

MARGOLIS, EDELSTEIN, SCHERLIS, SAROWITZ AND KRAEMER

ATTORNEYS AT LAW

THIRD FLOOR

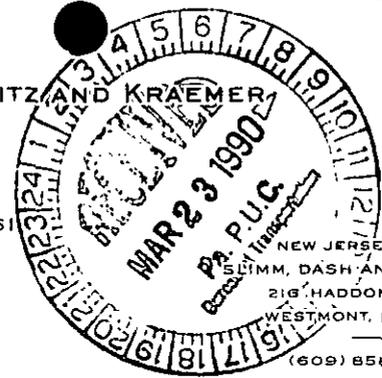
1315 WALNUT STREET

PHILADELPHIA, PA 19107-4761

(215) 732-3838

TELEX: 62021004

FAX: (215) 732-4316



NEW JERSEY OFFICE  
SLIMM, DASH AND GOLDBERG  
218 HADDON AVENUE  
WESTMONT, NJ 08108  
(609) 858-7200

DONALD M. DAVIS  
DIRECT DIAL (215) 675-1813

OUR FILE

March 20, 1990

81897-1

Office of the Pennsylvania  
Public Utility Commission  
P. O. Box 3265  
North Office Building  
Harrisburg, PA 17120

*A.109244* RECEIVED  
MAR 22 1990

SECRETARYS OFFICE  
Public Utility Commission

Re: Application of Domenic F. Taddei for Approval of  
Transfer Held by Harry E. Culbertson, Inc.  
Docket No. A00101950

Dear Sir:

I am enclosing herewith an original and two copies of an  
Application for Approval of Transfer together with the applicable  
filing fee of \$350.00.

Kindly submit the same for consideration. If any additional  
information is required, please advise the undersigned and I will  
seek to obtain the same on an expedited basis.

Thank you for your courtesies and cooperation.

Very truly yours,  
*Donald M. Davis*

DONALD M. DAVIS

cnp

Enclosures

cc: Mr. Domenic F. Taddei  
(with enclosures)



*3/29 called atty Davis, told him I will send a  
Financial Statement of Mr. Taddei found.*

APPLICATION FOR APPROVAL OF TRANSFER  
AND EXERCISE OF COMMON OR CONTRACT CARRIER RIGHTS



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of DOMENIC F. TADDEI  
(Applicant/Transferee-Buyer)

TK-700268

for approval of the transfer and to exercise the right

as a Common carrier, described at Docket  
(common-contract)

**PUC USE ONLY**  
Docket No. 109244  
Folder No. \_\_\_\_\_

No. A00101950, Folder No. \_\_\_\_\_, issued to

HARRY E. CULBERTSON, INC.  
(Transferor-Seller)

for transportation of Property  
(persons-property)

**RECEIVED**

MAR 22 1990

SECRETARYS OFFICE  
Public Utility Commission

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. DOMENIC F. TADDEI  
(Full and correct name of applicant/transferee)

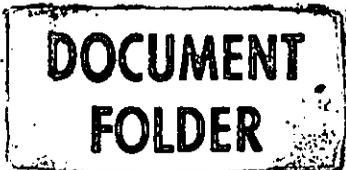
2. \_\_\_\_\_  
(Trade name, if any)

The trade name \_\_\_\_\_ has or has not been registered with the Secretary of the

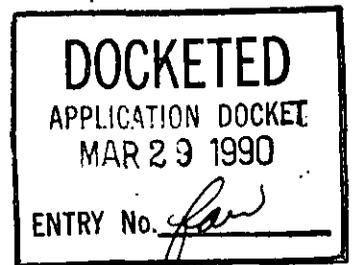
Commonwealth on \_\_\_\_\_ (date) (attach copy of stamped registration form.)

3. 475 Washington Avenue  
(Business Street Address) (P.O. Box, if any)

Penndel, Bucks PA 19047 215-752-4952  
(City) (County) (State) (Zip) (Telephone)



BEGINNING



4. Applicant's attorney (for this application) is:

1315 Walnut Street, 5th Floor

DONALD M. DAVIS, ESQUIRE Philadelphia, PA 19107 (215) 875-1813

(Name)

(Address)

(Telephone)

5. Any documents should be mailed to:

Transferee: Domenic F. Taddei, P. O. Box 192P, Penndel, PA 19047

(Name)

(Address)

Transferor: c/o Barry McCluskey, P. O. Box 413, Sewell, NJ 08080

(Name)

(Address)

6. Applicant does not presently hold Pa. PUC authority under Docket Number  
(does or does not)

A- \_\_\_\_\_ and operates as a \_\_\_\_\_ carrier.  
(common or contract)

7. Applicant does not hold Interstate Commerce Commission authority  
(does or does not)

at Docket No. \_\_\_\_\_

8. Applicant is (check one):

Individual

Partnership. Must attach a copy of the partnership agreement (unless a copy is presently on file with PUC), and list names and addresses of partners below (use additional sheet if necessary).

