

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u> October 12, 1989	:	:	2. <u>BUREAU AGENDA NO.</u> OCT-89-T-1173*
3. <u>BUREAU:</u> Transportation	:	:	
4. <u>SECTION</u> Technical Review	:	:	5. <u>PUBLIC MEETING DATE:</u> October 27, 1989
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	:	
7. <u>MONITOR:</u>	:	:	
8. <u>PERSON IN CHARGE:</u> Keener-Farley 7-4386	:	:	
9. <u>DOCKET NO.:</u> A-00108945	:	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines) (b) Short summary of history & facts, documents & briefs (c) Recommendation			

(a) Application of Gardner Moving Company, Pittsburgh, Allegheny County, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Patricia Irene Gardner and Joseph P. Gardner, copartners, t/d/b/a Gardner Moving, under the certificate issued at A-00101375 subject to the same limitations and conditions.

(b) Transferors propose to transfer all their PUC operating authority. No consideration is involved in the transaction; instead, the transferee will issue stock to the transferors.

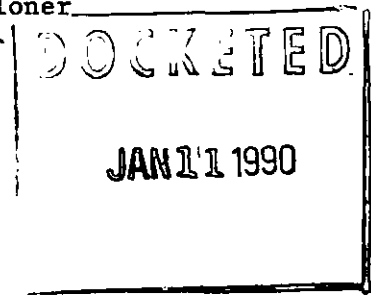
(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and that the certificate issued to the transferors be cancelled by supplemental order and that a copy of the order be forwarded to the Department of Revenue.

LK-F:11



11. MOTION BY:	Commissioner Chm. Shane	Commissioner Rhodes - Yes
		Commissioner Fischl - Yes
SECONDED:	Commissioner Smith	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

November 1, 1989

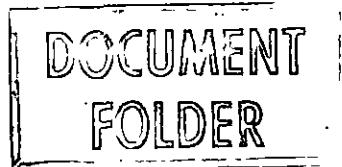
DOCKETED  
DEC 12 1989

IN REPLY PLEASE  
REFER TO OUR FILE  
A-108945

Stanley A. Barg, Esquire  
P.O. Box 800  
West Conshohocken, PA 19428-0800

Application of Gardner Moving Company,  
a corporation of the Commonwealth of Pennsylvania

To Whom It May Concern:



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

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

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

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

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

\$25,000 first party medical benefits, \$10,000 first party wage loss benefits and \$1,500 first party funeral benefits for all passengers and pedestrians.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits for drivers (PA registered vehicles only).

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

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

Property Carriers:

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

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits (PA registered vehicles only).

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

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

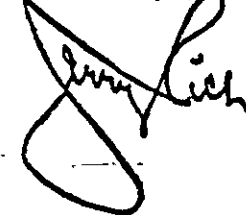
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of October 27, 1989 and dismiss the application without further proceedings.

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

Insurance Filings: Mr. James McCarthy-Insurance Section  
(717) 783-5933

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the end.

Jerry Rich, Secretary

lg

Enclosures  
Certified Mail  
Receipt Requested

cc:applicant  
Gardner Moving Company  
3236 Beacon Hill Avenue  
Pittsburgh, PA 15216

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held October 27, 1989

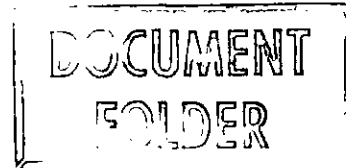
Commissioners Present:

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

DOCKETED  
DEC 12 1989

Application of Gardner Moving Company,  
a corporation of the Commonwealth of  
Pennsylvania for the transfer of all of  
the operating rights of Patricia Irene  
Gardner and Joseph P. Gardner, copartners,  
t/d/b/a Gardner Moving, under the certifi-  
cate issued at A-00101375 subject to the  
same limitations and conditions.

A-00108945



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Sherr, Joffe & Zuckerman, P.C., by Judith L. Birchfield, for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 21, 1989. Public notice of the application was given in the Pennsylvania Bulletin of September 23, 1989. The unopposed application is certified to the Commission for its decision without oral hearing.

Gardner Moving Company (applicant) is a Pennsylvania corporation, chartered July 21, 1989, with its principal place of business in Pittsburgh, Allegheny County. Joseph P. Gardner is president of the corporation and owns fifty shares of stock. Michael E. Gardner is vice president and owns thirty-five shares and Patricia I. Gardner is secretary and owns fifteen shares. Joseph and Patricia Gardner are also the transferor in this case; essentially this application is a conversion of a family business from a partnership to a corporation. As evidence of its financial capacity to begin operation the applicant reports assets of \$49,000, with liabilities of \$40,500, leaving a shareholders' equity of \$8,500.

