

027206



PILLAR · MULROY & FERBER

December 11, 1998

Re: Gardner Moving Company
Docket No. A-00108945, F.1, Am-A

Hon. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
SECRETARY'S BUREAU
98 DEC 15 AM 9:50

Dear Mr. McNulty:

Enclosed is a protest filed on behalf of the following to the above-captioned application:

The Snyder Brothers Moving, Inc.,
t/a George Transportation Company

A copy of this protest has been served on applicant's representative named below in accordance with the Commission's Rules of Practice.

Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided.

Very truly yours,


JOHN A. PILLAR

SW
Enclosure
cc: Mark C. Stephenson, Esq. (w/encl.)

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APPLICATION DOCKET
DEC 15 1998
ENTRY No. 72

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RECEIVED

PROFESSIONAL CORPORATION · ATTORNEYS
1106 FRICK BUILDING · PITTSBURGH, PA 15219
(412) 471-3300 - FAX: (412) 471-6068

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION⁵

In re: APPLICATION OF)
 GARDNER MOVING COMPANY) Docket No. A-00108945
) F.1, Am-A
)

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. A copy of the application as published in the Pennsylvania Bulletin is attached hereto as Appendix "A".
2. The name and address of the protestant(s) are set forth in Appendix "B" hereto.

3. The name, address and telephone number of protestant(s) atorney:

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APPLICATION DOCKET

DEC 15 1998

ENTRY No. 72

PILLAR MULROY & FERBER, P.C.
1106 Frick Building
Pittsburgh, PA 15219
(412) 471-3300

**RECEIVED
SECRETARY'S BUREAU
98DEC 15 AM 9:50**

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4. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix "B" attached hereto. A true and correct copy of the pertinent portions of authority held by protestant(s), or a summary thereof, is attached hereto as Appendix "C".

5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such

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service. To the extent of protestant(s) authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) so as to have a substantial adverse impact upon the public or may result in destructive competition.

6. Protestant(s) hereby request(s) that the application be set for oral hearing. If an oral hearing is held, protestant(s) represent(s) that it/they will appear and present evidence pertinent to the application.

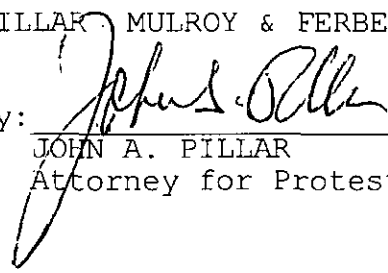
7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), protestant(s) hereby request(s) a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant(s).

8. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix "D".

Respectfully submitted,

PILLAR MULROY & FERBER, P.C.

By:



JOHN A. PILLAR
Attorney for Protestant

Due Date: December 21, 1998

A-00108945, F. 1, Am-A. Gardner Moving Company (3236 Beacon Hill Avenue, Pittsburgh, Allegheny County, PA 15216), a corporation of the Commonwealth of Pennsylvania—inter alia—household goods, personal effects and property used to or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal of the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments in connection with the 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 special handling and equipment usually employed in moving household goods between points in the county of Allegheny, and from points in said county to points in Pennsylvania; subject to

the following condition: that no right, power or privilege is granted to provide service to points in the counties of Chester and Montgomery, and the city of Harrisburg, Dauphin County, and points within 10 miles by the usually traveled highway of the limits of said city: *so as to permit* the transportation of household goods in use, between points within an airline radius of 75 statute miles of the Allegheny County Courthouse, located in the city of Pittsburgh, Allegheny County. *Attorney:* Mark C. Stephenson, 1900 Market Street, Philadelphia, PA 19103.

PENNSYLVANIA BULLETIN

November 28, 1998

APPENDIX "B"

Re: GARDNER MOVING COMPANY
Docket No. A-00108945,
F.1, Am-A

The foregoing protest to the above application is filed on behalf of:

THE SNYDER BROTHERS MOVING, INC.,
t/a GEORGE TRANSPORTATION COMPANY
729 W. New Castle Street
Zelienople, PA 16063

The Snyder Brothers Moving, Inc., t/a George Transportation Company, holds authority from this Commission at Docket A-00086452. As pertinent to the application involved herein, George Transportation is authorized to transport household goods and office furniture in use: (1) from points in Butler County to points in Pennsylvania, and vice versa; (2) between points in the Borough of McKees Rocks, Allegheny County, and within 25 miles of said Borough by the usually traveled highways; (3) between points in the City of Pittsburgh, Allegheny County, and within 15 miles thereof, and from points in said area to points within 50 miles of the City-County Building, Pittsburgh, and vice versa; (4) between points in the City of Franklin, Venango County, and with 25 miles of said City, and from points in said territory to other points in Pennsylvania; (5) from points in the Boroughs of Monaca, Rochester, Freedom, Beaver and West Bridgewater, and the Townships of Center and Potter, Beaver County, to others points in Beaver County, and vice versa; (6) from points in the Borough of New Bethlehem, Clarion County, and within 10 miles of the limits of said Borough, to points in Pennsylvania, and vice versa. Protestant holds other authority which may be in conflict with that sought herein as more fully set forth in Appendix "C" hereto.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 66452
Folder 2

Application of THE SNYDER BROTHERS
MOVING 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 THE SNYDER BROTHERS MOVING INC., a corporation of the Commonwealth of Pennsylvania, received May 7, 1959, 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 GILBERT M. SNYDER, GERALD H. SNYDER, GERARD E. SNYDER, BERNARD G. SNYDER and GLENN J. SNYDER, copartners, trading and doing business as THE SNYDER BROTHERS, under reports and orders issued at A. 69934, Folders 2 and 3 on November 10, 1947, and the certificates of public convenience issued pursuant thereto, 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 THE SNYDER BROTHERS MOVING INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, household goods and office furniture in use between points in the Borough of McKees Rocks, Allegheny County, and within twenty-five (25) miles by the usually traveled highways, of the limits of the said borough. (Formerly A. 69934, F. 2)

To transport, as a Class D carrier, coal, coke and other solid fuels, brick, sand, gravel, soil and building construction materials such as are usually transported in dump trucks, between points in the Borough of McKees Rocks, Allegheny County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said borough. (Formerly A. 69934, F. 2)

To transport, as a Class D carrier, new furniture, fixtures, and household appliances, and new office furniture, fixtures and office appliances for Superior Furniture Company from points in the Borough of McKees Rocks, Allegheny County, to points in the County of Allegheny, and vice versa. (Formerly A. 69934, F. 3)

APPENDIX "C"

RECORDS
FOLDER

(continued)

-2-

A. 66452
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 proceeding 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 will reflect the same book values as the records of the transferor at the effective date of the transfer, with respect to the assets acquired and liabilities assumed, any previously recorded appreciation having been deleted therefrom; provided that the 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.

FOURTH: 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, July 20, 1959, 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:

Charles E. ...

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 15, 1981

Commissioners Present:

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

Application of The Snyder Brothers Moving, Inc., t/d/b/a George Transportation Company, 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, 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, between points in the County of Butler, and from points in said County to points in Pennsylvania, and vice versa.

A-00086452;
F.2, Am-A

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O R D E R

BY THE COMMISSION:

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

IT IS ORDERED:

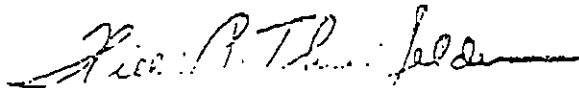
1. That the application of The Snyder Brothers Moving, Inc., t/d/b/a George Transportation Company at A-00086452, F.2, Am-A, be and is hereby approved in part and denied in part, and that the Certificate of Public Convenience issued to applicant on October 1, 1959, be modified to include the following 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.

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 the 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

P.U.C. 864527.2.1a-A
A.56502.7.1.1
D.97208.7.1.1
Snyder Bros. #18
5/25/80 -js

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 25, 1980

Commissioners Present:

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

RECORDED
JUN 18 1980
SEC. 7-100
Public Utility
A-00086452
P. 2
Am-B

Application of The Snyder Brothers Moving Inc.,
t/a George Transportation Company for approval
of the transfer to it of all of the operating
rights held by Patricia A. George at A. 99449.

ORDER

BY THE COMMISSION:

By application docketed October 17, 1979, The Snyder Brothers Moving, Inc., t/a George Transportation Company, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Patricia A. George, under the certificate issued at A. 99449.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Patricia A. George, at A. 99449 be approved and that the report and order of July 20, 1959 at A. 86452, P. 2 and the certificate issued pursuant thereto, be modified and amended to include the following rights:

1. To transport, as a Class B carrier, household goods and office furniture, in use, between points in the city of Pittsburgh, Allegheny County, and within five (5) miles, by the usually traveled highways, of the limits of the said city.
2. To transport, as a Class D carrier, household goods and office furniture and fixtures in use from points in the city of Pittsburgh, Allegheny 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.
3. To transport, as a Class D carrier, new and used household goods, appliances, and store fixtures between points in the city of Pittsburgh, Allegheny County, and within an airline distance of fifteen (15) statute miles thereof, and from points in said area to points within an airline distance of fifty (50) statute miles of the City-County Building, Pittsburgh, and vice versa;

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JUN 18 1980
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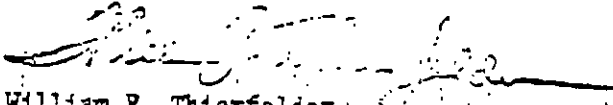
DOCUMENT
FOLDER

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 Law 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 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 Patricia A. George at A. 99449 be cancelled and the record be marked closed.

BY THE COMMISSION,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: January 25, 1980

ORDER ENTERED: FEB 19 1980

EXTRA COPY

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 11, 1987

Commissioners Present:

- Bill Shane, Chairman
- Linda C. Taliaferro
- Frank Fischl

Application of The Snyder Brothers Moving, Inc., t/d/b/a George Transportation Company, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods and office furniture in use, between points in the borough of McKees Rocks, Allegheny County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith,

A-00086452
F. 2
Am-C

(1) between points in the borough of McKees Rocks, Allegheny County, and within twenty-five (25) miles by the usually traveled highways of the said borough;

(2) between points in the city of Pittsburgh, Allegheny County, and within five (5) miles by the usually traveled highways of the limits of the said city;

(3) between points in the city of Pittsburgh, Allegheny County, and within an airline distance of fifteen (15) statute miles thereof, and from points in the said territory to points within an airline distance of fifty (50) statute miles of the City-County Building in the city of Pittsburgh, Allegheny County, and vice versa; and (4) from points in the county of Butler, to points in Pennsylvania, and vice versa.

William J. Lavelle for The Snyder Brothers Moving, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 29, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 23, 1986.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by John E. George, president of the applicant, Evans City, Butler County; J. R. Briski, supervisor of shipping, receiving and traffic for Bettis Atomic Power Lab Division of Westinghouse Electric Corp., West Mifflin, Allegheny County; and William G. Bowan, senior transportation administrator, Westinghouse Electric Corporation, Nuclear Technology Systems Division, Monroeville, Allegheny County.

DISCUSSION AND FINDINGS

By the instant application, The Snyder Brothers Moving, Inc., seeks to amend its current household goods and office furniture authority so that it may transport various types of business machines and electronic equipment which requires specialized handling and equipment as normally employed in moving household goods. There is no territorial expansion involved in the instant proceeding.

The applicant admits that it has transported business machines and electronic equipment within the scope of its current territorial authority, under the belief that the commodities involved were included in the Commission's description of office furnishings.

In our decision adopted March 20, 1986, and entered April 2, 1986, at P-850090, Pennsylvania Moving & Storage Association, Petition for Declaratory Order, it was decided that the transportation of new or used business machines was not within the scope of the authority to transport articles which require specialized handling and equipment usually employed in moving household goods.

Upon issuance of the above referenced decision, the applicant filed an application for specific authority to transport the types of commodities above excluded, but confined to its current operating territory relative to household goods and office furnishings in use.

We find, after review of the circumstances surrounding the filing of the application for amendment to its certificate and the verified statements of the applicant and four shippers in support of the application, that the application should be approved. The applicant as a currently certificated carrier of household goods and office furnishings has the necessary equipment and experience to

transport the subject commodities. The support of the two shippers is representative of a need for the service as an accommodation and convenience to the public. We further find that approval of the application will provide substantial public benefit by making the applicant's service available for the transportation of business machines and electronic equipment and by bringing the applicant into compliance with current Commission policy; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued October 1, 1959, as amended, be further amended to include the following right:

To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) between points in the borough of McKees Rocks, Allegheny County, and within twenty-five (25) miles by the usually traveled highways of the said borough; (2) between points in the city of Pittsburgh, Allegheny County, and within five (5) miles by the usually traveled highways of the limits of the said city; (3) between points in the city of Pittsburgh, Allegheny County, and within an airline distance of fifteen (15) statute miles thereof, and from points in the said territory to points within an airline distance of fifty (50) statute miles of the City-County Building in the city of Pittsburgh, Allegheny County, and vice versa; and (4) from points in the county of Butler, to points in Pennsylvania, and vice versa.

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 no service shall be rendered under the authority granted herein until the applicant has complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not complied with the requirements hereinbefore set forth within sixty (60) days of the date the order is entered, the application shall be dismissed without further proceedings.

BY THE COMMISSION.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 11, 1987

ORDER ENTERED: JUN 22 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 18, 1997

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of The Snyder Brothers Moving, Inc., A-00086452
t/d/b/a George Transportation Company, a F. 2
a corporation of the Commonwealth of Pennsyl- Am-D
vania, for the transfer of part of the
operating rights of Bruce Klapec, Inc.,
authorized under the certificate issued at
A-00110372, subject to the same limitations
and conditions.

John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 2, 1997. Public notice of the application was given in the Pennsylvania Bulletin of October 25, 1997. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

The applicant is a Pennsylvania corporation domiciled at 729 New Castle Street, Zelienople, Butler County. It is currently certificated and engaged in the transportation of household goods in use. The applicant has all necessary vehicles and equipment to provide service under the rights to transfer. All equipment is routinely safety inspected and subject to a preventative maintenance schedule. Drivers are screened and evaluated on an ongoing basis.

The total consideration for the operating rights is \$5,000.00. The full purchase price will be paid by cash or certified funds upon approval of the transfer by the Commission.

As of December 31, 1996, the applicant reports current assets of \$471,229.00 with current liabilities of \$337,837.00. Total assets are reported at \$938,858.00 and total liabilities are \$600,148.00.

The authority to transfer consists of two rights permitting the transportation of household goods and office furnishings, in use. Operation of this household goods right will require the applicant to provide transportation within the scope of the authority and to file a tariff establishing just and reasonable rates.

The part of the right permitting the transportation of office furniture in use, is now considered as a general property right permitting the transportation of all types of property, excluding household goods in use, except as authorized, between all points in Pennsylvania by virtue of the Commissions Final Decision at P-00940884, Regulation of Motor Common Carriers of Property, adopted December 15, 1994, entered December 22, 1994.

For the sake of clarity and to conform with current Commission policy, the two rights will be combined into one specific grant of authority for the transportation of household goods in use. The office furniture in use may be transported by the applicant under its current authority permitting the transportation of property between points in Pennsylvania.

Since the transferor is selling and transferring all its household goods in use authority, no duplication of rights will result between the authority being retained and the authority being transferred.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and fitness 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: Byerly, 440Pa. 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. 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 the certificate issued October 1, 1959, as amended, be further amended to include the following right:

To transport, as a Class D Carrier, household goods in use, between points in the city of Franklin, Venango County, and points within twenty-five (25) miles by the usually traveled highways of the limits of said city, and from points in the said territory to other points in Pennsylvania.

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding 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 the 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 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, and previously recorded depreciation having been deleted therefrom.
5. 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 no. 2 and 3 above.
6. That the certificate holder shall not transfer, sell or in anyway 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 (a)(3) of Title 66 PA C.S.

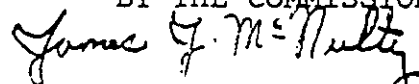
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates for the transportation of household goods in use.

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 second right granted the transferor, Bert Klapac, Inc., contained in the order adopted January 7, 1993, entered January 12, 1993, at A-00110372, be and is hereby canceled.

BY THE COMMISSION



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: December 18, 1997

ORDER ENTERED: DEC 23 1997

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 18, 1997

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of The Snyder Brothers Moving, Inc., A-00086452
t/d/b/a George Transportation Company, a F. 2
a corporation of the Commonwealth of Pennsyl- Am-E
vania, for the transfer of part of the
operating rights of A & D Transfer Inc.,
authorized under the certificate issued at
A-00110133, F. 1, Am-A, subject to the same
limitations and conditions.