(Name)

(Address)

Corporation. Organized under the laws of the State of \_\_\_\_\_

and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on \_\_\_\_\_ (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. If applicant, its stockholders or partnership members are in control of or affiliated with any other carrier, state name of carrier(s), Docket Number(s) and nature of control or affiliation.

N/A

10. Applicant proposes to acquire all of the operating rights now held  
(all or part)

by transferor. Attach sheet describing rights to be transferred to applicant and rights to be retained by transferor, if any. If any rights are to be omitted, give reasons.

11. The reason for the transfer is Applicant has been involved in the trucking industry for over forty (40) years and seeks to utilize his experience in building a successful business utilizing the scope of the authority sought to be transferred.

\*\*\* 12a. The following must be attached:

Sales Agreement.

List of equipment to be used to render service. (summarize by type)

Operating authority to be transferred/retained.

Statement of Financial Condition.

Statement of unpaid business debts of transferor and how they will be satisfied.

Statement of safety program.

Statement of transferee's experience.

b. Attach the following, as appropriate (check those attached):

Partnership Agreement.

Trade Name registration certificate.

Certificate of Incorporation. (Pa. Corporation only)

Certificate of Authority. (Foreign ((out-of-state)) Corporation only)

Statement of corporate charter purpose. (corporations only)

List of corporate officers and stockholders. (corporations only)

Copy of short form certificate showing date of death of transferor and name of executor or administrator/administratrix.

\*\*\* See attached page

- 13. Transferor attests that all general assessments and fines are paid, that no annual reports are due and agrees to continue to render the service which is to be transferred until this application is approved, whereupon transferor will surrender said certificate or permit for cancellation.
- 14. Transferee agrees to assume and pay any General Assessments that may be made against transferor as a common carrier for any and all operating periods up to the actual date of the transfer.

WHEREFORE, Transferee and Transferor request that the Commission grant the Transfer.

Transferee sign here: Domenic F Taddei 3-15-90  
(each partner must sign) (Date)  
(Corporate Seal)

DOMENIC F. TADDEI

Transferor sign here: Barry McCluskey 3-15-90  
(Corporate Seal) BARRY McCLUSKEY, President  
HARRY E. CULBERTSON, INC.

APPLICANT'S RESPONSES TO PARAGRAPH 12a

1. The Sales Agreement is attached hereto as Exhibit "A."
2. The Applicant will utilize the services of owner/operators and/or leased equipment as necessary to provide the services necessary to properly meet the traffic needs of the public.
3. Attached hereto as Exhibit "B" is a summary of the operating authority to be transferred.
4. The Annual Report of Harry E. Culbertson, Inc., is on file with the PUC.
5. Any unpaid business debts of Transferor will be satisfied out of the proceeds of the purchase price for the rights.
6. The Applicant is familiar with the Department of Transportation Safety Requirements and will comply with such requirements.
7. The Applicant has been involved in the trucking industry for over forty (40) years. He is familiar with all phases of the operations of a certificated carrier.

A G R E E M E N T

THIS AGREEMENT made this 15<sup>th</sup> day of March, 1990, by and between HARRY E. CULBERTSON, INC., d/b/a H.E.C., INC., (hereinafter referred to as "Transferor") and DOMENIC F. TADDEI, (hereinafter referred to as "Transferee").

W I T N E S S E T H :

1. Transferor agrees to sell and transfer unto Transferee those rights granted to it by the Pennsylvania Public Utility Commission under Docket No. A00101950, reading more particularly as set forth in Exhibit "A" attached hereto and made a part hereof.

2. Transferee agrees to pay the Transferor as consideration for the said rights the sum of Thirty-Nine Thousand Two Hundred Fifty and 00/100 (\$39,250.00) Dollars.