The applicant will use the same personnel, equipment and facilities as the transferor. Pursuant to a sales agreement executed September 9, 1989, no consideration will be paid for the transfer; rather, the above-named officers have been issued stock in the applicant in exchange for the rights and other assets.

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 D carrier, coal, coke and other solid fuels, contractors road building materials and supplies, between points in the city of Pittsburgh, and within fifteen (15) miles by the usually traveled highways of the City-County Building in the city of Pittsburgh, Allegheny County.
- (2) To transport, as a Class B carrier, property from the Klein-Logan Company, to and from railroad stations in the city of Pittsburgh, Allegheny County.
- (3) 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 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.

with Right No. 3 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 ten (10) miles by the usually traveled highways of the limits of said city.

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 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.
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 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).

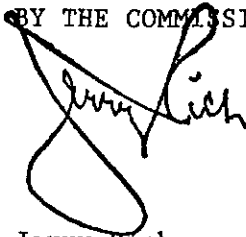
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff 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 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 Irene Gardner and Joseph P. Gardner, copartners, t/d/b/a Gardner Moving, at A-00101375 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: October 27, 1989

ORDER ENTERED: NOV 1 1989





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

December 4, 1989

A-00108945

IN REPLY PLEASE  
REFER TO OUR FILE  
R-16

Stanley A. Barg, Esquire  
P.O. Box 800  
Conshohocken, PA 19428-0800

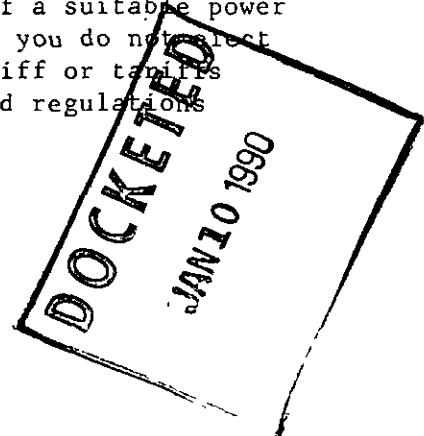
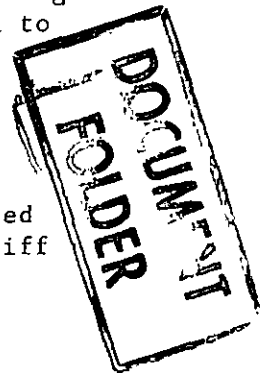
Gardner Moving Company

Dear Mr. Barg:

Under date of November 1, 1989, the Secretary's office transmitted to you the Commission's compliance order of October 27, 1989, evidencing approval of the above carrier's application at A-00108945, which is in effect a transfer of the rights formerly held by Patricia Irene Gardner and Joseph P. Gardner, copartners, t/d/b/a Gardner Moving at A-00101375. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariffs of the former operator will become the tariffs of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of each of the necessary supplements to be properly executed by you, the original and one copy of each of which must be returned to us for filing and the remaining ones to be retained for your records.

We also notice that rates for a part of the authorized service of Patricia Irene Gardner and Joseph P. Gardner, Copartners, t/d/b/a Gardner Moving are provided in tariffs published by Tristate Household Goods Tariff Conference, Inc., Agent. Should you elect to participate in the agency publication, two copies of a suitable power of attorney should be included with the filing. If you do not elect to participate in the agency publication, a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency for a minimum of 30 days.



The matter should be given prompt attention, as a certificate of public convenience will not be issued until full compliance with the Tariff Regulations has been met and if not completed within the time set, approval of the application is subject to rescission. Upon the proper filing of the adoption supplements, accompanied by two copies of the power of attorney, the tariff requirements will be satisfied.

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

By: Joseph M. Machulsky, Chief  
Financial Document Section

GLB:dmm  
Enclosure (2 sets)

cc: Tristate Household Goods Tariff Conference, Inc.  
P.O. Box 9023  
Lester, PA 19113

New power of attorney to be designated:  
Pa. Fl No. 1 cancels Pa. Fl No. 1  
(Series of Patricia Irene Gardner and  
Joseph P. Gardner, Copartners, t/d/b/a  
Gardner Moving)

Gardner Moving Company  
3236 Beacon Hill Avenue  
Pittsburgh, PA 15216

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