John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 6, 1997. Public notice of the application was given in the Pennsylvania Bulletin of November 15, 1997. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

The applicant is a Pennsylvania corporation domiciled at 729 New Castle Street, Zelienople, Butler County. It is currently certificated and engaged in the transportation of household goods in use. The applicant has all necessary vehicles and equipment to provide service under the rights to transfer. All equipment is routinely safety inspected and subject to a preventative maintenance schedule. Drivers are screened and evaluated on an ongoing basis.

The total consideration for the operating rights is \$4,000.00. The full purchase price will be paid by cash or certified funds upon approval of the transfer by the Commission.

As of December 31, 1996, the applicant reports current assets of \$471,229.00 with current liabilities of \$337,837.00. Total assets are reported at \$938,858.00 and total liabilities are \$600,148.00.

The authority to transfer consists of one right permitting the transportation of household goods and office furnishings, in use. Operation of this household goods right will require the applicant to provide transportation within the scope of the authority and to file a tariff establishing just and reasonable rates.

The part of the right permitting the transportation of office furniture in use, is now considered as a general property right permitting the transportation of all types of property, excluding household goods in use, except as authorized, between all points in Pennsylvania by virtue of the Commissions Final Decision at P-00940884, Regulation of Motor Common Carriers of Property, adopted December 15, 1994, entered December 22, 1994.

For the sake of clarity and to conform with current Commission policy, the right to issue will provide for the transportation of household goods in use. The office furniture in use may be transported by the applicant under its current authority permitting the transportation of property between points in Pennsylvania. The condition to the authority stating that only household goods in use may be transported to points beyond fifteen (15) miles by the usually traveled highways of the limits of the borough of Monaca, Beaver County, is being eliminated from the authority to issue, as the right being granted by this order only permits the transportation of household goods in use.

Since the transferor is selling and transferring all its household goods in use authority, no duplication of rights will result between the authority being retained and the authority being transferred.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and fitness 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: Byerly, 440Pa. 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. 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 the certificate issued October 1, 1959, as amended, be further amended to include the following right:

To transport, as a Class D Carrier, household goods in use, from points in the boroughs of Monaca, Rochester, Freedom, Beaver and West Bridgewater, and the townships of Center and Potter, Beaver County, to other points in the county of Beaver, and vice versa.

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding 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 the 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 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, and previously recorded depreciation having been deleted therefrom.
5. 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 no. 2 and 3 above.

6. That the certificate holder shall not transfer, sell or in anyway 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 (a)(3) of Title 66 PA C.S.

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 for the transportation of household goods in use.

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 fourth right granted the transferor, A & D Transfer, Inc., contained in the order adopted April 29, 1993, entered May 5, 1993, at A-00110133, F. 1, Am-A, be and is hereby canceled.

BY THE COMMISSION

James J. McNulty

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: December 18, 1997

ORDER ENTERED: DEC 29 1997

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 26, 1998

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of The Snyder Brothers
Moving, Inc., t/a George
Transportation Company, for the
transfer of part of the operating
rights of Terry R. Van Tassel, t/a
Terry R. Van Tassel Trucking, under
the certificate of public
convenience issued at A-00109734,
F. 1, Am-B, subject to the same
limitations and conditions.

A-00086452
F. 2
Am-F

Pillar, Mulroy and Ferber by John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 4, 1997. Public notice of the application was given in the Pennsylvania Bulletin of January 3, 1998. The unopposed application is certified to the Commission for its decision without oral hearing.

The total consideration for the rights is \$3,000.

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: 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. 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 the authority, as amended, be further amended to include the following rights:

To transport, household goods in use:

- (1) Between points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of said borough.
- (2) From points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of said borough, to 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(s) 3 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 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 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, Terry R. Van Tassel, t/a Terry R. Van Tassel Trucking at A-00109734, F. 1, Am-B be modified pursuant to the supplemental order.

BY THE COMMISSION,

James J. McNulty
James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: February 26, 1998

ORDER ENTERED: **MAR - 2 1998**

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held May 21, 1998

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of The Snyder Brothers Moving, Inc., t/a George Transportation Company, for the transfer of part of the operating rights of Drenning Delivery System, Inc., under the certificate of public convenience issued at A-00075561, F. 2, subject to the same limitations and conditions. A-00086452
F. 2
Am-G

Pillar, Mulroy & Ferber by John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 7, 1998. Public notice of the application was given in the Pennsylvania Bulletin of February 21, 1998. The unopposed application is certified to the Commission for its decision without oral hearing.

The total consideration for the rights is \$3,000.

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: 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. 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 the certificate issued on October 1, 1959, as amended, be further amended to include the following rights:

To transport, as a Class D carrier:

- (1) household goods in use between points in the city of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of the said city.
- (2) household goods in use from points in the city of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of said city, 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(s) 3 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.

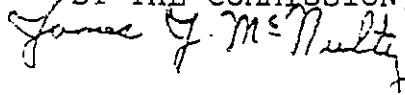
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.
2. 1998 assessment of the transferor in the amount of \$5,678.

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, Drenning Delivery System, Inc. at A-00075561, F. 2, be modified pursuant to the supplemental order.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: May 21, 1998

ORDER ENTERED: **MAY 28 1998**

APPENDIX "D"

Re: Gardner Moving Company
Docket A-00108945,
F.1, Am-A

Protestant, The Snyder Brothers Moving, Inc., t/a George Transportation Company, knows of no restrictive amendment that will satisfy its interest in this proceeding.

Law Offices

VUONO & GRAY, LLC

John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Christine M. Dolfi
Louise R. Schrage
*Also Admitted in Florida

2310 Grant Building
Pittsburgh, PA 15219-2383

(412) 471-1800

December 15, 1998

Richard R. Wilson
of Counsel

Facsimile
(412) 471-4477

Re: Gardner Moving Company
Docket No. A-00108945, F. 1, Am-A

Mr. James J. McNulty
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 Mr. McNulty:

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

pz/8115

Enclosure

cc: Mark C. Stephenson (w/enc.) (By Certified Mail)

RECEIVED

DEC 15 1998

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Before the SUP 12 11 8:53
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00108945, F. 1, Am-A

GARDNER MOVING COMPANY

PROTEST AND REQUEST
FOR ORAL HEARING

RECEIVED

DEC 15 1993

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent 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. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant authority is attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the interest of the protestants.
3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold

authority to provide service in the area affected by the application, (b) protestants and other existing carriers are 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, and (d) approval of the application will adversely affect protestants 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. Protestants request 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, protestants 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.

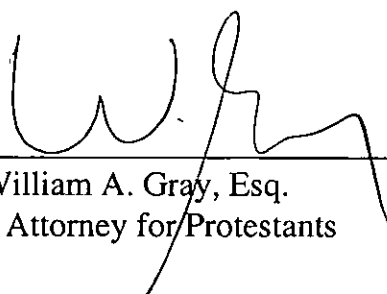
WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

ANDERSON TRANSFER, INC.
MCKEAN & BURT, INC. t/d/b/a ALL WAYS
MOVING & STORAGE
TIMOTHY M. MOORE, t/d/b/a MOORE MOVERS
VESELY BROS. MOVING & STORAGE, INC.
CENTURY III MOVING SYSTEMS, INC.
t/d/b/a CLAIRTON TRANSFER COMPANY
and PLEASANT HILLS VAN & STORAGE
WELESKI TRANSFER, INC.
FOREST HILLS TRANSFER AND STORAGE, INC.
McNAUGHTON BROS., INC.
FIFE MOVING & STORAGE CO.
BEST MOVING & STORAGE CO.
B. H. STUMPF CO., INC.

By: _____


William A. Gray, Esq.
Attorney for Protestants

VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Of Counsel

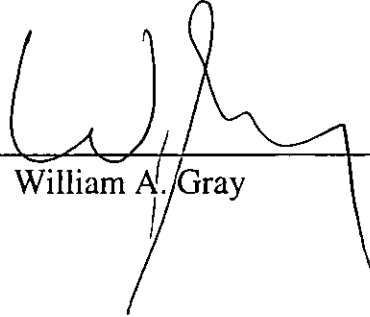
Dated: December 15, 1998

/8115

CERTIFICATE OF SERVICE

I hereby certify that I have this day 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.

Dated at Pittsburgh, PA, this 15th day of December, 1998.



William A. Gray

Re: Gardner Moving Company
Docket No. A-00108945, F. 1, Am-A

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on November 28, 1998,
applicant seeks authority to operate as a common carrier, transporting:

Household goods in use, between points within an airline
radius of 75 statute miles of the Allegheny County
Courthouse, located in the city of Pittsburgh, Allegheny
County.

INTEREST OF PROTESTANTS:

1. Anderson Transfer, Inc., 231 Burton Avenue, Washington, PA 15301 (412-341-0820), holds authority at Docket No. A-00109593. A summary of the relevant authority of Anderson Transfer is attached hereto. The relevant grants of authority are paragraphs 2, 5 and 7.
2. McKean & Burt, Inc. t/d/b/a All Ways Moving & Storage, 326 W. Maiden Street, Washington, PA 15301 (412-225-7360), hold authority at Docket No. A-00091652. A summary of the relevant authority of All Ways is attached hereto. All of its authority at F. 1, Am-A is relevant to this application.
3. Timothy M. Moore, t/d/b/a Moore Movers, 326 W. Maiden Street, Washington, PA 15301 (412-225-7360), hold authority at Docket No. A-00113305. A summary of the relevant authority of Moore Movers is attached hereto. All of its

authority is relevant to this application.

4. Vesely Bros. Moving & Storage, Inc., P. O. Box 455, Fayette City, PA 15438 (412-326-5636) holds authority at Docket No. A-00102958. A copy of the relevant authority of Vesely Bros. Moving & Storage, Inc. is attached hereto. The relevant authority of Vesely are both paragraphs of its lead authority, and paragraphs 1, 2, 3, 4 and 5 at F. 1, Am-A.

5. Century III Moving Systems, Inc. t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage, P. O. Box 455, Fayette City, PA 15438 (412-326-5636) holds authority at Docket No. A-00109240. A copy of the relevant authority of Century III Moving Systems is attached hereto. The relevant authority of this company is paragraphs 1, 2, 3, 5, 9, 10 and 11.

6. Weleski Transfer, Inc., 140 West Fourth Avenue, Tarentum, PA 15084 (412-361-3125) holds authority at Docket No. A-00096502. A summary of the relevant authority of Weleski is attached hereto. All of its authority is relevant to this application except for paragraphs 6, 7, 11 and 12 of its authority at its lead docket, all of its authority at F. 1, Am-B and paragraphs 2, 3 and 6 of its authority at F. 1, Am-E.

7. Forest Hills Transfer and Storage, Inc., 2101 Ardmore Boulevard, Pittsburgh, PA 15221 (412-731-9500), holds authority at Docket No. A-00088631. A summary of the relevant authority of Forest Hills is attached hereto. The relevant grants of authority of Forest Hills are the three paragraphs of authority set forth at Folder 2 and paragraphs 7-10 at Folder 2, Am-B.

8. McNaughton Bros., Inc., 1590 Old Route 119 S., P. O. Box 57, Indiana, PA 15701 (724-463-3571) holds authority at Docket No. A-00082096. A summary of the relevant authority of McNaughton is attached hereto. All of the authority of McNaughton is relevant to this application except for the last paragraph at F. 2, the authority at F. 2, Am-C and F. 2, Am-E, paragraphs 2, 6, 7 and 9 at F. 2, Am-J.

9. Fife Moving & Storage Co., 665 West Pike Street, Meadowlands, PA 15347 (800-345-3433) holds authority at Docket No. A-00094528. A copy of the relevant authority of Fife Moving & Storage Co. is attached hereto. All of the authority of this company is relevant to this application.

10. Best Moving & Storage Co., 665 West Pike Street, Meadowlands, PA 15347 (800-345-3433) holds authority at Docket No. A-00107776. A copy of the relevant authority of Best Moving & Storage Co. is attached hereto. All of the authority of this company is relevant to this application.

11. B. H. Stumpf Co., Inc., 7903 Saltsburg Road, Pittsburgh, PA 15239 (412-795-9826) holds authority at Docket No. A-00105669. A copy of the relevant authority of B. H. Stumpf Co. is attached hereto. All of the authority of this company is relevant to this application.

- (1) To transport, as a Class D carrier, milk, cream and dairy products and supplies, such as powdered milk, parts for separators and for milking machines from points in the township of Buffalo, the southern half of the township of Canton, the township of Blaine, the southern half of the township of Donegal and the townships of North Franklin, South Franklin and Morris, Washington County to the city of Pittsburgh, Allegheny County, and vice versa; provided that no right, power or privilege is granted on outbound trips from the city of Pittsburgh to pick up or deliver property in an incorporated borough or city within which a station of Penn Central Transportation Company is located.
- (2) To transport, as a Class D carrier, property between points in the city of Washington, Washington County, and within fifteen miles by the usually traveled highways of the limits of said city, provided that no right is granted to transport property to points more than five (5) miles from Washington which are served by the Pittway Corporation.
- (3) To transport, as a Class D carrier, mine supplies and gas and oil well supplies and products from the city of Washington and borough of East Washington, Washington County, to mines and wells in the counties of Washington and Greene, and vice versa, and between said mines and wells.
- (4) To transport, as a Class D carrier, building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the county of Washington.
- (5) To transport, as a Class D carrier, household goods in use from points in the city of Washington and within fifteen (15) miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa.
- (6) To transport, as a Class D carrier, office furniture from points in the city of Pittsburgh, Allegheny County, to other points in Pennsylvania, and vice versa.
- (7) 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 a 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, in connection with a removal from one location to another; objects of art, 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 Allegheny and from points in the said county to points in Pennsylvania, and vice versa;

with right No. 7 above subject to the following condition:

That no right, power or privilege is granted to transport new pianos, except as presently authorized;

with rights numbers 6 and 7 above subject to the following additional restrictive condition:

That no right, power or privilege is granted to provide transportation from the borough of Millersburg, Dauphin County, the city of Harrisburg, Dauphin County and points in the counties of Dauphin and Cumberland within ten (10) miles by the usually traveled highways of the limits of the city of Harrisburg.

- (9) To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (a) between points in the city of Washington, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa; and (b) between points in the county of Allegheny, and from points in said county to points in Pennsylvania, and vice versa.

MCKEAN & BURT, INC. t/d/b/a
ALL WAYS MOVING & STORAGE

Docket No. A-00091652

Folder 1, Am-A

To transport, as a common carrier, household goods in use from points in the city of Washington and within 15 miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa.

/s/174

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held October 3, 1996

Commissioners Present:

John M. Quain, Chairman
Lisa Crutchfield, Vice-Chairman
John Hanger
David W. Rolka
Robert K. Bloom

Application of Timothy M. Moore, A-00113305
t/d/b/a Moore Movers, for the
transfer of part of the operating
rights of Neel Transportation Co.,
Inc., under the certificate issued
at A-00099691, subject to the same
limitations and conditions.

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

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 19, 1996. Public notice of the application was given in the Pennsylvania Bulletin of August 31, 1996. The unopposed application is certified to the Commission for its decision without oral hearing.

Timothy M. Moore, t/d/b/a Moore Movers (applicant, transferee or Moore) seeks to initiate common carrier service by acquiring rights from Neel Transportation Co. The rights involved are household goods in use, which transferor has decided to terminate. Timothy M. Moore has been involved in the transportation of household goods and office furnishings and equipment for a number of years. He presently owns all the issued and outstanding stock of McKean & Burt, Inc., t/d/b/a All Ways Moving & Storage at A-00091652. All Ways Moving & Storage is also an agent of a major van lines company and as a result, has experience in the movement of household goods and related commodities.

Applicant is in a position to immediately begin providing service and is financially able to secure additional equipment and facilities as may be required. Applicant will commence operations utilizing a 1991 International truck which

will be subject to a preventative maintenance program requiring the checking and servicing of equipment on a regular basis. No equipment will be dispatched or utilized until known defects are corrected. A comprehensive safety and maintenance program will be implemented.

The statement of financial condition as of December 31, 1995 shows total current assets of \$21,780, total assets of \$424,280, total current liabilities of \$500 and a net worth of \$311,780.

Transferee's ratio of current assets to current liabilities exceeds two to one. Applicant has total current liabilities of \$500, estimated income taxes of \$112,000 and a net worth of \$311,780. Transferee has investments totaling \$400,000 and no long-term debt. Moore appears to be in strong financial shape.

The total consideration for the rights is \$10,000.

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: 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.

