Alford
Secretary

Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SINCLAIR MOVING & STORAGE INC
825 COOPER ROAD
BERLIN NJ 08009

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held April 14, 1994

Commissioners Present:

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

DOCUMENT
FOLDER

Application of Sinclair Moving & Storage, Inc.
for the transfer of part of the operating
rights of Acme Piano Co., Inc. under the
certificate issued at A-00107825 subject to
the same limitations and conditions.

A-00111204

Edward J. Hughes for the applicant.

DOCKETED
MAY 16 1994

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 3, 1994. Public notice of the application was given in the Pennsylvania Bulletin of February 12, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, Sinclair Moving & Storage, Inc., is a New Jersey corporation, domiciled at 825 Cooper Road, Berlin, New Jersey. Applicant owns and will operate two tractors, two trailers and two straight trucks. A comprehensive safety program is in place. Cathy G. Reeves is president and 51% stockholder, Robert G. Reeves is vice president and 49% stockholder. An unaudited financial statement submitted by the applicant shows total assets of \$212,784 with total liabilities of \$347,658 leaving stockholders' equity of (\$134,874).

The applicant and the transferor agreed to a restrictive condition which will prevent the applicant from the transportation of pianos, radios and refrigerators unless they are part of a household goods moving service.

The total consideration for the rights is \$5,500. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: \$500.00 at signing of the agreement of sale with the remainder to do at closing.

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 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 Superior 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. The applicant is fit, willing and able to provide the 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 transfer application be and is hereby approved and that a certificate be issued granting the following right(s):

1. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the city and county of Philadelphia.
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the city and county of Philadelphia to other points in Pennsylvania within an airline distance of fifty (50) statute miles of the Philadelphia City Hall, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to transport, pianos, radios and refrigerators, except as part of a household move, from one location to another.

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 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.

2. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
3. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.
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(s) 2 and 3 above.
5. 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.
6. 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 applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. Form E 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 upon compliance with the requirements above set forth, a certificate 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 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, Acme Piano Co., Inc., at A-00107825 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: April 14, 1994

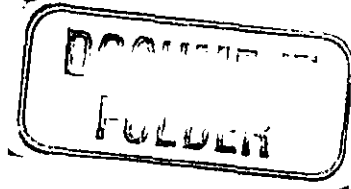
ORDER ENTERED: APR 21 1994



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

May 19, 1994

IN REPLY PLEASE REFER TO OUR FILE
 5/21/94 11:12:26
 INFO. CONTROL DIV.



Mr. Edward J. Hughes, Esquire
 905 One Montgomery Plaza
 Norristown, PA 19401

Re: A-00111204
 Sinclair Moving & Storage, Inc.

Dear Mr. Hughes:

Under date of April 21, 1994, the Secretary's office transmitted to you the Commission's compliance order adopted April 14, 1994, evidencing approval of the above carrier's application which is in effect a transfer of a part of the rights formerly held by Acme Piano Co., Inc. at A-00107825. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

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

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

The new tariff may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42 and should be designated Freight Pa. P.U.C. No. 1.

We notice that rates for a part of the authorized service being transferred are provided in tariffs published by Tristate Household Goods Tariff Conference, Agent.

Should you elect to participate in the agency publication(s), two copies of a suitable power of attorney should be included with the filing. If you do not elect to participate in the agency publication(s), a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency for a minimum of 30 days.

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



By: Joseph M. Machulsky, Chief
Financial Document Section

cc: Tristate Household Goods Tariff Conference
P.O. Box 2006
Bristol, PA 19007

New power of attorney to be designated:
Pa. Fl No. 1 no cancellation*

*(Note: Carrier is not cancelling his participation in this agency publication).

Sinclair Moving & Storage, Inc.
825 Cooper Road
Berlin, NJ 08009

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