The consideration for the transfer shall be paid as follows:

Four Thousand Two Hundred and Fifty and 00/100 (\$4,250.00) Dollars to be paid to Harry E. Culbertson, Inc., as a good faith down payment at the time of the execution of this Agreement subject to the provision that if the transfer is not approved by the Pennsylvania Public Utility Commission or said



transfer is denied for any reason, other than a default or refusal to consummate on the part of the Transferee, then said down payment shall be immediately returned to the Transferee upon written demand forwarded by Transferee to Transferor and there shall be no further liability upon the parties. It is further provided that upon approval of the transfer of the authority by the Pennsylvania Public Utility Commission that the balance of the consideration for the said rights shall be tendered at the time of settlement.

3. The parties hereto agree to the following miscellaneous provisions:

a. The cost of transfer and the processing of the transfer of said rights of the Pennsylvania Public Utility Commission shall be borne by the Transferee;

b. This Agreement shall be binding upon and enure to the benefit of the respective parties, their successors and assigns, heirs and personal representatives;

c. Neither this Agreement nor any term or provision hereof may be changed, waived, discharged or terminated orally, or in any manner other than an instrument in writing signed by the parties hereto;

d. This contract shall be construed under and governed by the laws of the Commonwealth of Pennsylvania.

4. The parties hereto shall do all things required to complete and file with the Pennsylvania Public Utility Commission the Application for the approval of the transfer of the right described herein and shall do all things which may be required for the expeditious processing of the Application.

5. Transferor agrees to hold Transferee free and harmless from any and all liabilities of any nature whatsoever against the Transferee and agrees to file such reports as may be required by the Pennsylvania Public Utility Commission with reference to operations conducted by the Transferor up to the time of settlement. Transferee further agrees to pay any assessments which may be made by any agency by reason of operations conducted by Transferor up to the date of settlement. If Transferee pays such assessments by reason of an assumption of said obligations, then, in such event, Transferor shall reimburse Transferee for such payment upon written demand if Transferee shall make such a demand.

6. Settlement shall be made at the office of Donald M. Davis, Esquire, or at some other place as the parties shall agree, within ten (10) days after final approval of the said transfer by the Pennsylvania Public Utility Commission.

IN WITNESS WHEREOF, the parties hereto intending to be legally bound, have executed this Agreement on the date above set forth.

HARRY E. CULBERTSON, INC.

BY: *Barry McCloskey*  
BARRY McCLOSKEY, President  
as Transferor

BY: *Domenic F. Taddei*  
DOMENIC F. TADDEI  
as Transferee

SCOPE OF AUTHORITY HELD BY HARRY E. CULBERTSON, INC.,  
t/a H.E.C., INC., SOUGHT TO BE TRANSFERRED

A. 00101950

1. To transport as a Class B Carrier property between points in the City and County of Philadelphia;

2. To transport as a Class C Carrier property from points in the City and County of Philadelphia to points in Pennsylvania within the airline distance of 25 statute miles of Philadelphia City Hall;

3. To transport as a Class D Carrier household goods and office furniture in use and new furniture uncrated from points in the City and County of Philadelphia to points within the airline distance of 100 statute miles of Philadelphia City Hall and vice versa;

4. To transport as a Class C Carrier property for Jacobson and Company, Electro Construction Company and W.E. Sparks from points in the City and County of Philadelphia to points within the airline distance of 100 statute miles of Philadelphia City Hall;

5. To transport as a Class D Carrier exhibits, displays, literature and equipment used in connection with public relations activities of the Bell Telephone Company of Pennsylvania between points in Pennsylvania;

Subject to the following conditions that no right, power, or privilege is granted to render service from points in Delaware County to points in Pennsylvania and vice versa, except as hereinbefore authorized.

EXHIBIT "A" \*\*\*

\*\*\* Also Exhibit "B" to Application for Approval of Transfer



THIS MUST BE COMPLETED BY NOTARY PUBLIC  
AFFIDAVIT OF TRANSFEROR/SELLER (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
\_\_\_\_\_ County :

\_\_\_\_\_, being duly sworn (affirmed) according to law,  
deposes and says that the facts above set forth are true and correct; or are true and correct  
to the best of his knowledge, information and belief and he expects to be able to prove the same  
at the hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEROR/SELLER (Corporation)

COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
\_\_\_\_\_ County :

BARRY McCLUSKEY, being duly sworn (affirmed) according to law,  
deposes and says that he is President of HARRY E. CULBERTSON, INC.;  
(Office of Affiant) (Name of Corporation)

that he is authorized to and does make this affidavit for it; and that the facts above set forth  
are true and correct; or are true and correct to the best of his knowledge, information and belief  
and that he expects the said HARRY E. CULBERTSON, INC. to be able to prove the  
(Name of Corporation)  
same at the hearing hereof.