Transferor is pulling the first numbered household goods right from a property right under which it has utilized the Tri-State household goods tariff for moves under 50 miles. Subsequently, transferor filed tariffs for less than 40 miles and more than 40 miles, continuing to accommodate household goods moves.

We find it in the public interest to grant the household goods removal from a property right for three reasons: (1) It is apparent that when transferor herein was granted household goods authority at Right No. 2 he was already utilizing Right No. 1 to transport household goods between points in the city of Washington, Washington County and within fifteen (15) miles by the usually traveled highways and that Right No. 2 was a natural extension of Right No. 1.; (2) The transfer will allow better service to the public and be a benefit and no harm will befall the public or other carriers; (3) Transferor's remaining authority will be strictly property rights, excluding household goods in use, between points in Pennsylvania.

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 rights:

To transport, as a Class D carrier, household goods in use:

1. between points in the city of Washington, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said city.
2. from points in the city of Washington, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, 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 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.

5. 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 3 above.

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 a 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, Neel Transportation Co., Inc. at A-00099691 be modified pursuant to the supplemental order.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: October 3, 1996

ORDER ENTERED: OCT 8 1996

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 8, 1981

Commissioners Present:

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

Application of Vesely Bros. Moving
& Storage, Inc., for approval of the
transfer to it of all of the
operating rights held by A & L
Transfer, Inc., at A-00100125.

A-00102958

O R D E R

BY THE COMMISSION:

By application docketed March 3, 1981, Vesely Bros. Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to A & L Transfer, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00100125.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by A & L Transfer, Inc., at A-00100125 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, household goods and office furnishings in use between points in the county of Allegheny.
2. To transport, as a Class D carrier, household goods and office furnishings in use from points in the county of Allegheny to other points in Pennsylvania and vice versa;

subject to the following 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.

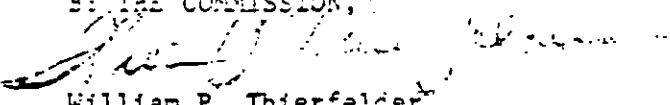
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$14,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. 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 Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.
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 entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(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 has complied with the requirements of the Pennsylvania Public Utility Law 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 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 A & L Transfer, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00100125 be cancelled and the record be marked closed.

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: May 8, 1981

ORDER ENTERED: JUN 1 1981

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 12, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Vesely Bros. Moving
& Storage, Inc., for approval of
the transfer to it of all of the
operating rights held by Edward
Vesely and Frances Vesely, co-
partners, t/a Vesely Brothers
"The Movers" at A-00097010.

A-00102958
F. 1
Am-A

O R D E R

BY THE COMMISSION:

By application docketed December 31, 1981, Vesely Bros. Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Edward Vesely and Frances Vesely, copartners, t/a Vesely Brothers "The Movers", under the certificate issued at A-00097010.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Edward Vesely and Frances Vesely, copartners, t/a Vesely Brothers "The Movers", at A-00097010 be approved and that the report and order adopted May 8, 1981 at A-00102958 and the certificate issued pursuant thereto, be modified and amended to include the following rights:

1. To transport, as a Class B carrier, property between points in the borough of Fayette City, Fayette County, and within five (5) miles by the usually traveled highways of the limits of said borough.
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the townships of Jefferson, Washington, Perry and Franklin and the borough of Brownsville,

Fayette County, the boroughs of Charleroi, Allentown and Roscoe, Washington County, and the city of Monessen, Westmoreland County, to points in Pennsylvania, and vice versa.

3. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the borough of Fayette City, Fayette County, and within twelve (12) miles by the usually traveled highways of the limits of said borough, excluding the borough of Donora, Washington County.
4. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Fayette City, Fayette County, and within twelve (12) miles by the usually traveled highways of the limits of said borough, excluding the borough of Donora, Washington County, to points in Pennsylvania, and vice versa.
5. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the boroughs of Belle Vernon, Fayette County, North Belle Vernon, Westmoreland County, and California and Bentleyville, Washington County, to other points in Pennsylvania, and vice versa.
6. To transport, as a Class D carrier, property for Montgomery Ward & Company between points in the borough of Charleroi, Washington County.
7. To transport, as a Class C carrier, property for Montgomery Ward & Company from points in the borough of Charleroi, Washington County, to its customers within twenty-five (25) miles by the usually traveled highways of the limits of said borough, excluding the city of Pittsburgh, Allegheny County.
8. To transport, as a Class C carrier, property for the General Chemical Company from the village of Newell, Fayette County, to its customers in the village of Glenshaw and the borough of Bridgeville, Allegheny County, and the city of Altoona, Blair County, excluding intermediate points.
9. To transport, as a Class C carrier, property for the General Chemical Company from its plant in the village of Newell, Fayette County, to points in the cities of Pittsburgh and McKeesport, Allegheny County, - excluding intermediate points;

with right no. 9 above subject to the following condition:

That no right, power or privilege is granted to transport commodities requiring the use of tank trucks, low-bed trailers or trucks equipped with winches or other special equipment used by heavy haulers;

with all of the above rights further 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 applicant charge to Account 1550, Other Intangible Property, \$500, 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 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.
5. 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 Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.

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 entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(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 has complied with the requirements of the Pennsylvania Public Utility Law 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 transferor's 1981 Annual Report.

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 Edward Vesely and Frances Vesely, copartners, t/a Vesely Brothers "The Movers", at A-00097010 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 12, 1982

ORDER ENTERED: ~~MAR~~ 18 1982

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 10, 1990

Commissioners Present:

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

Application of Century III Moving Systems, Inc., t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Century III Services, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00106464, F. 1 and F. 2, subject to the same limitations and conditions.

A-00109240

William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 19, 1990. Public notice of the application was given in the Pennsylvania Bulletin of April 14, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant seeks to begin providing service in Pennsylvania through acquisition of all of the operating rights of Century III Services, Inc.

The applicant is a Pennsylvania corporation domiciled at 301 Wide Drive, McKeesport, Allegheny County. The stockholders of the applicant, Peter J. Vesely and Joseph Vesely, are experienced in the household goods transportation industry by virtue of their position as officers, directors and shareholders of Vesely Bros. Moving & Storage, Inc. which holds authority

in Pennsylvania at A-00102958. The applicant is purchasing vehicles and equipment from the transferor with which to provide service. The applicant reports total assets of \$118,000 with liabilities of \$117,000.

The total consideration for the rights and other assets including motor vehicles, office equipment and warehouse equipment is \$117,000. The rights have been assigned a value of \$30,000 with other assets \$87,000. The sales agreement requires that the full purchase price will be paid in cash or by certified or cashiers check on the final closing date.

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 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. 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 rights:

1. To transport, as a Class B carrier, property, between points in the city of Clairton, Allegheny County.
2. To transport, as a Class C carrier, property, from points in the city of Clairton, Allegheny County, to points within twenty-five miles, by the usually traveled highways, of the limits of said city and vice versa.
3. To transport as a Class D carrier, household goods and office furnishings in use between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, and from points in said territory to other points in Pennsylvania, and vice versa; provided however, that no right, power or privilege is granted to render such service between points in the city of Pittsburgh or from points in said city of Pittsburgh to other points in

Pennsylvania except Clairton and points within fifteen (15) miles of the limits of Clairton not located in Pittsburgh.

4. To transport, as a Class D carrier, building and construction materials in bulk in dump trucks between points in the county of Allegheny, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.
5. To transport, as a Class D carrier, household goods and office furnishings in use from points in the city of Clairton, Allegheny County and within fifteen (15) miles by the usually traveled highways of the limits of said city, excluding the city of Pittsburgh, Allegheny County to points within 100 miles by the usually traveled highways of the limits of the city of Clairton and vice versa.
6. To transport, as a Class D carrier, property for Sears, Roebuck and Company from its store in the Duquesne Village Shopping Center in the borough of West Mifflin, Allegheny County, to the homes or places of business of its customers in the said borough and within an airline distance of twenty (20) statute miles of the limits thereof, and the return of refused or rejected property to the said store.
7. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, in connection with a removal by a householder, from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, 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 city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of the said city and from points in said territory to other points in Pennsylvania, and vice versa;

with right no. 7 subject to the following conditions:

- (a) That no right, power or privilege is granted to render said service between points in the city of Pittsburgh or from points in said city of Pittsburgh

to other points in Pennsylvania, except Clairton and points within fifteen (15) miles by the usually traveled highways of the limits of Clairton not located in Pittsburgh.

- (b) That (except as presently authorized) the authority granted is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for resale.
 - (c) That no right, power or privilege is granted to transport new pianos.
8. To transport, as a Class D carrier, property, for Bell Telephone Company and Western Electric Company, Inc., between points in the county of Allegheny, and from points in said county to points within an airline distance of fifty (50) statute miles of the limits thereof, and vice versa;

with right no. 8 subject to the following condition:

That no right, power or privilege is granted to provide transportation in bulk in dump vehicles.

9. To transport, as a Class B carrier, household goods in use between points in the city of Pittsburgh, Allegheny County.
10. To transport, as a Class D carrier, household goods in use from points in the city of Pittsburgh, Allegheny County, to points within five (5) miles, by the usually traveled highways, of the limits of said city, and vice versa.
11. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, 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 city of Pittsburgh, Allegheny County, and from points in the city of Pittsburgh, Allegheny County, to points within

five (5) miles by the usually traveled highways of the limits of the said city, and vice versa;

with right no. 11 subject to the following conditions:

- (a) That (except as presently authorized) the authority granted is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for resale.
 - (b) That no right, power or privilege is granted to transport new pianos.
12. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa.
 13. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the city of Pittsburgh, Allegheny County, and from points in said city to points within five (5) miles by the usually traveled highways of the limits of said city, and vice versa.
 14. To transport, as a Class D carrier, property for A.T. & T. Technologies, Inc. (formerly known as Western Electric), and Bell of Pennsylvania, between points in Pennsylvania;

with right no. 14 subject to the following condition:

No right, power or privilege is granted to transport commodities in bulk.

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 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, \$30,000, 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; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. 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.
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/permit 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. §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 evidence of insurance and 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 the temporary authority application be 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 Century III Services, Inc., at A-00106464, F. 1 and F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1990

ORDER ENTERED: May 11, 1990

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. 84519, 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, Folder 1)

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;

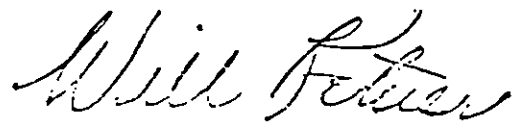
FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed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

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 operæ as above determined.

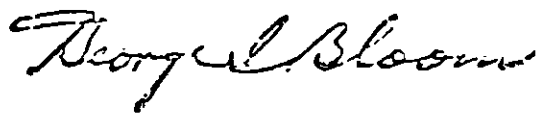
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

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

CORRECTED SUPPLEMENTAL REPORT AND ORDER MODIFYING
CERTIFICATE OF PUBLIC CONVENIENCE

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 July 6, 1971, for modification of the report and order issued under date of May 17, 1971 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, August 20, 1974, IT IS ORDERED: That the report and order issued under date of May 17, 1971 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, 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 property of stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments, when a part of the stock, equipment or supplies of such stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments in connection with removal from one location to another and requiring specialized handling or specialized equipment usually employed in moving household goods; and articles, in use, including objects of art, displays, musical instruments and exhibits, which because of their unusual nature or value requires special handling or equipment usually employed in moving household goods; in the following areas:

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 forty (40) statute miles of the point of origin, and vice versa.

Between points in the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually travelled highways of the limits of said borough

A. 96502
Folder 1, Am-A

From the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually travelled highways of the limits of said borough to points in Pennsylvania, and vice versa.

Between points in the city of Pittsburgh, Allegheny County, and within thirty (30) statute miles by the usually travelled highways of the said city.

Between points in the county of Allegheny and from points in said county to points in Pennsylvania, and vice versa.

Between points in the borough of Apollo, Armstrong County, and within five (5) statute miles by the usually travelled highways of the limits of said borough, and from said area to points in Pennsylvania, and vice versa.

and subject to the following conditions:

That the transportation of the property herein authorized is limited to deliveries to the home, establishment or place of business of the ultimate user thereof where such property if crated shall be uncrated at destination and placed in use; except as otherwise authorized.

The duplicity in the foregoing grant of rights and the extent to which said grant duplicates any other rights now held by the certificate holder is considered as one right and is not severable.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
George Bloom
Chairman

ATTEST:

Will Fisher

Secretary

ORDER ADOPTED: August 20, 1974
ORDER ENTERED: January 31, 1975

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96502
Folder 1, Am-B

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

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

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, received June 19, 1972, for modification of the report and order issued under date of May 17, 1971 and the certificate of public convenience issued thereunder, 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 KENNETH C. WOLFE, (deceased), trading and doing business as KEN WOLFE'S PICKUP AND DELIVERY, under report and order issued at A. 95786 on April 13, 1970 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled as of the date of this order, upon compliance with the tariff requirements of the Commission by WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, November 13, 1972, IT IS ORDERED: That the report and order issued under date of May 17, 1971 and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following rights:

To transport, as a Class D carrier, packages, no single item to exceed one hundred (100) pounds in weight, between points in the borough of Wilkinsburg, Allegheny County, and from points in said borough to points within ten (10) miles by the usually traveled highways of the limits of the said borough, and the return of refused or damaged shipments.

To transport, as a Class D carrier, property, between points in East Liberty and the borough of Wilkinsburg, Allegheny County.

To transport, as a Class D carrier, property for W. F. Angermyer from East Liberty to points in the county of Allegheny.

To transport, as a Class D carrier, new and used office machines (electrically and manually operated) and electronic copy machines and computers, requiring special handling and special equipment (excluding the transportation of property, which, because of size or weight requires the use of special equipment, such as winch trucks or tractors, pole or extendible trailers or carryalls), for Addressograph-Multigraph Corporation, between points in the county of Allegheny and from points in said county to points in Pennsylvania, and vice versa.

and subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport household goods and office furniture, in use.

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 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 correct 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.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Thompson
Chairman

Will Peter

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 15, 1981

Commissioners Present:

Susan M. Shanaman, 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, labo-
ratories, 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:

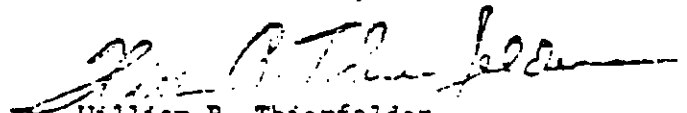
To transport, as a Class D carrier, by motor vehicle, household goods, personal effects and property used or to be used in a dwelling, when a part of the equipment or supplies of such dwelling, as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment 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, 1961

ORDER ENTERED: JUN 9 1961

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 11, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl

Application of Weleski Transfer, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its common
carrier certificate, which grants the right,
inter alia, to transport, by motor vehicle,
household goods, personal effects and property
used or to be used in a dwelling when a part
of the equipment or supply 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 and 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; subject to the
following condition: That no right, power or
privilege is granted to provide any transportation
from Monroe County to Butler County: SO AS TO PERMIT
the transportation of tabulating machines, calculating
machines, computers, copying machines, electronic
equipment and other business machines and equipment,
which because of their unusual nature or value,
require specialized handling and equipment usually
employed in moving household goods, and parts,
materials and supplies used in connection therewith,
(1) from points in the borough of Tarentum and within
an airline distance of three (3) statute miles of the
limits of the said borough to points within an
airline distance of forty (40) statute miles of the

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point of origin, and vice versa; (2) between points in the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually traveled highways of the limits of the said borough; (3) from the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; (4) between points in the city of Pittsburgh, Allegheny County, and within thirty (30) statute miles by the usually traveled highways of the said city; (5) between points in the county of Allegheny and from points in the said county, to points in Pennsylvania, and vice versa; (6) between points in the borough of Apollo, Armstrong County, and within five (5) statute miles by the usually traveled highways of the said borough, and from said area to points in Pennsylvania, and vice versa; and (7) from points in the county of Butler, to points in Pennsylvania, and vice versa.

William J. Lavelle for Weleski Transfer, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 29, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 25, 1986.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by Gary L. Weleski, president of the applicant, Tarentum, Allegheny County; and William G. Bowan, senior transportation administrator, Westinghouse Electric Corporation, Nuclear Technology Systems Division, Monroeville, Allegheny County.

DISCUSSION AND FINDINGS

By the instant application, Weleski Transfer, Inc., seeks to amend its current broad form household goods authority so that it may transport various types of business machines and electronic equipment which requires specialized handling and equipment as normally employed in moving household goods. There is no territorial expansion involved in the instant proceeding.

