

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

RJH

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
February 3, 1994	:	MAR-94-T-196*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	March 10, 1994
<i>[Signature]</i>	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Pike 3-5947	:	
8. <u>DOCKET NO.:</u>	:	
A-00111137	:	

DOCKETED
APR 05 1994

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

(a) Application of Charles E. Groff & Sons, Inc., Mount Joy, Lancaster County, a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to applicant of all the rights held by William J. Groff, Terry L. Groff and Kevin E. Groff, Copartners, t/d/b/a Charles E. Groff & Sons at A-00109305, subject to the same limitations and conditions.

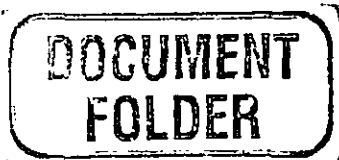
(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total of \$1,500. No tangible assets are involved in the sale.

(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 Chm. Rolka Commissioner Quain - Yes
 Commissioner Crutchfield-Yes
 SECONDED: Commissioner Rhodes Commissioner Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.





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

March 16, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00111137

JEFFREY J REICH ESQUIRE
111 NORTH LIME STREET
LANCASTER PA 17602

Application of Charles E. Groff & Sons, 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.

DOCUMENT
FOLDER

APR 08 1994

JWE

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 MARCH 10, 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

smk

Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CHARLES E GROFF & SONS INC
1806 HARRISBURG AVENUE
PO BOX 84
MOUNT JOY PA 17552

ENTRY NO.: 0001
NAME: CHARLES E. GROFF & SONS, INC.
ADDRESS1: 1806 HARRISBURG AVENUE
ADDRESS2: P.O. BOX 84
CITY: MOUNT JOY STATE: PA ZIP: 17552
REPRESENTING: SELF TYPE

ENTRY NO.: 0002
NAME: JEFFREY J. REICH, ESQUIRE
ADDRESS1: 111 NORTH LIME STREET
ADDRESS2:
CITY: LANCASTER STATE: PA ZIP: 17602
REPRESENTING: APPLICANT TYPE

ENTRY NO.: 0003
NAME: GROFF, WILBUR, TERRY & KEVIN, COPARTNERS
ADDRESS1: T/A CHARLES E. GROFF & SONS
ADDRESS2: 1806 HARRISBURG AVENUE, P.O. BOX 84
CITY: MOUNT JOY STATE: PA ZIP: 17552
REPRESENTING: TRANSFEROR TYPE

CU25 A-00111137

PRINT-

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held March 10, 1994

Commissioners Present:

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

DOCUMENT
FOLDER

Application of Charles E. Groff & Sons, Inc.
for the transfer of all of the operating
rights of William J. Groff, Terry L. Groff
and Kevin E. Groff, Copartners, t/d/b/a
Charles E. Groff & Sons under the
certificate issued at A-00109305 subject
to the same limitations and conditions.

A-00111137

Jeffrey J. Reich for the applicant.

APR 08 1994

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 22, 1993. Public notice of the application was given in the Pennsylvania Bulletin of January 1, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, Charles E. Groff & Sons, Inc., a Pennsylvania corporation, is domiciled at 1806 Harrisburg Avenue, Mount Joy, Lancaster County. Applicant will operate one 26-foot van, two 14-foot vans, three tractors and six van-type trailers. An unaudited financial statement submitted by the applicant shows total assets of \$404,074 with total liabilities of \$392,405 leaving stockholders' equity of \$11,679.

The total consideration for the rights is \$1,500. No tangible assets are involved. The sales agreement requires the consideration to be paid upon this Commission's approval of the application.

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 in use from points in the borough of Elizabethtown, Lancaster County, to other points in Pennsylvania, and vice versa;

with Right No. 1 subject to the following condition:

That the rights, powers and privileges hereby granted pertaining to transportation destined to points in Pennsylvania excluding the county of Lancaster, shall be limited and restricted to transportation originating or terminating at a farm.