The applicant admits that it has transported business machines and electronic equipment within the scope of its

current territorial authority, under the belief that the commodities involved were included in the Commission's broad form household goods description.

In our decision adopted March 20, 1986, and entered April 2, 1986, at P-850090, Pennsylvania Moving & Storage Association, Petition for Declaratory Order, it was decided that the transportation of new or used business machines was not within the scope of the authority to transport articles which require specialized handling and equipment usually employed in moving household goods.

Upon issuance of the above referenced decision, the applicant filed an application for specific authority to transport the types of commodities above excluded, but confined to its current operating territory relative to household goods and office furnishings in use.

We find, after review of the circumstances surrounding the filing of the application for amendment to its certificate and the verified statements of the applicant and one shipper in support of the application, that the application should be approved. The applicant as a currently certificated carrier of household goods and office furnishings has the necessary equipment and experience to transport the subject commodities. The support of the one shipper is representative of a need for the service as an accommodation and convenience to the public. We further find that approval of the application will provide substantial public benefit by making the applicant's service available for the transportation of business machines and electronic equipment and by bringing the applicant into compliance with current Commission policy; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued July 15, 1971, as amended, be further amended to include the following right:

To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) from points in the borough of Tarentum and within an airline distance of three (3) statute miles of the limits of the said borough to points within an airline distance of forty (40) statute miles of the point of origin, and vice versa; (2) between points in the borough of New Kensington, Westmoreland County, and within five (5) statute

miles by the usually traveled highways of the limits of the said borough; (3) from the borough of New Kensington, Westmoreland County, and within five (5) statute miles by the usually traveled highways of the limit of said borough, to points in Pennsylvania, and vice versa; (4) between points in the city of Pittsburgh, Allegheny County, and within thirty (30) statute miles by the usually traveled highways of the said city; (5) between points in the county of Allegheny and from points in the said county, to points in Pennsylvania, and vice versa; (6) between points in the borough of Apollo, Armstrong County, and within five (5) statute miles by the usually traveled highways of the said borough, and from said area to points in Pennsylvania, and vice versa; and (7) from points in the county of Butler, to points in Pennsylvania, and vice versa.

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 no service shall be rendered under the authority granted herein until the applicant has complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not complied with the requirements hereinbefore set forth within sixty (60) days of the date the order is entered, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 11, 1987

ORDER ENTERED: JUN 22 1987

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.

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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

FOREST HILLS TRANSFER AND STORAGE, INC.

SECTION 1

OPERATING AUTHORITY

FOLDER 2

TO TRANSPORT, AS A CLASS D CARRIER, HOUSEHOLD GOODS AND FURNITURE IN USE, BETWEEN POINTS IN THE COUNTY OF ALLEGHENY.

TO TRANSPORT, AS A CLASS D CARRIER, HOUSEHOLD GOODS AND FURNITURE IN USE, FROM POINTS IN SAID COUNTY TO OTHER POINTS IN PENNSYLVANIA.

TO TRANSPORT, AS A CLASS D CARRIER, HOUSEHOLD GOODS AND FURNITURE IN USE, FROM POINTS IN PENNSYLVANIA TO POINTS IN THE COUNTY OF ALLEGHENY; SUBJECT TO THE CONDITION THAT THE SERVICE HEREIN AUTHORIZED IS LIMITED AND RESTRICTED TO MOVEMENTS WHERE THE ORDER FOR SERVICE IS RECEIVED AT THE CERTIFICATE HOLDER'S OFFICE IN ALLEGHENY COUNTY.

FOLDER 2 Am-B

TO TRANSPORT COAL, AS A CLASS D CARRIER, FROM MINES IN THE COUNTY OF WESTMORELAND, TO POINTS IN THE CITY OF GREENSBURG, WESTMORELAND COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID CITY.

TO TRANSPORT STORE GOODS AND FIXTURES AND PIANOS, AS A CLASS D CARRIER, FROM POINTS IN THE CITY OF GREENSBURG, WESTMORELAND COUNTY, AND WITHIN FIFTEEN (15) MILES, BY THE USUALLY TRAVELED HIGHWAYS, OF THE LIMITS OF SAID CITY, INCLUDING THE VILLAGES OF BELMONT AND SLICKVILLE, WESTMORELAND COUNTY, TO OTHER POINTS IN PENNSYLVANIA, AND VICE VERSA, PROVIDED, THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO SERVE ALLEGHENY COUNTY POINTS EXCEPT FOR SERVICE BETWEEN SUCH POINTS, AND POINTS WITHIN FIFTEEN (15) MILES, BY THE USUALLY TRAVELED HIGHWAYS, OF THE LIMITS OF THE CITY OF GREENSBURG, WESTMORELAND COUNTY.

TO TRANSPORT FARM PRODUCTS, EXCAVATED MATERIALS AND ROAD AND BUILDING CONSTRUCTION MATERIALS SUCH AS ARE USUALLY TRANSPORTED IN DUMP TRUCKS, AS A CLASS D CARRIER, BETWEEN POINTS IN THE CITY OF GREENSBURG AND WITHIN TEN (10) MILES, BY THE USUALLY TRAVELED HIGHWAYS, OF THE LIMITS OF SAID CITY.

TO TRANSPORT CHRISTMAS TREES, AS A CLASS D CARRIER, FROM RAILROAD SIDINGS IN THE SAID CITY TO POINTS IN THE COUNTY OF WESTMORELAND.

(CONCLUDED ON NEXT PAGE)

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF TARIFF.

ISSUED: DECEMBER 12, 1980

EFFECTIVE: JANUARY 12, 1981

ISSUED BY:

JOHN C. ONUFER, VICE PRESIDENT
ARDMORE BOULEVARD AND MARION AVENUE
PITTSBURGH, PA 15221

FOREST HILLS TRANSFER AND STORAGE, INC.

SECTION 1

OPERATING AUTHORITY

FOLDER 2 Am-B (CONCLUDED)

TO TRANSPORT PROPERTY, EXCLUDING HOUSEHOLD GOODS AND OFFICE FURNITURE AND EQUIPMENT IN USE, AS A CLASS B CARRIER, BETWEEN POINTS IN THE CITY OF GREENSBURG, WESTMORELAND COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID CITY.

TO TRANSPORT PROPERTY, EXCLUDING HOUSEHOLD GOODS AND OFFICE FURNITURE AND EQUIPMENT IN USE, AS A CLASS D CARRIER, FROM POINTS WITHIN THE CITY OF GREENSBURG, WESTMORELAND COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID CITY TO POINTS WITHIN TEN (10) MILES, BY THE USUALLY TRAVELED HIGHWAYS, OF THE LIMITS OF SAID CITY.

TO TRANSPORT OFFICE FURNITURE, EQUIPMENT AND HOUSEHOLD GOODS IN USE, AS A CLASS D CARRIER, BETWEEN POINTS IN THE COUNTY OF WESTMORELAND.

TO TRANSPORT OFFICE FURNITURE, EQUIPMENT AND HOUSEHOLD GOODS IN USE, AS A CLASS D CARRIER, FROM POINTS IN THE COUNTY OF WESTMORELAND TO OTHER POINTS IN PENNSYLVANIA AND VICE VERSA.

TO TRANSPORT OFFICE FURNITURE EQUIPMENT AND HOUSEHOLD GOODS IN USE, AS A CLASS B CARRIER, BETWEEN POINTS IN THE BOROUGH OF SALTSBURG, INDIANA COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID BOROUGH.

TO TRANSPORT OFFICE FURNITURE, EQUIPMENT AND HOUSEHOLD GOODS IN USE, AS A CLASS D CARRIER, FROM POINTS IN THE BOROUGH OF SALTSBURG, INDIANA COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID BOROUGH TO OTHER POINTS IN PENNSYLVANIA AND VICE VERSA.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF TARIFF.

ISSUED: DECEMBER 12, 1980

EFFECTIVE: JANUARY 12, 1981

ISSUED BY:

JOHN C. ONUFER, VICE PRESIDENT
ARDMORE BOULEVARD AND MARION AVENUE
PITTSBURGH, PA 15221

FOREST HILLS TRANSFER AND STORAGE, INC.

SECTION 1

OPERATING AUTHORITY

FOLDER 2 Am-C

(1) TO TRANSPORT, AS A CLASS D CARRIER, FIXTURES, EQUIPMENT AND THE PROPERTY USUAL IN A STORE, OFFICE, MUSEUM, INSTITUTION, LABORATORY, HOSPITAL, HOME OR OTHER ESTABLISHMENT, WHEN A PART OF THE STOCK EQUIPMENT, OR SUPPLY OF SUCH STORE, OFFICE, MUSEUM, INSTITUTION, LABORATORY, HOSPITAL, HOME OR OTHER ESTABLISHMENT, IN CONNECTION WITH A REMOVAL FROM ONE LOCATION TO ANOTHER, AND REQUIRING SPECIALIZED HANDLING OR SPECIALIZED EQUIPMENT, USUALLY EMPLOYED IN MOVING HOUSEHOLD GOODS, BETWEEN POINTS IN THE COUNTIES OF ALLEGHENY AND WESTMORELAND AND FROM POINTS IN SAID COUNTIES TO OTHER POINTS IN PENNSYLVANIA, AND VICE VERSA.

(2) TO TRANSPORT, AS A CLASS D CARRIER, ELECTRONIC COMPUTERS, BETWEEN POINTS IN THE COUNTY OF ALLEGHENY.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT PROPERTY REQUIRING THE USE OF CARRYALLS, HOME TRAILERS AND/OR WINCH TRUCKS OR TRAILERS.

FOLDER 3

TO TRANSPORT, AS A CLASS D CARRIER, ANY MATERIAL OR ANY COMBINATION OF MATERIALS THAT SPONTANEOUSLY EMITS IONIZING RADIATION (EXCLUDING THE TRANSPORTATION OF SUCH MATERIALS IN BULK IN TANK VEHICLES), FROM THE PLANTS AND INSTALLATIONS OF WESTINGHOUSE ELECTRIC CORPORATION LOCATED IN THE BOROUGHES OF CHESWICK, FOREST HILLS, JEFFERSON AND WEST MIFFLIN AND THE TOWNSHIPS OF FINDLEY, NORTH FAYETTE, ALLEGHENY COUNTY, AND THE TOWNSHIP OF HEMPFIELD, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA AND VICE VERSA.

TO TRANSPORT, AS A CLASS D CARRIER, LABORATORY MATERIALS AND SUPPLIES USED IN THE PRODUCTION OF ANY MATERIAL OR ANY COMBINATION OF MATERIALS THAT SPONTANEOUSLY EMITS IONIZING RADIATION IN PACKAGES WEIGHING NOT MORE THAN FIVE HUNDRED (500) POUNDS EACH, FROM THE PLANTS AND INSTALLATIONS OF WESTINGHOUSE ELECTRIC CORPORATION LOCATED IN THE BOROUGHES OF CHESWICK, FOREST HILLS, JEFFERSON AND WEST MIFFLIN AND THE TOWNSHIPS OF FINDLEY, NORTH FAYETTE, ALLEGHENY COUNTY, AND THE TOWNSHIP OF HEMPFIELD, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA AND VICE VERSA.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF TARIFF.

ISSUED: DECEMBER 12, 1980

EFFECTIVE: JANUARY 12, 1981

ISSUED BY:

JOHN C. ONUFER, VICE PRESIDENT
ARDMORE BOULEVARD AND MARION AVENUE
PITTSBURGH, PA 15221

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 18, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl

Application of Forest Hills Transfer and Storage, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, office furniture, equipment and household goods, in use, between points in the county of Westmoreland to other points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) between points in the counties of Allegheny and Westmoreland, and from points in said counties, to points in Pennsylvania, and vice versa; and (2) between points in the borough of Saltsburg, Indiana County, and within three (3) miles of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa.

A-00088631
F. 2
Am-D

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 September 29, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 25, 1986. No protests were filed and the application is now certified to the Commission for its decision without oral hearing. The record consists of verified statements filed on behalf of the applicant and two supporting shippers.

Forest Hills Transfer and Storage, Inc. (Forest or applicant), is a Delaware corporation, duly registered to do business in Pennsylvania. It maintains its principal place of business in Pittsburgh, Allegheny County, and operates another terminal in South Greensburg, Westmoreland County. The applicant's fleet consists of over one hundred pieces of various types of equipment. Forest was initially certificated by this Commission in 1962 and currently holds seventeen paragraphs of authority.

As evidence of its financial capacity to perform the proposed service, Forest reports assets of \$3,861,195, with liabilities of \$487,621, leaving a shareholders' equity of \$3,373,574. Gross intrastate revenue for 1985 was \$472,067.

This application is a result of our decision in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090 (adopted March 20, 1986), which concluded that the transportation of business machines, new or used, is not within the scope of household goods rights. By this application, Forest seeks to add the commodity description of "tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment" to the geographical areas in which it currently has household goods authority.

Thomas E. Kalata, buyer and traffic coordinator for American Cimflex Corp. (Cimflex), with two facilities in Allegheny County, submitted a statement in support of the application. Cimflex is a manufacturer of computers, robots, vision systems and various types of controllers. Outbound and inbound shipments are usually less-than-truckload and require specialized handling because of the delicate nature of the commodities. Suppliers, sub-assemblers, and customers are located throughout the state.

Kenneth Schmid, shipping supervisor for Robicon Corporation (Robicon), located in Pittsburgh, also submitted a statement in support of the application. This company manufactures various electronic control devices for industrial uses. The finished products are susceptible to damage due to the fragile nature of the electronic components and Robicon requires a carrier with equipment capable of delivering the goods in undamaged condition. Potential suppliers and customers are located throughout Pennsylvania.

While the support for this application is somewhat limited, we note that the commodity description is very specialized and there is no increase in the geographical area. Additionally, the application was filed to obtain authority Forest believed, in good faith, that it already had under its household goods rights. After a careful consideration of the record before us, we are of the opinion that the applicant has the expertise and equipment necessary to provide the proposed service. Furthermore, the verified statements demonstrate that there is a segment of the public that desires the availability of the proposed service.

We find that:

1. The applicant possesses the experience, equipment and financial capacity to render the proposed service.
2. The applicant has, through its supporting shippers, demonstrated that a segment of the public desires the proposed service.
3. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on March 1, 1962, as amended, be further amended to include the following right:

To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) between points in the counties of Allegheny and Westmoreland, and from points in said counties, to points in Pennsylvania, and vice versa; and (2) between points in the borough of Saltsburg, Indiana County, and within three (3) miles of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa.

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 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 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 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.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 18, 1987

ORDER ENTERED: JUN 29 1987

M c N A U G H T O N B R O S . , I N C .

OPERATING AUTHORITY

CERTIFICATE Pa. P.U.C. A-82096

Folder 2

To transport, as a Class D carrier, household goods and office furnishings in use between points in the County of Indiana.

To transport, as a Class D carrier, household goods and office furnishings in use from points in the County of Indiana to other points in Pennsylvania and vice versa.

To transport, as a Class B carrier, property, including household goods and office furnishings in use, between points in the Borough of Indiana, Indiana County, and within three (3) miles of the limits of said Borough.

To transport, as a Class D carrier, household goods in use and equipment in use from points in the Counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield, and Jefferson to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property from points in the Borough of Indiana, Indiana County, to points within twenty-five (25) miles by the usually traveled highways of the limits of said Borough and vice versa.

To transport, as a Class D carrier, building materials, contractors' machinery, and building construction materials such as are usually transported in dump trucks, between points in the Counties of Indiana, Jefferson, Clearfield, Cambria, Blair, Westmoreland, and Armstrong, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

Folder 2 Am-B

To transport, as a Class D carrier, property between points in the Borough of Spangler, Cambria County, and within six (6) miles by the usually traveled highways of the limits of said Borough.

To transport, as a Class D carrier, household goods and office furniture in use, between points in the Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said Borough.

To transport, as a Class D carrier, household goods and office furniture, in use, from points in the Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said Borough to other points in Pennsylvania, and vice versa.

Folder 2 Am-C

To transport, as a Class B carrier, property excluding household goods in use, between points in the Borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said Borough.

Folder 2 Am-D

To transport, as a Class B carrier, household goods in use between points in the City of Johnstown, Cambria County, and within three (3) miles of the limits of said city.

To transport, as a Class D carrier, household goods in use from points in the City of Johnstown, Cambria County, and within three (3) miles of the limits of said city to other points in Pennsylvania, and vice versa.

McNaughton Bros., Inc. Operating Authority (con't)

Folder 2 Am-E

To transport, as a Class D carrier, nursery stock, including Christmas trees, between points in the County of Indiana and from points in the said County to points in Pennsylvania, and vice versa.

Folder 2 Am-F

To transport, as a Class D carrier, household goods in use from points in the City of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of said City to other points in Pennsylvania, and vice versa.

Folder 2 Am-G

To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, 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 Indiana and from points in the County of Indiana to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, 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 Counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson to other points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, 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 Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of the said Borough and from points in the Borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of the said Borough to other points in Pennsylvania, and vice versa.

McNaughton Bros., Inc. Operating Authority (Folder 2 Am-G con't)

To transport, as a class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, 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 City of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of the said city and from points in the City of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of the said city to other points in Pennsylvania, and vice versa.

To transport, as a class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, 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 City of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of the said city to other points in Pennsylvania, and vice versa;

Subject to the following conditions: (Relating to Folder 2 Am-G only)

FIRST: That the service herein authorized is limited to commodities which, because of their unusual nature or value, require specialized handling and equipment usually employed in the moving of household goods.

SECOND: That the service herein authorized is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for the purpose of resale.

THIRD: That no right, power or privilege is granted to render service where both point of origin and point of destination fall within the County of Allegheny or where both point of origin and point of destination fall within the County of Westmoreland.

McNaughton Bros., Inc. Operating Authority (con't)

Folder 2 Am-H

To transport, as a Class D carrier, household goods in use between points in the county of Cambria and in the County of Somerset within an airline distance of ten (10) statute miles of the county of Cambria.

To transport, as a Class D carrier, household goods in use from points in the County of Cambria and in the County of Somerset within an airline distance of ten (10) statute miles of the County of Cambria to points in Pennsylvania within seventy-five (75) miles by the usually traveled highways of the limits of the village of Beaverdale, Cambria County, and vice versa.

To transport, as a Class D carrier, household goods in use from points in the villages of Dunlo and Beaverdale and within an airline distance of three (3) statute miles of the limits of said villages to the City of Pittsburgh, Allegheny County, and vice versa.

Subject to the following condition

That no right, power or privilege is granted to transport household goods in use between points in any borough or city.

McNaughton Bros., Inc. Operating Authority (con't)

Folder 2 Am-I (dated 1/29/74)

To transport, as a Class D carrier, property, except commodities in bulk, from the facilities of PPG Industries, Inc., in the borough of Indiana, Indiana County, and within an airline distance of three (3) statute miles of the limits of said borough and the township of White, Indiana County, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is hereby granted to transport property to points in Allegheny County or Westmoreland County, or vice versa.

Folder 2 Am-J (dated January 28, 1975)

To transport, as a Class C carrier, property from points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of the said borough to points within one hundred fifty (150) miles of the limits of the said borough. ①

To transport, as a Class D carrier, farm products from points in the borough of Blairsville, Indiana County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points within one hundred fifty (150) miles by the usually traveled highways of the limits of the said borough. ②

To transport, as a Class D carrier, household goods and office furnishings, in use, between points in the borough of Blairsville, Indiana County, within five (5) miles by the usually traveled highways of the limits of the said borough. ③

To transport, as a Class D carrier, household goods and office furnishings, in use, from points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa. ④

To transport, as a Class D carrier, property between points in the borough of Blairsville, Indiana County, and within fifteen (15) miles by the usually traveled highways of the limits of the said borough, excluding the boroughs of Latrobe and Derry, Westmoreland County. ⑤

To transport, as a Class D Carrier, building construction materials, such as are usually transported in bulk in dump trucks, and contractor's equipment between points in the Counties of Indiana and Westmoreland, excluding the boroughs of Latrobe and Derry, Westmoreland County, provided no haul shall exceed a distance of twenty-five (25) miles from quarry, sand or gravel pit or railroad siding to point of destination. ⑥

To transport, as a Class C carrier, products of the General Refractories Company from its Salina plant to the County of Westmoreland to points within one hundred fifty (150) miles by the usually traveled highway of the said plant. ⑦

To transport, as a Class C carrier, property from points in the borough of Blairsville, Indiana County, and within an airline distance of fifteen (15) miles of the limits of said borough to points within one hundred fifty (150) miles of the limits of said borough. ⑧

With the right immediately above to be subject to the following conditions:

That no right, power or privilege is granted to transport property from points in the county of Westmoreland to points in the counties of Allegheny, Fayette and Washington, or vice versa, except as authorized by other rights hereinabove set forth.

That no right, power or privilege is granted to transport property from points in the city of Johnstown, Cambria County, or within an airline distance of six (6) miles of said city, except as authorized by other rights hereinabove set forth.

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles, except as authorized by other rights hereinabove set forth.

McNaughton Bros., Inc. Operating Authority - Folder 2, Am-J (con't)

To transport, as a Class D carrier, radioactive materials from points in the borough of Blairsville, Indiana County, and within an airline distance of fifteen (15) miles of the limits of the said borough to points in Pennsylvania and vice versa.

(9)

To transport, as a Class D carrier, household goods in use from the borough of Ford City, 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.

(10)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 10, 1983

Commissioners Present:

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

Application of McNaughton Bros., Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its
common carrier certificate, which grants
the right, inter alia, to transport,
by motor vehicle, personal effects and
property used or to be used in a dwelling
when a part of the equipment or supply
of such dwelling, in connection with
a removal by a householder from one
house or dwelling to another; furniture,
fixtures, equipment and the property
of stores, offices, museums, institutions,
hospitals or other establishments, when
a part of the stock, equipment or supply
of such stores, offices, museums, institutions,
hospitals or other establishments, in
connection with a removal from one location
to another; and articles, 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 counties of Indiana,
Westmoreland, Armstrong, Allegheny,
Clearfield and Jefferson to other points
in Pennsylvania, and vice versa: SO AS TO
PERMIT the transportation of household
goods and office furniture in use, personal
effects and property used or to be used in
a dwelling when a part of the equipment
or supply of such dwelling, in connection
with a removal by a householder from one
house or dwelling to another; furniture,
fixtures, equipment and the property of
stores, offices, museums, institutions,
hospitals or other establishments, when a
part of the stock, equipment or supply of
such stores, offices, museums, institutions,

A-00082096
F. 2
Am-L

hospitals or other establishments, in connection with a removal from one location to another; and articles, 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 borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and vice versa.

William J. Lavelle for McNaughton Bros., Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 18, 1982. Public notice of the application was given in the Pennsylvania Bulletin of December 11, 1982. A protest was filed by Kennedy Transfer, however, that protest was withdrawn upon reconsideration. The now unopposed application is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and three supporting parties.

R. D. McNaughton, president of McNaughton Bros., Inc. (McNaughton or applicant), set forth in his verified statement that he is familiar with the operating authority, facilities, equipment and operations of the applicant and he is authorized to enter a verified statement. McNaughton is a motor common carrier holding authority from the Commission to transport property, specific commodities or household goods and office furniture in use. McNaughton has a great deal of experience in the transportation of household goods, office furniture in use and related items within Pennsylvania. Currently, the applicant is authorized to transport household goods from points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson to other points in Pennsylvania and vice versa. The instant application proposes the transportation of household goods between points in Emporium, Cameron County and within twenty (20) miles and from that territory to points in Pennsylvania and vice versa.

The applicant operates from its office in Indiana, Indiana County. In addition, McNaughton has a warehouse in Johnstown, Cambria County. Its current fleet of equipment is comprised of 19 tractors and 23 trailers. 21 of the trailers are suitable for the transportation of household goods. All equipment is subject to a preventative maintenance program and is safety inspected routinely.

Should the instant application be approved, the applicant will provide the shipping public in the borough of Emporium and within an airline distance of twenty (20) miles of that borough with a dependable motor carrier service. Service will be available on Saturdays, Sundays and Holidays as required. Service on weekends and holidays is a standard feature of its current household goods service. All employees are highly trained in all phases of household goods transportation. Personnel are trained in making estimates, packing and crating articles, loading and unloading vehicles in a safe manner and tying down and bracing articles on the vehicles to prevent damage.

As evidence of its financial capacity to provide the additional service proposed, McNaughton entered its balance sheet and income statement as of June 30, 1982. The applicant reports current assets of \$377,389 with total assets of \$571,694. Current liabilities are \$108,723 and total liabilities are \$154,273. For the six month period ended June 30, 1982, McNaughton experienced an operating loss of \$58,969 from revenue of \$876,304.

Robert H. Johnson, corporate moving coordinator for Stackpole Corporation, set forth in his verified statement that he is responsible for the transportation related activities of the company including arranging for the movement of employees to and from the Saint Marys, Elk County area. Stackpole is a manufacturer of carbon and graphite products, electronic components, magnetic powders and products. Its major plant is in Saint Marys, Elk County with a second plant in Kane, McKean County.

Stackpole supports the instant application as from time to time Stackpole will sponsor the relocation of new employees from their former residence to a residence in the vicinity of the plant where they will be employed. Stackpole also arranges for the movement of employees who are transferred from one area to another. With the two plants in Pennsylvania at St. Marys, Elk County and Kane, McKean County, employees that work at these two plants generally reside in the counties of Elk, McKean, Cameron, Clearfield and Jefferson. As pertinent here the applicant would be used to transport household goods from and to Emporium, Cameron County, and within twenty miles.

William Northey, personnel manager for Pure Carbon Company, Saint Marys, Elk County, set forth in his verified statement that his duties include arranging motor carrier transportation and he is familiar with his company's transportation needs. He is authorized to enter a verified statement. Pure Carbon Company manufactures carbon products. The company arranges for the relocation of employees to the vicinity of its plant. As here pertinent, the applicant would be used to transport household goods in use to points in Emporium and within twenty (20) miles.

Gele Fedder, owner of Fedder's Jewelers, Saint Marys, Elk County, set forth in her verified statement that she is familiar with the transportation needs of the company and is authorized to submit a verified statement. Fedder's jewelers is engaged in the business of selling retail jewelry, china and glassware. The company assists its employees in relocation and would use the applicant to relocate employees in and about the Cameron County area.

DISCUSSION AND FINDINGS

The applicant now transports household goods from points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson to other points in Pennsylvania, and vice versa. By the instant application McNaughton is seeking to serve the borough of Emporium, Cameron County, and within twenty miles. Cameron County and the territory proposed is in proximity to the area McNaughton now serves.

Three parties support the instant application. All have facilities in Elk County and have employees residing in and around Cameron County. All three companies assist their employees in relocation in times of transfer and upon relocating new employees at their facilities. McNaughton would be used to provide these services.

We find:

1. The applicant has the fitness, equipment and experience necessary to render the proposed service.
2. Approval of the application will aid persons residing in Emporium and within twenty (20) miles in finding a household goods carrier.
3. Approval of the application is an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued August 3, 1955, as amended, be further amended to include the following right:

To transport, as a Class D carrier, household goods and office furniture in use, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; and articles, 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 borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of the said borough, and from points in said territory, to points in Pennsylvania, and vice versa.

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 operating right.

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 Law and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: 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 hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 10, 1983

ORDER ENTERED: JUN 17 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Harrisburg, PA 17120

Public Meeting held July 8, 1983

Commissioners Present:

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

Application of McNaughton Bros., Inc.,
for approval of the transfer to it of
part of the operating rights held by
Robert E. Weaver, t/a Weaver Transfer
and Storage at A-00089790, F. 2

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F. 2
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MODIFICATION ORDER

BY THE COMMISSION:

By application docketed December 2, 1982, McNaughton Bros., Inc. (McNaughton), a corporation of the Commonwealth of Pennsylvania, sought approval of the transfer to it of part of the rights granted to Robert E. Weaver, t/a Weaver Transfer and Storage (Weaver), under the certificate issued at A-00089790, F. 2.

By order at Public Meeting on May 13, 1983 the Commission approved the said transfer.

The transferee, McNaughton, in the said transfer proceeding was granted the following part of authority from Weaver:

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 furnishings, 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, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, 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 Somerset, and from points in said county to points in Pennsylvania, and vice versa;

In order to eliminate duplicate operating authority between McNaughton and Weaver, arising from the partial transfer, the Commission, upon recommendation of the staff imposed the following restrictive condition on the transferee:

That no right, power or privilege is granted to provide service within an airline distance of ten (10) statute miles of the limits of the borough of Scalp Level, Cambria County.

(Emphasis provided)

The said restrictive condition eliminated the duplicate operating authority. However, upon receipt of the Commission's aforesaid May 13, 1983 Order the parties, through counsel, advised the Commission that the restrictive condition was not in conformity with the intentions contemplated by McNaughton and Weaver, and therefore requested modification.

It is averred that it is the intention of the transferor, Weaver, to retain the authority to operate in the three northern-tier townships of Somerset County, namely, Conemaugh, Paint and Ogle, and transfer the balance of territory in Somerset County to McNaughton. However, the above imposed restrictive condition, which prohibits transportation within a radius of ten miles of Scalp Level, Cambria County, encompassed territory beyond the townships of Conemaugh, Paint and Ogle by extending beyond the southern borders of the said townships.

Thus, with the restrictive condition McNaughton could not operate in the territory a few miles below the southern borders of the aforesaid townships.

The parties had intended that McNaughton would operate entirely in Somerset County, except for the three said townships, and that Weaver would retain operations in the said townships.

Upon consideration of the matters herein we find that the intention and purpose of the parties can be effected without creating duplicate operating authorities, by modifying our May 13, 1983 orders; THEREFORE,

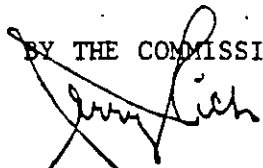
IT IS ORDERED:

That the Commission's Order adopted May 13, 1983, at A-00082096, F. 2, Am-M, be and is hereby modified and so that the operating authority granted therein shall remain the same, as cited above, but that the restrictive condition, prohibiting transportation within an airline distance of 10 miles of Scalp Level, Cambria County, as cited above shall be eliminated and that the following restrictive condition shall be substituted therefor:

That no right, power or privilege is granted to provide service to, from or between points in the townships of Conemaugh, Paint and Ogle, Somerset County.

IT IS FURTHER ORDERED:

That our Order of May 13, 1983 in this matter remain the same in all other respects.

BY THE COMMISSION

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 8, 1983
ORDER ENTERED: JUL 18 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 25, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl

Application of McNaughton Bros., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods and office furnishings in use between points in the county of Indiana: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, (1) between points in the county of Indiana; (2) from points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson, to points in Pennsylvania, and vice versa; (3) between points in the borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa; (4) between points in the city of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa; (5) from points in the city of Altoona, Blair County, and

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within ten (10) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa; (6) between points in the county of Cambria and in the county of Somerset within an airline distance of ten (10) statute miles of the limits of the county of Cambria, to points in Pennsylvania within seventy-five (75) miles by the usually traveled highways of the limits of the village of Beaverdale, Cambria County, and vice versa; (7) from points in the villages of Dunlo and Beaverdale, Cambria County, and within an airline distance of three (3) statute miles of the limits of said villages to the city of Pittsburgh, Allegheny County, and vice versa; (8) between points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa; (9) from points in the borough of Ford City, Armstrong County, and within five (5) miles of the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; (10) between points in the borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa; and (11) between points in the county of Somerset, and from points in said county, to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted under territorial paragraph (2) to provide service between points in the county of Allegheny, or between points in the county of Westmoreland.

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 September 29, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 25, 1986. No protests have been filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and one supporting shipper.

DISCUSSION AND FINDINGS

The applicant, McNaughton Bros., Inc., is a Pennsylvania corporation which has held a certificate of public convenience since August 3, 1955, by which it is authorized to engage in transportation as a common carrier. The authority of the applicant consists primarily of rights authorizing it to transport household goods and office furniture in use (both broad form and short form). The applicant is also authorized to transport such general commodities as farm products, building construction materials, nursery stock and radioactive materials. Service is authorized in and from the counties of Indiana, Westmoreland, Somerset, Cambria, Blair, Armstrong, Allegheny, Clearfield and Jefferson.

The instant application is the result of the order adopted by this Commission on March 20, 1986 and entered April 2, 1986, in Pennsylvania Moving & Storage Association, Petition for Declaratory Order, Docket No. P-850090, in which it was determined that the transportation of business machines, new or used, was not authorized by household goods authority. The instant application has been filed by the applicant to acquire the right to transport "tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods". The applicant also seeks the right to transport parts, materials and supplies which are used with the aforescribed business machines.

The territorial scope of the instant application is identical to the territory currently authorized and served by the applicant. The applicant is not seeking to expand its service area, only the commodities which it is authorized to handle.