2. To transport, as a Class D carrier, household goods in use, between points in the township of Upper Leacock, Lancaster County, and within fifteen (15) miles by the usually traveled highways of the limits of said township;

3. To transport, as a Class D carrier, household goods in use from points in the township of Upper Leacock, Lancaster County, and within seven and one-half (7 1/2) miles by the usually traveled highways of the limits of said township to points in the counties of Lancaster and Berks, and vice versa;

4. To transport, as a Class D carrier, household goods, in use, from points within fifteen (15) miles by the usually traveled highways of the borough of Elizabethtown, Lancaster County, to points in Pennsylvania within ninety (90) miles by the usually traveled highways of the limits of said borough, and vice versa;

5. To transport, as a Class D carrier, household goods in use between points in the borough of Terre Hill, Lancaster County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough;
6. To transport, as a Class D carrier, household goods in use, from points in the borough of East Earl, Lancaster County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa;
7. To transport, as a Class D carrier, milk from farms located in the township of Mount Joy, East Donegal, West Donegal, Rapho, East Hempfield, and West Hempfield, Lancaster County to Hershey, Dauphin County and to the city of Lancaster, Lancaster County;
8. To transport, as a Class D carrier, farm products and supplies from farms in the townships of Mount Joy, East Donegal, West Donegal, Rapho, East Hempfield and West Hempfield, Lancaster County, to points within an airline radius of ten (10) statute miles of the limits of said townships;

with Rights Nos. 8 and 9 subject to the following condition:

That no right, power or privilege is granted to render service between Florin, Lancaster County, and Harrisburg, Dauphin County and intermediate points on the Lancaster-Harrisburg route of the Central Storage and Transfer Company.

9. To transport, as a Class D carrier, household goods in use from points in the townships of Mount Joy, East Donegal, West Donegal, Rapho, East Hempfield and West Hempfield, Lancaster County to points within forty (40) miles of the point of origin;
10. To transport, as a Class D carrier, kerosene stoves, from points in the borough of Morgantown, Berks County and within an airline distance of five (5) miles of the limits thereof to points in Pennsylvania;
11. To transport, as a Class D carrier, property between points in the borough of Mount Joy, Lancaster County, and within five (5) miles by the usually traveled highways of the limits of said borough;

12. To transport, as a Class D carrier, crushed stone, tobacco and tombstones from points in the borough of Mount Joy, Lancaster County, and within five (5) miles of the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa;

with Rights Nos. 11 and 12 subject to the following condition:

That no right, power or privilege is granted to transport raw oils, materials or finished products of the silk industry.

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 herein until it shall have 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 evidence of insurance and a tariff establishing just and reasonable rates.

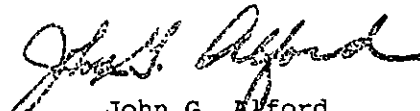
IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1993 Annual Report of the transferor.

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, William J. Groff, Terry L. Groff and Kevin E. Groff, Copartners, t/d/b/a Charles E. Groff & Sons, at A-00109305 be cancelled and the record be marked closed.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: March 10, 1994

ORDER ENTERED: MAR 16 1994

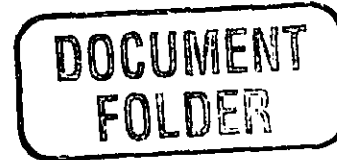


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

April 18, 1994

IN REPLY PLEASE
REFER TO OUR FILE

R-16



Jeffrey J. Reich, Esquire
111 North Lime Street
Lancaster, PA 17602

Re: A-00111137
Charles E. Groff & Sons, Inc.

Dear Mr. Reich:

Under date of March 16, 1994, the Secretary's office transmitted to you the Commission's compliance order adopted March 10, 1994, evidencing approval of the above carrier's application which is in effect a transfer of the rights formerly held by William J. Groff, Terry L. Groff and Kevin E. Groff, Copartners, t/d/b/a Charles E. Groff & Sons at A-00109305. 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.

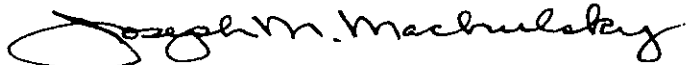
In this instance it is not possible to meet the tariff requirements by the adoption of the former tariff for the reason that the present tariff's description of operating authority does not conform with the approval of this application.

It will be necessary, therefore, to file a new tariff which should be designated Freight Pa. P.U.C. No. 1. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42.

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. F.1 No. 1 cancels 1 (series of transferor)

Charles E. Groff & Sons, Inc.
1806 Harrisburg Avenue
P.O. Box 84
Mt. Joy, PA 17552

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



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

SEP 14 1994

IN REPLY PLEASE
REFER TO OUR FILE

CHARLES E GROFF & SONS INC
1806 HARRISBURG AVENUE
MOUNT JOY PA 17552

In re: A-00111137 - Application of Charles E. Groff & Sons,
Inc.

Dear Sirs:

Enclosed are corrected pages 3 and 4 to the above order adopted
March 10, 1994. The paragraph numbers have been corrected.

We apologize for any problems this error has caused.

Very truly yours,

John G. Alford
Secretary

INDEXED
FILED

OCT 03 1994

DOCUMENT
FOLDER

SEP 14 1994