The operations of the applicant are managed from its office located in Indiana, Indiana County. At this location is also located a 44,000 square foot warehouse. Motor vehicle equipment consist of one tractor and one straight truck which is owned by the applicant, and six tractors, 19 van trailers, five straight trucks and four pack vans, all of which are leased from McNaughton Leasing. All vehicles are equipped

with straps, ramps and equipment necessary for loading and unloading of all types of freight. The applicant has available other specialized equipment, such as gin poles and roller jacks.

During the period of January 8, 1985 through August 22, 1986, the applicant transported 49 shipments of electronic equipment. These shipments ranged in weight from 93 pounds to 24,900 pounds. All of these shipments were transported by the applicant under the belief that its broad form household goods authority authorized said transportation. Loss of this traffic would adversely affect the applicant's financial condition.

Kathleen Maudie, vice president, Savings & Trust Company of Pennsylvania, states that as a commercial bank, it has a need to have business machines and computers transported between its various offices, or to another party when the bank sells a piece of office equipment. The bank has seven branches in Jefferson County, with 11 branches in Indiana County.

The bank has recently required the transportation of computer equipment from its Homer City branch office. In the spring of 1987, the bank will have need for the transportation of various computer equipment from the Indian Springs branch office to another location in Indiana.

The projected movement of its computer equipment will require the services of a motor carrier equipped to handle unpackaged computers and business machines. The carrier must be capable of providing movement on a specific schedule to limit the amount of down time. The applicant has been used for approximately five years to handle movements for the bank, with the prior service having been provided in a professional and timely manner.

The record in the instant proceeding clearly demonstrates that the carrier is a highly experienced motor carrier in the transportation of household goods, as well as business machines and computers. The applicant, as well as a broad segment of the household goods carrier industry, have been transporting business machines and computers under the misconception that "broad form" household goods authority authorized the transportation of the commodities in question.

We are of the opinion that although the service provided by the applicant was illegal, it was provided in good faith. We find that the applicant possesses the specialized equipment and experience which is required to transport business machines and computers. The supporting statements of the applicant and the bank are sufficient to demonstrate the existence of a public need for the service proposed.

We find:

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

2. That the applicant has demonstrated that there exists a public need for the service proposed.

3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued to the applicant on August 3, 1955, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith:

- (1) Between points in the county of Indiana;
- (2) From points in the counties of Indiana, Westmoreland, Armstrong, Allegheny, Clearfield and Jefferson, to points in Pennsylvania, and vice versa;
- (3) Between points in the borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa;
- (4) Between points in the city of Johnstown, Cambria County, and within an airline distance of three (3) statute miles of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa;
- (5) From points in the city of Altoona, Blair County, and within ten (10) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania; and vice versa;
- (6) Between points in the county of Cambria and in the county of Somerset within an airline distance of ten (10) statute miles of the limits of the county of Cambria, to points in Pennsylvania within seventy-five (75) miles by the usually traveled highways of the limits of the village of Beaverdale, Cambria County, and vice versa;

- (7) From points in the villages of Dunlo and Beaverdale, Cambria County, and within an airline distance of three (3) statute miles of the limits of said villages to the city of Pittsburgh, Allegheny County, and vice versa;
- (8) Between points in the borough of Blairsville, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania, and vice versa;
- (9) From points in the borough of Ford City, Armstrong County, and within five (5) miles of the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa;
- (10) Between points in the borough of Emporium, Cameron County, and within an airline distance of twenty (20) statute miles of the limits of borough, and from points in said territory to points in Pennsylvania, and vice versa;
- (11) Between points in the county of Somerset, and from points in said county, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted under territorial paragraph (2) to provide service between points in the county of Allegheny, or between points in the county of Westmoreland.

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 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 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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, circular scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 25, 1987

ORDER ENTERED: JUL 0 1 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 1, 1991

Commissioners Present:

Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of McNaughton Bros., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, household goods and office furniture, in use, from points in the borough of Spangler, Cambria County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania and vice versa: SO AS TO PERMIT the transportation of (1) household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, 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, hospitals or other establishments when part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with their 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; (2) tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith,

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between points in the counties of McKean, Elk, Clarion, Warren and Bedford, and from points in said counties to points in Pennsylvania, and vice versa.

William J. Lavelle for the applicant.
Norbert J. Powell for the protestant, John L. Bullers and Theresa M. Bullers, Copartners, t/d/b/a Earl J. Bullers and Son.
R. Kennedy for the protestant, Kennedy Transfer.
Gregory B. Fraser for the protestant, Warren Transfer and Storage Co., Inc.
David M. O'Boyle for the protestants, Parks Van & Storage, Inc. and Parks Moving & Storage, Inc.

O R D E R

BY THE COMMISSION:

This application, filed December 23, 1988, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of February 4, 1989. There were five protests which were withdrawn upon restrictive amendment, limiting transportation to the county of Bedford. The record, which consists of statements entered by the applicant and supporting shippers is now certified to the Commission for its decision.

The applicant, McNaughton Bros., Inc. (McNaughton) is a Pennsylvania corporation domiciled at 1590 Old Route 119 South, Indiana, Indiana County. Raymond L. Zelenak, president, entered a verified statement on behalf of the applicant. Applicant's operations are managed from its office in Indiana, Indiana County. The administrative functions of billing, payroll, accounting, customer relations and dispatching of vehicles is handled from this office. Additionally, there is an outside mechanic's shop and a 44,000 square foot warehouse at this location. The office and warehouse are normally open for business between 8:00 a.m. and 4.30 p.m.

Applicant maintains contact with its drivers and other personnel by means of telephone. The drivers are instructed to call in periodically for instructions when they are on the road. Applicant operates four tractors, 19 van trailers, one flatbed trailer, one car carrier, seven straight trucks and four pack vans. Sixteen of the trailers and all of the straight trucks are equipped with air-ride suspension. One of the straight trucks is equipped with a power lift gate. The company is also equipped with dollies, refrigerator carts, piano boards, gin pulls and other equipment necessary for moving articles requiring specialized handling. Applicant actively conducts a preventative maintenance program, with all of the equipment being inspected daily by the drivers. Each piece of equipment is periodically put through a

thorough inspection by an on-site mechanic. All equipment deficiencies are immediately reported and corrected.

Applicant posts monthly notices on safety trips for claim prevention in the driver/personnel area. McNaughton also distributes to all drivers and helpers posters and booklets on safety matters which the company receives each month from its insurance carrier. McNaughton will provide the shipping public in Bedford County with the same type of service that it now provides in its currently certificated area. An unaudited balance sheet submitted by the applicant shows total assets of \$1,508,919 with total liabilities of \$338,581 leaving stockholders' equity of \$982,200 as of December 31, 1989. McNaughton had an after tax net income of \$69,453 on operating revenues of \$3,018,501 for the period ending December 31, 1989.

The original scope of the application included Part 1, "broad form" household goods, and part 2, electronic equipment and business machines, between points in the counties of McKean, Elk, Clarion, Warren and Bedford, and from points in said counties to points in Pennsylvania, and vice versa. The application was subsequently amended, upon protest, to read "between points in the county of Bedford, and from points in said county to points in Pennsylvania and vice versa" whereupon all protests were withdrawn.

After receipt of the verified statements applicant's attorney of record was notified that the applicant had not supported part 2 of the application, electronic equipment and business machines. By a letter dated June 20, 1991, the applicant's attorney stated that McNaughton had decided not to submit any additional evidence and requested that the application be processed to a conclusion based on the verified statements on file. Accordingly, the authority granted will be modified to eliminate part 2, electronic equipment and business machines, as no support was filed for this part of the authority.

William Defibaugh, owner of Wm. Defibaugh Antiques, 301 W. Pitt Street, Bedford, Bedford County, submitted a verified statement in support of the applicant. Wm. Defibaugh Antiques is a retail and wholesale antique business. The business buys and sells antique household items, furniture, toys, clocks, etc. The dealer also ships antique objects of art and decorative items. Almost all shipments are less than truckload and move to customers throughout Pennsylvania. Shipments may be made as often as weekly. Defibaugh has been using the applicant's services for interstate shipments and found its service to be excellent.

Statements were also entered by two individuals residing in Bedford County by Victor Burkett, R.D. 4, Everett, Bedford County and Robert Davis, R.D. #5, Meadow Brook Terrace, Bedford, Bedford County, who stated a need for service from Bedford County to Cambria County and to a point not yet finalized.

Although the support shown is limited, considering the nature of the authority sought, broad form household goods, the applicant would have to canvass individuals for anticipated moves. We determine that the limited support shown is sufficient to grant the authority as amended and modified.

A review of the record shows that the applicant has the ability, equipment, experience and fitness necessary to provide the proposed service as amended and modified. The supporting shipper has demonstrated a need for the services of the applicant.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted August 3, 1955.
2. That the authority granted be modified to eliminate part 2 of the authority as sought due to lack of need.
3. That the applicant has the equipment, experience and fitness necessary to provide the proposed service, as amended and modified; THEREFORE,

IT IS ORDERED: That the application as amended and modified be and is hereby approved, and that the certificate issued on August 3, 1955, as amended, be further amended to include the following right:

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 furnishings, 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, hospitals or other establishments when part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with their 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 Bedford, and from points in said county to points in Pennsylvania, and vice versa.

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 a tariff establishing just and reasonable rates.

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 the application, in all other respects be denied.

IT IS FURTHER ORDERED: That in the event the 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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, handwritten letter "O".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 1, 1991

ORDER ENTERED: AUG 9 - 1991

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 11, 1989

Commissioners Present:

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

Application of Fife Moving & Storage Co., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, this application seeks the right as follows: household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by a householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, 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: (1) Between points in the borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough; (2) From points in the borough of Houston, Washington County, and within of ten (10) miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; and (3) Between points in the borough of McDonald, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said area, to points in Pennsylvania, and vice versa: WHICH IS TO BE IN LIEU OF its current

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authority which reads as follows: (1) Household goods and office furniture, in use, between points in the borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough; (2) Household goods and office furniture, in use, from points in the borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; and (3) Household goods and office furniture in use, between points in the borough of McDonald, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, and from points in said area to points in Pennsylvania, and vice versa.

William J. Lavelle for Fife Moving & Storage Co.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 11, 1988. Public notice of the application was given in the Pennsylvania Bulletin of September 24, 1988. No protests were filed.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by Charles W. Fife, president of Fife Moving & Storage Co., Edward Wehrle, owner of Rainbow Graphics, Meadowlands, Washington County, and Charles D. Kidder, general manager - marketing for MODCOMP, Washington, Washington County.

DISCUSSION AND FINDINGS

Fife Moving & Storage Co. is a Pennsylvania corporation certificated August 5, 1968. It is affiliated with Best Moving & Storage Co. which holds authority at A-00107776. There are common officers, directors and shareholders.

Fife Moving & Storage Co. operates from facilities in Meadowlands, Washington County. This facility is shared with Best Moving & Storage Co. There are offices, terminal and warehouse facilities at this location. Fife presently operates a fleet of equipment including six tractors, six trailers and six household goods vans. The trailers and vans are of the type normally

used by household goods carriers. They are equipped with tie-downs, straps, pads and other miscellaneous equipment used to secure and protect the load while in transit. It also has available all the other incidental types of equipment needed to safely move household goods and commodities requiring special care such as ramps, dollies and tow motors. All of its equipment is routinely inspected on a daily basis and is subject to a preventative maintenance program. Drivers are specially trained to handle household goods, office furniture, objects of art, business machines and other items requiring care normally employed by household goods movers.

The applicant's financial capacity is demonstrated by a balance sheet for the year ending December 31, 1988. The applicant reports total assets of \$442,312 with total liabilities of \$209,849. For calendar year 1988, revenue of \$1,342,517 generated a net income of \$18,748 after deduction of expenses.

As pertinent in the instant proceeding, the authority now held by the applicant permits (1) the transportation of household goods and office furniture in use between points in the borough of Houston, Washington County and within ten (10) miles by the usually traveled highways of the limits of the said borough; and (2) from points in this territory to points in Pennsylvania and vice versa. It also holds authority (3) to transport household goods and office furniture in use between points in the borough of McDonald, Washington County and within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and from points in that area to points in Pennsylvania, and vice versa. The instant application requests broad-form household goods authority to replace all the current authority of the applicant which is relevant to the transportation of household goods and office furniture in use. The authority requested by this instant application does not expand territorially any of the authority held by the applicant. The applicant is seeking the broad form household goods description to avoid any possible confusion that may result from conduct of a household goods operation using the short-form description.

It is our determination that a grant of this authority is in the public interest and will update the carrier's authority by issuance of the broad-form description. There has been no opposition to this grant of the broad-form description. And, since there is no expansion in the applicant's territory, we find no bar to granting this portion of the application. We will note at this point that we will combine the applicant's three current authorities relative to the transportation of household goods and office furniture in use into one grant which applies to the territory of Houston Borough, Washington County and within ten (10) miles and the borough of McDonald, Washington County and within fifteen (15) miles. When the broad-form description issues it will be as a Class D carrier for the transportation of the commodities described by the broad-form in the territory now held by the applicant.

As requested by the applicant and as supported by the record before us, the authority to issue here is in lieu of the authority now held by the applicant within the fifth, sixth, and seventh rights held at its lead docket number A-00094528. The authority to issue in this matter will entirely

replace that authority and the authority to issue will be stated so that when compliance is made with the instant order, the authority now held by the applicant relative to the transportation of household goods and office furniture in use contained in those three rights may be eliminated.

We find:

1. The applicant has the necessary experience, equipment, fitness and capacity necessary to properly render the proposed service.

2. The applicant has provided representative evidence which supports a grant of the authority requested in lieu of the authority now held by the applicant relative to the transportation of household goods and office furniture in use.

3. Approval of the application is necessary for the accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued August 5, 1968, as amended, be further amended so that the authority held at A-00094528, rights 5, 6, and 7 contained in the order of July 8, 1968, shall now read as follows:

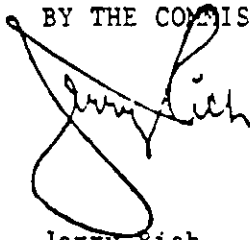
To transport, as a Class D carrier, household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling, as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of stores, offices, museums, institutions, hospitals or other establishments, in connection with the 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 borough of Houston, Washington County, and within ten (10) miles by the usually traveled highways of the limits of said borough, and from points in the said territory to points in Pennsylvania, and vice versa; and between points in the borough of McDonald, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and from points in that territory to points in Pennsylvania, and vice versa.

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 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 the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over a large, stylized, looped scribble that partially obscures the text "BY THE COMMISSION," above it.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 11, 1989

ORDER ENTERED: MAY 18 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 11, 1989

Commissioners Present:

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

Application of Best Moving & Storage Co., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, this application seeks the rights as follows:
(1) household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, 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, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the 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; (a) from points in the county of Allegheny, to other points in Pennsylvania; and vice versa; (b) between points in the county of Allegheny; and (c) from points in the county of Allegheny, to points within an airline distance of twenty-five (25) statute miles of the City-County Building in the city of Pittsburgh, Allegheny County; and (2) tabulating machines, calculating machines, computers, copy machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts,

A-00107776
F. 1
Am-A

materials and supplies used in connection therewith; (a) from points in the county of Allegheny, to other points in Pennsylvania, and vice versa; (b) between points in the counties of Allegheny; and (c) from points in the county of Allegheny, to points within an airline distance of twenty-five (25) statute miles of the City-County Building in the city of Pittsburgh, Allegheny County: WHICH IS TO BE IN LIEU OF its current authority which reads as follows: (1) as a Class C carrier, household goods and office furniture in use, from points in the county of Allegheny to other points in Pennsylvania and vice versa; (2) as a Class B carrier, household goods and office furniture, and equipment, in use, between points in the county of Allegheny; (3) as a Class C carrier, household goods and office furniture and equipment, in use, from points in the county of Allegheny to points within an airline distance of twenty-five (25) statute miles of the City-County Building, in the city of Pittsburgh, Allegheny County; with Rights No. 1, 2 and 3 subject to the following condition: That no right, power or privilege is granted to make package deliveries from stores; and (4) furniture, fixtures, equipment and the property of stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, libraries, laboratories, hospitals, institutions or other establishments, in connection with a removal from one location to another and requiring specialized handling or specialized equipment usually employed in moving household goods; and articles, including objects of art, displays, musical instruments and exhibits which, because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods, from points in the county of Allegheny to other points in Pennsylvania, and vice versa; with Right No. 4 subject to the following conditions: That the service herein authorized is limited to deliveries to the home, establishments or places of

business of the ultimate users thereof; and That no right, power or privilege is granted to transport new pianos, except as presently authorized.

William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 6, 1988. Public notice of the application was given in the Pennsylvania Bulletin of September 24, 1988. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by Charles W. Fife, treasurer and a director of Best Moving & Storage Co., Thomas J. Palmquist, vice president of Small Computer Co., Pittsburgh, Allegheny County and Charles D. Kidder, general manager - marketing for MODCOMP, Washington, Washington County.

DISCUSSION AND FINDINGS

Best Moving & Storage Co. is a Pennsylvania corporation certificated August 17, 1988. It is affiliated with Fife Moving & Storage Co. which holds authority from the Commission at A-00094528. There are common officers, shareholders and directors.

Best Moving & Storage Co. operates from facilities in Meadowlands, Washington County. This facility is shared with Fife Moving & Storage Co. There are offices, terminal and warehouse facilities at this location. Best owns and operates two straight truck-van units. The vans are of the type normally used by household goods carriers and are equipped with tie downs, straps, pads and other equipment necessary to secure and protect a load while in transit. It also has other types of equipment used to move household goods and commodities requiring special care such as ramps, dollies and tow motors. All of its equipment is routinely inspected on a daily basis and is subject to a preventative maintenance program. Drivers are specially trained to handle household goods, office furniture, objects of art, business machines and other items requiring care normally employed by household goods movers.

The applicant's financial capacity is demonstrated by a balance sheet for the year ending December 31, 1988, reporting total assets of \$33,413.67 with total liabilities of \$36,758.34. For calendar year 1988, total revenue of \$34,271.56 did not cover total expenses of \$38,005.89 and a net loss of \$3,734.33 is reported for the year.

The authority now held by the applicant permits the transportation of household goods and office furniture in use from points in the county of Allegheny to other points in Pennsylvania, and vice versa; between points in the county of Allegheny; and from points in the county of Allegheny to points within an airline distance of twenty-five (25) statute miles of the City-County Building in the city of Pittsburgh, Allegheny County. These three rights are subject to the condition that no right, power or privilege is granted to make package deliveries from stores. As subject in this application, the applicant also holds authority as a household goods mover as described by the Commission's broad form to permit transportation from points in the county of Allegheny to other points in Pennsylvania, and vice versa subject to the conditions that the service is limited to deliveries to the home, establishments or places of business of the ultimate users and that no right, power or privilege is granted to transport new pianos, except as presently authorized. Part 1 of this application requests long-form household goods authority to replace all the current authority of the applicant which is relative to the transportation of household goods in use and office furniture and equipment in use. The authority requested by this application does not expand territorially any of the authority held by the applicant. The applicant is seeking the broad form household goods description to avoid any possible confusion that may result from conduct of a household goods operation under the short-form description.

It is our determination that a grant of Part 1 of this authority is in the public interest and will update this carrier's authority by issuance of the broad form description. There has been no opposition to this grant of the broad form description and the removal of conditions. And, since there is no expansion in the applicant's territory, we find no bar to granting this portion of the application. We will note at this point that we will combine all four of the applicant's current authorities relative to household goods and office furniture and equipment in use into one when issuing the broad form description. The authority now held by the applicant relative to household goods and office furniture and equipment in use are rights granted as Class B, Class C and Class D authorities. When the broad form description issues it will be as a Class D carrier for the transportation of commodities described therein between points in the county of Allegheny, and from points in the said county to points in Pennsylvania, and vice versa.

The second part of this application involves the transportation of tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment that because of their unusual nature or value, require specialized handling and equipment which is usually employed in the moving of household goods, and parts, materials and supplies used in connection therewith. As in the first part of this application, there is no territorial expansion involved. The applicant is seeking the same territory as it now holds to transport household goods and office furnishings in use. This second part of the application is prompted in part by our decision adopted March 20, 1986, and entered April 2, 1986, at P-850090, Pennsylvania Moving & Storage Association, Petition for Declaratory Order, wherein it was decided that the transportation of new or used business machines was not within the scope of authority to transport articles which require specialized handling and equipment usually employed in moving household goods. The applicant seeks to provide this type of service

using its moving vans and the special equipment usually employed in moving this type of commodity. In support of Part 2 of the application to transport business machines, computers and other electronic equipment, the applicant has the support of two industries in this area. The two may be characterized as representative of a need for a household goods carrier which has the equipment and experience in moving articles which require special care. We find that the support of the two parties is sufficient to grant this portion of the application within the exact same territory the applicant is now authorized to serve.

As requested by the applicant and as supported by the record before us, the authority to issue here is in lieu of the authority now held by the applicant within the first four rights at its lead docket A-00107868. The authority to issue in this matter will entirely replace that authority and the authority to issue will be stated so that when compliance is made with the instant order, the relevant rights now held by the applicant will be eliminated.

We find:

1. The applicant has the necessary experience, equipment, fitness and capacity necessary to properly render the proposed service.
2. The applicant has provided representative evidence which supports a grant of the authority requested in lieu of the authority now held by the applicant relative to the transportation of household goods in use and office furniture and equipment in use.
3. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued August 17, 1988, be amended so that the authority held at A-00107776 and the rights numbered 1 through 4 contained in the order adopted February 11, 1988, and entered February 17, 1988, shall now read as follows:

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 furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furnitures, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the 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 Allegheny, and from points in the said county, to other points in Pennsylvania, and vice versa.

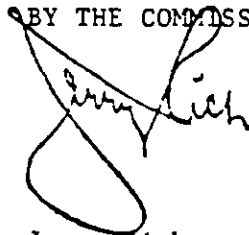
To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in the moving of household goods, and parts, materials and supplies used in the connection therewith, between points in the county of Allegheny, and from points in the said county to other points in Pennsylvania, and vice versa.

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 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 the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 11, 1989

ORDER ENTERED: MAY 22 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 7, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
James H. Cawley
Frank Fischl
Bill Shane

Transfer application of B. H. Stumpf
Co., Inc. to acquire all of the
operating authority certificated to
Hoeveler Transportation Company at
A-00034260, F. 2.

A-00105669

MODIFICATION ORDER

BY THE COMMISSION:

By order adopted March 15, 1985, at A-00105669, the Commission granted B. H. Stumpf Co., Inc., a corporation of the Commonwealth of Pennsylvania, approval of the transfer to it of part of the authority granted to Hoeveler Transportation Company (Hoeveler) at A-00034260, F. 2, whereas the application was filed to acquire all of Hoeveler's operating authority at F. 2, which constitutes its entire operating authority.

Upon consideration of the matters herein we find that the request for modification is warranted and that the intention and purpose of the parties herein can be effected by modifying our March 15, 1985, order; THEREFORE,

IT IS ORDERED: That the Commission's order at A-00105669 of B. H. Stumpf Co., Inc. adopted March 15, 1985, be and is hereby modified so that the operating authority granted therein shall now read as follows:

1. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the County of Allegheny;
2. 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.
3. To transport, as a Class C carrier, household goods and office furniture, in use, from points within the County of Allegheny to other points within twenty-five (25) miles by the shortest highway route from the City-County Building in the City of Pittsburgh.

IT IS FURTHER ORDERED: That the order at A-00105669 adopted March 15, 1985, shall remain the same in all other respects.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large, sweeping initial "J" and "R".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 7, 1985

ORDER ENTERED: June 11, 1985



PILLAR · MULROY & FERBER

ORIGINAL

December 18, 1998

RECEIVED

Re: Gardner Moving Company
Docket No. A-00108945, F.1, Am-A

DEC 18 1998

Hon. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

DOCKETED
PA PUBLIC UTILITY COMMISSION
APPLICATION DOCKET
SECRETARY'S BUREAU
DEC 18 1998
ENTRY NO. *TL*

Dear Mr. McNulty:

Enclosed is a protest filed on behalf of the following to the above-captioned application:

Debo Moving and Storage Company

A copy of this protest has been served on applicant's representative named below in accordance with the Commission's Rules of Practice.

Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided.

Very truly yours,

JOHN A. PILLAR

SW
Enclosure
cc: Mark C. Stephenson, Esq. (w/encl.)

U. S. POSTAL SERVICE CERTIFICATE OF MAILING ENCLOSED

PROFESSIONAL CORPORATION · ATTORNEYS
1106 FRICK BUILDING · PITTSBURGH, PA 15219
(412) 471-3300 · FAX: (412) 471-6068

43

RECEIVED

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 18 1998

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

In re: APPLICATION OF)
GARDNER MOVING COMPANY) Docket No. A-00108945
) F.1, Am-A
)

ORIGINAL

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. A copy of the application as published in the Pennsylvania Bulletin is attached hereto as Appendix "A".

2. The name and address of the protestant(s) are set forth in Appendix "B" hereto.

3. The name, address and telephone number of protestant(s) attorney:

PILLAR . MULROY & FERBER, P.C.
1106 Frick Building
Pittsburgh, PA 15219
(412) 471-3300

DOCKETED
APPLICATION DOCKET
DEC 18 1998
TL

4. Protestant(s) hold(s) authority in connection with this application as summarized in Appendix "B" attached hereto. A true and correct copy of the pertinent portions of authority held by protestant(s), or a summary thereof, is attached hereto as Appendix "C".

5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such

service. To the extent of protestant(s) authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) so as to have a substantial adverse impact upon the public or may result in destructive competition.

6. Protestant(s) hereby request(s) that the application be set for oral hearing. If an oral hearing is held, protestant(s) represent(s) that it/they will appear and present evidence pertinent to the application.

7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), protestant(s) hereby request(s) a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant(s).

8. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix "D".

Respectfully submitted,

PILLAR · MULROY & FERBER, P.C.

By: 

JOHN A. PILLAR

Attorney for Protestant

Due Date: December 21, 1998

A-00108945, F. 1, Am-A. Gardner Moving Company (3236 Beacon Hill Avenue, Pittsburgh, Allegheny County, PA 15216), a corporation of the Commonwealth of Pennsylvania—inter alia—household goods, personal effects and property used to or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal of the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments in connection with the 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 special handling and equipment usually employed in moving household goods between points in the county of Allegheny, and from points in said county to points in Pennsylvania; subject to

the following condition: that no right, power or privilege is granted to provide service to points in the counties of Chester and Montgomery, and the city of Harrisburg, Dauphin County, and points within 10 miles by the usually traveled highway of the limits of said city: so as to permit the transportation of household goods in use, between points within an airline radius of 75 statute miles of the Allegheny County Courthouse, located in the city of Pittsburgh, Allegheny County. Attorney: Mark C. Stephenson, 1900 Market Street, Philadelphia, PA 19103.

PENNSYLVANIA BULLETIN

November 28, 1998

APPENDIX "B"

Re: GARDNER MOVING COMPANY
Docket No. A-00108945,
F.1, Am-A

The foregoing protest to the above application is filed on behalf of:

DEBO MOVING AND STORAGE, INC.
P. O. Box 278
New Brighton, PA 15005

Debo Moving and Storage, Inc. holds authority from this Commission at Docket No. A-00106548. As pertinent to the application involved herein, Debo holds authority to transport household goods in use between points in the County of Beaver, and from points in said County, to points in Pennsylvania, and vice versa. Debo Moving and Storage holds other authority which may be in conflict with that sought herein as more fully set forth on Appendix "C" attached hereto.

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

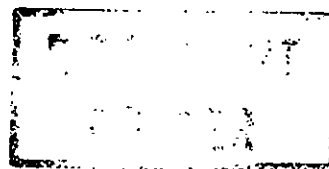
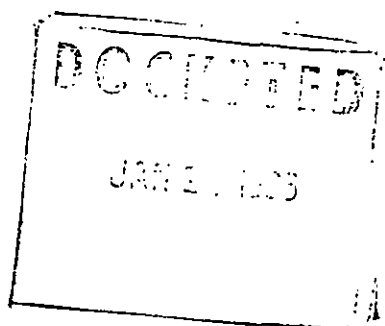
Public Meeting held January 10, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Debo Moving and Storage, Inc., a corporation of the Commonwealth of Pennsylvania for approval of the transfer to it of all of the operating rights held by Robert F. Gruber at A-00082095 as follows: (1) to transport, as a common carrier, by motor vehicle, household goods and office furnishings in use between points in the borough of New Brighton, Beaver County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; and (2) household goods and office furnishings in use from points in the borough of New Brighton, Beaver County, and within ten (10) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania within forty (40) miles by the usually traveled highways of the point of origin, and vice versa.

A-00106548



Paul W. Burlingame, Jr., for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 27, 1985. Public notice of the application was given in the Pennsylvania Bulletin of October 19, 1985. No protests were filed and the record is certified to the Commission without an oral hearing.

The applicant shows current assets of \$12,560 with outstanding liabilities of \$5,000. The applicant currently has no Pennsylvania intrastate operating authority nor does it hold any interstate authority.

The applicant proposes to purchase all of the transferor's motor carrier trucking rights at A-00082095 for a total consideration of \$2,500.00 that will be paid upon the Commission's approval of the instant application.

APPENDIX "C"

The transferor shows gross revenue for 1982 of \$4,221, \$5,529 for 1983, and \$4,762 for 1984. All of the transferor's due assessments have been paid and all reports have been filed.

We find:

1. That the applicant is fit to hold a certificate of public convenience.
2. That there is a continuing necessity for the rights herein involved.
3. That approval of the instant application is necessary for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of the rights held by Robert F. Gruber at A-00082095 be and is hereby approved and that a certificate be issued to the applicant granting the following rights:

To transport, as a Class D carrier, household goods and office furnishings in use, between points in the borough of New Brighton, Beaver County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.

To transport, as a Class D carrier, household goods and office furnishings in use from points in the borough of New Brighton, Beaver County, and within ten (10) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania within forty (40) miles by the usually traveled highways of the point of origin, and vice versa.

with the above rights further 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 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 charge to Account 1550, Other Intangible Property, \$2,500.00, being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 1 above.

- (3) 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 Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.

IT IS FURTHER ORDERED: That issuance of the certificate is contingent upon receipt of transferor's 1985 annual report.

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 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.

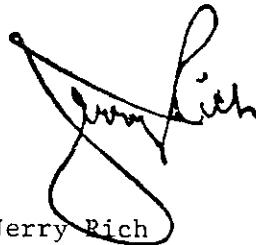
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Code relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the 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, Robert F. Gruber at A-00082095 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 10, 1986

ORDER ENTERED: January 15, 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 17, 1989

Commissioners Present:

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

Application of Debo Moving and Storage,
Inc., for the transfer of all of the
operating rights of Jon J. Pollock,
t/d/b/a A. B. Pollock Transfer and
Storage under the certificate issued at
A-00101849 subject to the same limitations
and conditions.

A-00106548
F. 1
Am-A

John A. Pillar for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 6, 1989. Public notice of the application was given in the Pennsylvania Bulletin of April 15, 1989. The unopposed application is certified to the Commission for its decision without oral hearing.

Debo Moving and Storage, Inc. is domiciled at 625 Second Avenue, New Brighton, Beaver County. Applicant is a corporation of the Commonwealth of Pennsylvania. Brian Debo is president and sole stockholder of Debo Moving and Storage, Inc.

The total consideration for the rights and other assets is \$30,000. The rights have been assigned a value of \$20,000 with the assets \$10,000. The sales agreement requires the consideration to be paid as follows: \$12,000 in escrow upon consummation of the sales agreement, March 2, 1989 and \$18,000 by promissory judgment note at the 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 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. 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 rights:

- (1) To transport, as a Class B carrier, property, between points in the boroughs of Emsworth, Ben Avon, Ben Avon Heights, Avalon, Bellevue, Glenfield and Sewickley, Allegheny County;
- (2) To transport, as a Class C carrier, property, from points in the boroughs of Emsworth, Ben Avon, Ben Avon Heights, Avalon, Bellevue, Glenfield and Sewickley, Allegheny County, to points within twenty-five (25) miles by the usually traveled highways of the borough limits of Emsworth;
- (3) To transport, as a Class D carrier, household and office furnishings, in use, from points in the boroughs of Emsworth, Ben Avon, Ben Avon Heights, Avalon, Bellevue, Glenfield and Sewickley, Allegheny County, to other points in Pennsylvania;
- (4) To transport, as a Class D carrier, household goods and office furnishings, in use, between points in the county of Allegheny;
- (5) To transport, as a Class D carrier, commodities for the Department of Public Assistance from its warehouses in the city of Pittsburgh, Allegheny County, to points within an air-line distance of seventy-five (75) miles of

the City-County Building in the city of Pittsburgh;

- (6) To transport, as a Class D carrier, property, between points in the borough of Sewickley, Allegheny County, and within six (6) miles by the usually traveled highways of the limits of said borough;
- (7) To transport, as a Class C carrier, property, from points in the borough of Sewickley, Allegheny County, and within six (6) miles by the usually traveled highways of the limits of said borough to points in the counties of Allegheny and Beaver within fifteen (15) miles by the usually traveled highways of the limits of the said borough;
- (8) To transport, as a Class D carrier, household goods in use, contractors' equipment and trees from points in the borough of Sewickley, Allegheny County and within six (6) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania within twenty-five (25) miles by the usually traveled highways of the limits of the said borough.

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 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, \$20,000, 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; and subject to further adjustment due to any normal

interim transactions to the date of actual transfer.

4. 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.
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 entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

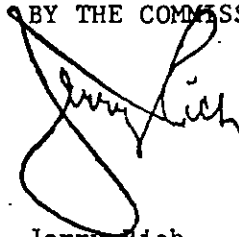
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the temporary authority application be 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, Jon J. Pollock, t/d/b/a A. B. Pollock Transfer and Storage at A-00101849 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized loop that extends downwards.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 17, 1989

ORDER ENTERED: AUG 30 1989

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held May 21, 1998

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of Debo Moving & Storage, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: which grants the right, inter alia, to transport, by motor vehicle, household goods in use, between points in the borough of New Brighton, Beaver County, and within ten (10) miles by the usually traveled highways of the limits of said borough: SO AS TO PERMIT the transportation of household goods in use between points in the county of Beaver, and from points in said county, to points in Pennsylvania, and vice versa.

A-00106548
F. 1
Am-B

Pillar, Mulroy & Ferber by John A. Pillar for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 15, 1998. Public notice of the application was given in the Pennsylvania Bulletin of February 7, 1998. No protests were filed and no hearings were held.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant, seven (7) supporting parties and a request list showing sixteen (16) calls for service.

After complete review of the application, we find:

1. Applicant seeks to amend its currently held authority.
2. Applicant has the equipment, experience, ability and fitness necessary to render the service.
3. The application is supported by seven (7) parties and sixteen (16) persons on a request list demonstrating need for the service.
4. The evidence of record is sufficient to establish necessity for the service.
5. Approval of the application is necessary for the accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED: That the application, as amended, be further amended, to include the following right:

To transport, as a class D carrier, household goods in use, between points in the county of Beaver, and from points in the said county, to points in Pennsylvania, and vice versa.

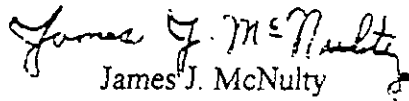
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: May 21, 1998

ORDER ENTERED: MAY 28 1998

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 9, 1998

Commissioners Present:

- John M. Quain, Chairman
- Robert K. Bloom, Vice-Chairman
- David W. Rolka
- Nora Mead Brownell
- Aaron Wilson, Jr.

Application of Debo Moving and Storage, Inc., for the transfer of part of the operating rights of David E. Bauman and Company, Inc., t/d/b/a Don Martin Trucking Division, under the certificate issued at A-00110722, subject to the same limitations and conditions.

A-00106548, F. 1, Am-C

Pillar, Mulroy & Ferber by John A. Pillar for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 17, 1998. Public notice of the application was given in the Pennsylvania Bulletin of May 2, 1998. The unopposed application is certified to the Commission for its decision without oral hearing.

Transferor proposes to transfer all of its household goods in use rights and maintain its property right.

There is a discrepancy in the household goods in use rights and the restrictive amendments. In order to eliminate this discrepancy, we shall modify the rights and restrictive amendments so that all shall be subject to a five (5) mile limitation instead of the eight (8) mile limitation as set forth in the Corrected Order of January 6, 1994. This restriction is acceptable to all parties involved.

The total consideration for all the household goods in use rights is \$2,500.

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: 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. 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 the certificate issued on May 11, 1994, as amended, be further amended to include the following rights:

To transport, household goods in use:

- (1) as a Class D carrier, between points on the west side of the Allegheny River, and within ten (10) miles by the usually traveled highways of the limits of the borough of Brackenridge, Allegheny County;
- (2) as a Class D carrier, from points in the area described in the above right (Right No. 1) excluding the borough of New Kensington, to points in Pennsylvania, and vice versa;
- (3) as a Class B carrier, between points in the borough of Brackenridge, Allegheny County;
- (4) as a Class C carrier, from points in the borough of Brackenridge, to points within five (5) miles by the usually traveled highways of the limits of the said borough, and vice versa; and
- (5) as a Class B carrier, between points in the borough of Brackenridge, and within five (5) miles by the usually traveled highways of the limits of said borough;

with Rights No. 3, 4 and 5, immediately above, subject to the following conditions:

- (a) That all transportation shall originate or end in the borough of Brackenridge, Allegheny County, or within five (5) miles by the usually traveled highways of the limits of said borough;

- (b) That the transportation of household goods shall be limited and restricted to points in the borough of Brackenridge, Allegheny County, and within five (5) miles by the usually traveled highways of the limits of said borough.

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(s) 3 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.

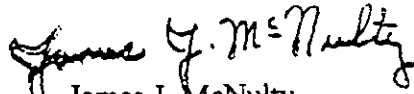
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That 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, David E. Bauman and Company, Inc., t/d/b/a Don Martin Trucking Division at A-00110722 be modified pursuant to the supplemental order.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: July 9, 1998

ORDER ENTERED: **JUL 13 1998**

11/21/98

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held June 4, 1998

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
David W. Rolka
Nora Mead Brownell

Application of Debo Moving and Storage, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of part of the operating rights of Trans American Trucking Service, Inc., authorized under the certificate issued at A-00107793, F. 2., subject to the same limitations and conditions.

A-00106548
F. 1
Am-D

John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 30, 1998. Public notice of the application was given in the Pennsylvania Bulletin of April 18, 1998. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Debo Moving and Storage, Inc., is a currently certificated carrier of household goods in use domiciled in Baden, Beaver County. It holds several grants of authority permitting, inter alia, the transportation of household goods in use in the counties of Allegheny and Beaver. The transferor, Trans American Trucking Service, Inc., is transferring only its household goods in use authority and will retain its other authority to transport property between points in Pennsylvania, with the exception of household goods in use.

The household goods authority is being transferred for the total consideration of \$2,000.00. The applicant has provided a recent balance sheet and income statement establishing its financial capacity to provide expanded

service. As a currently certificated carrier there is a presumption of fitness.

The authority to transfer consists of two rights permitting the transportation of household goods, in use, between points in the boroughs of Sewickley, Haysville, Glen Osborne, Edgeworth and Leetsdale, Allegheny County; and from points in the said boroughs, to other points in Pennsylvania. Since Trans American Tucking Services, Inc., is retaining authority to transport property, except household goods in use, between points in Pennsylvania, no duplication of authority will result between the authority to transfer and the authority to be retained.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440Pa. 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.

After complete review of the record, 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 the certificate issued April 11, 1986, as amended, be further amended to include the following rights:

To transport, as a Class B carrier, household goods, in use, between points in the boroughs of Sewickley, Haysville, Glen Osborne, Edgeworth and Leetsdale, Allegheny County.

To transport, as a Class D carrier, household goods, in use, from points in the boroughs of Sewickley, Haysville, Glen Osborne, Edgeworth and Leetsdale, Allegheny County, to other points in Pennsylvania.

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant shall not be

construed as conferring more than one operating right.

2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding 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 the 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 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, and previously recorded depreciation having been deleted therefrom.
5. 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 no. 2 and 3 above.
6. That the certificate holder shall not transfer, sell or in anyway 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 (a)(3) of Title 66 PA C.S.

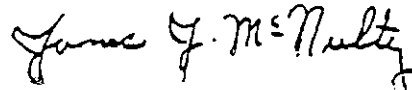
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That 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 first and second rights granted the transferor, Trans American Trucking Service, Inc., under the certificate issued at A-00107793, F. 2, as contained in our order adopted March 22, 1991, entered October 9, 1991, be and are hereby canceled and the record shall be marked closed.

BY THE COMMISSION



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: June 4, 1998

ORDER ENTERED: JUN 10 1998

APPENDIX "D"

Re: Gardner Moving Company
Docket A-00108945,
F.1, Am-A

Protestant, Debo Moving and Storage Company, will consider withdrawing its opposition to the within application if the application is amended to exclude authority between or from points in Beaver County.

I N T E R
O F F I C E

MEMO

January 20, 1999

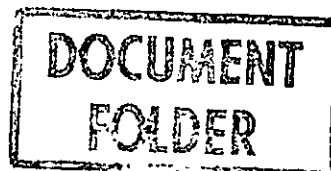
Subject: Protested Motor Carrier Applications
To: Chief Administrative Law Judge
From: Tim Zeigler, Acting Supervisor
Compliance Office - Technical Unit

The following applications were advertised in the Pennsylvania Bulletin on the dates indicated, to be disposed of without hearing provided no protests were filed.

Since protests have been filed for approval of the application and the period of twenty one (21) days for the filing of restrictive amendments has expired, it is necessary that the applications be set for hearing.

<u>Docket #</u>	<u>Carrier</u>	<u>Published</u>	<u>Protests Due</u>
A-00115449	Beverly A. Hall, and Richard G. Lengel, t/a LeMirage Limousine	11/28/98	12/21/98
A -00108945 F. 1 Am-A	Gardner Moving Company	11/28/98	12/21/98

cc: Document Folder
A. Humes
H. Nurick





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265
February 8, 1999

IN REPLY PLEASE
REFER TO OUR FILE

In Re: A-00108945F0001, Am-A

(See attached list)

LOCKETED
FEB 11 1999

DOCUMENT
FOLDER

Application of Gardner Moving Company

NOTICE

It appears that the above-captioned matter could be processed by mediation between or among the parties. Mediation is an informal, non-adjudicatory process. The mediator does not make a decision. Instead, the mediator serves as an impartial facilitator who helps the parties resolve their disputes. In other words, mediation is a process which allows the parties to control the outcome of their dispute, as opposed to a hearing where the Administrative Law Judge and the Commission control the outcome.

Moreover, mediation is different from a settlement conference which is based on competitive negotiations. In mediation, the parties agree to work together toward a final resolution of their differences considering how any solution must address the interests of all parties.

There is no stenographer at a mediation session and discussions are **confidential**, unless otherwise provided for by law. The mediation is not binding (except for an agreement reached) and any party may withdraw from the mediation at any time. Mediation is an efficient and economical procedure compared to a hearing which is often expensive and time-consuming.

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There can be no mediation unless the party with the burden of proof, and all other necessary parties, consent to mediate. If the party with the burden of proof consents, in proceedings subject to a statutory deadline for adjudication, that party must also agree, in writing, to extend the statutory deadline by, at least, 60 days.

The Commission's file will reflect that you consent to the mediation process, unless the mediator named below hears from you to the contrary, in writing, within 15 days of the date of this letter. The mediator's name and address are as follows:

Mediator: **Herbert R. Nurick**
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 Telephone: (717) 783-5428
 Fax: (717) 787-0481

By consenting to mediate, the Commission understands that you have made a commitment to act in good faith toward resolving the dispute in this matter. If you cannot make this commitment, you should not consent to use the mediation process.

If the parties agree to mediation, you will receive notification by mail of the date, time and place set for the mediation conference. If you have any questions regarding mediation, please call the mediator at the number provided above.

If you are a person with a disability, and you wish to attend the mediation session, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing impaired: 1-800-654-5988.

pc: Mediator Nurick
Consumer Advocate
Norma Lewis
Ann Humes, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

SERVICE LIST

A-00108945F0001, Am-A

Application of Gardner Moving Company

MARK C STEPHENSON ESQUIRE
COZEN AND O'CONNOR
1900 MARKET STREET
PHILADELPHIA PA 19103
(215) 665-2176
(215) 665-2013 FAX

JOHN A PILLAR ESQUIRE
PILLAR MULROY & FERBER PC
1106 FRICK BUILDING
PITTSBURGH PA 15219
(412) 471-3300
(412) 471-6068 FAX

WILLIAM A GRAY ESQUIRE
VUONO & GRAY LLC
2310 GRANT BUILDING
PITTSBURGH PA 15219-2383
(412) 471-1800
(412) 471-4477 FAX



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DOCUMENT
FOLDER

March 11, 1999

In Re: A-00108945F0001, Am-A

(See letter dated 02/08/99)

Application of Gardner Moving Company

MEDIATION NOTICE

DOCKETED
MAR 12 1999

The parties have consented to use the mediation process in the above-captioned matter.

A mediation session will be held as follows:

<u>Date:</u>	Wednesday, March 24, 1999
<u>Time:</u>	10:00 a.m.
<u>Location:</u>	In an available hearing room* Ground Floor North Office Building North Street and Commonwealth Avenue Harrisburg, Pennsylvania
<u>Mediator:</u>	Herbert R. Nurick Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265 Telephone: (717) 783-5428 Fax: (717) 787-0481

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*The parties listed below have agreed to be contacted by telephone, whereas attorney Mark C. Stephenson, Esquire will appear in person.

William A. Gray, Esquire	(717) 471-1800
John A. Pillar, Esquire	(717) 471-3300

SRB

Mediation is an informal, non-adjudicatory process. The mediator does not make a decision. Instead, the mediator serves as an impartial facilitator who helps the parties resolve their disputes. In other words, mediation is a process which allows the parties to control the outcome of their dispute, as opposed to a hearing where an Administrative Law Judge and the Commission control the outcome.

Moreover, mediation is different from a settlement conference which is based on competitive negotiations. In mediation, the parties agree to work together toward a final resolution of their differences considering how any solution must address the interests of all parties. The focus is not to determine fault, assign blame, or deal with past issues. Rather, the focus is on the future and on a consensual resolution that the parties can live with.

Because mediation is not an on-the-record proceeding, there will be no stenographer. Everything that takes place at the mediation session is, and must remain, confidential, unless otherwise provided for by law. This applies to everyone who is in the room. An agreement (restrictive amendment) reached between or among the parties becomes public upon filing it with the Commission.

The parties must act in good faith. A page entitled "Good Faith Factors for Mediation Sessions" is enclosed. If you feel that you cannot comply with these factors, please let the mediator know well in advance of the mediation session, because it may be that the case will not be suitable for mediation at the scheduled time.

Additionally, the parties must follow the Pennsylvania Bar Association Working Rules for Professionalism regarding their conduct. A copy of the Rules is also enclosed.

In the meantime, please attempt to resolve the issues involved prior to the mediation session.

The mediator has noted that he has been a friend of attorneys Gray and Pillar over many years. However, the mediator has also indicated that this factor will have no effect on his ability to remain fair and impartial for this proceeding. However, if you object to having Mr. Nurick serve as the mediator, please let him know promptly.

Any questions regarding the mediation should be directed to the mediator at the telephone number provided above.

If you are a person with a disability, and you wish to attend the mediation session, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- For persons who are deaf or hearing impaired, contact the AT&T Relay Service: 1-800-654-5988.

Enclosures

pc: Mediator Nurick
Consumer Advocate
Norma Lewis
Ann Humes, Scheduling Officer
Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge

P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DOCUMENT
FOLDER

March 25, 1999

In Re: **A-00108945F0001, Am-A**

(See letter dated 03/11/99)

Application of Gardner Moving Company

Cancellation Notice

This is to inform you of the following cancellation:

Type: **Mediation Session**
Date: **Wednesday, March 24, 1999**
Time: **10:00 a.m.**
Location: **Harrisburg, Pennsylvania**
Mediator: **Herbert R. Nurick**

DOCKETED
MAR 29 1999

Please mark your records accordingly.

pc: Mediator Nurick
Consumer Advocate
Norma Lewis
Ann Humes, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 28, 1999

In Re: **A-00108945F0001AMA**

(See letter dated 03/11/99)

Application of Gardner Moving Company

For amendment to its common carrier certificate, SO AS TO PERMIT the transportation of household goods in use, between points within an airline radius of seventy-five (75) statute miles of the Allegheny County Courthouse, located in the city of Pittsburgh, Allegheny County.

950815

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial

Date: Wednesday, May 19, 1999

Time: 10:00 a.m.

Location: 11th floor hearing room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania

Presiding: Administrative Law Judge John H. Corbett, Jr.
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

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FOUNDER

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

EEF

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing impaired: 1-800-654-5988.

pc: Judge Corbett
Mediator Nurick
Norma Lewis
Stephen Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

A-00108945F0001AMA Application of Gardner Moving Company

For amendment to its common carrier certificate, SO AS TO PERMIT the transportation of household goods in use, between points within an airline radius of seventy-five (75) statute miles of the Allegheny County Courthouse, located in the city of Pittsburgh, Allegheny County.

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