Barry McCluskey 2/15/90  
Signature of Affiant  
BARRY McCLUSKEY

Sworn and subscribed before me this 15<sup>th</sup>  
day of March 1990  
My Commission expires Jan. 14, 1991

Linda J. Davis  
Signature of Official Administering Oath

NOTARIAL SEAL  
LINDA J. DAVIS, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires Jan. 14, 1991

THIS MUST BE COMPLETED BY NOTARY PUBLIC  
AFFIDAVIT OF TRANSFEREE/APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
\_\_\_\_\_ County :

DOMENIC F. TADDEI, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

*Domenic F. Taddei*  
Signature of Affiant  
DOMENIC F. TADDEI

Sworn and subscribed before me this 15<sup>th</sup>  
day of March 1990  
My Commission Expires Jan 14, 1991

NOTARIAL SEAL  
LINDA J. DAVIS, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires Jan. 14, 1991

*Linda J. Davis*  
Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEREE/APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
\_\_\_\_\_ County :

\_\_\_\_\_, being duly sworn (affirmed) according to law, desposes and says that he is \_\_\_\_\_ of \_\_\_\_\_, (Office of Affiant). (Name of Corporation) that he is authorized to and does make this affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said \_\_\_\_\_ to be able to prove the same (Name of Corporation) the same at the hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Signature of Official Administering Oath

STATEMENT OF FINANCIAL POSITION OF  
DOMENIC F. TADDEI

ASSETS

Current Assets

Cash on hand \$50,000

Tangible Assets

Home - 475 Washington Avenue  
Penndel, PA 19047 \$225,000  
(No mortgage)

Commercial Property: Garage, truck  
terminal  
1235-47 Crease Street  
Philadelphia, PA 19125 200,000

Investments, Municipal Bonds, etc. 650,000

LIABILITIES

Current and Long Term Liabilities

0

NEW WORTH

\$1,125,000  
=====

MARGOLIS, EDELSTEIN, SCHERLIS, SAROWITZ AND KRAEMER

ATTORNEYS AT LAW

THIRD FLOOR

1315 WALNUT STREET

PHILADELPHIA, PA 19107-4761

(215) 732-3838

TELEX: 62021004

TELECOPIER: (215) 732-4316

NEW JERSEY OFFICE

216 HADDON AVENUE

WESTMONT NJ 08108

(609) 858-7200

DONALD M. DAVIS

DIRECT DIAL (215) 875-1813

OUR FILE

March 29, 1990

81897-1

Office of the Pennsylvania  
Public Utility Commission  
P. O. Box 3265  
North Office Building  
Harrisburg, PA 17120

*A. 109244*

Attention: Ms. Frances Walkinshaw

Re: Application of Domenic F. Taddei for Approval of  
Transfer Held by Harry E. Culbertson, Inc.  
Docket No. A00101950

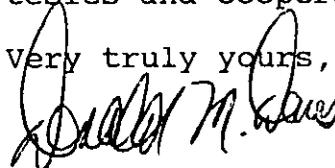
Dear Ms. Walkinshaw:

As per your request, I am enclosing an original and two copies  
of a Statement of Financial Position of Domenic F. Taddei.

If any additional information is required, please advise and  
I will attempt to obtain the same promptly.

Thank you for your courtesies and cooperation.

Very truly yours,



DONALD M. DAVIS

cnp

Enclosures

DOCUMENT  
FOLDER

April 13, 1990

IN REPLY PLEASE  
REFER TO OUR FILE

Donald M. Davis  
Attorney at Law  
1315 Walnut Street, Fifth Floor  
Philadelphia, PA 19107

In re: A-00109244 - Application of Domenic F. Taddei

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of Domenic F. Taddei for the rights of Harry E. Culpertson, Inc., t/d/b/a H.E.C., Inc.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before May 7, 1990. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that Harry E. Culpertson, Inc., t/d/b/a H.E.C., Inc. will continue to render the service covered by its certificate and comply with all the rules of the Commission, including the carrying of continuous insurance, until final disposition is made of the application by the Commission.

You are further advised that the above application will be published in the Pennsylvania Bulletin of April 14, 1990.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:RP:rs

cc: Applicant  
457 Washington Avenue  
Penndel, PA 19047

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
APR 13 1990  
ENTRY No.

A-00109244 DOMENIC F. TADDEI (457 Washington Avenue, Penndel, Bucks County, PA 19047) - (1) as a Class B carrier, property between points in the city and county of Philadelphia; (2) as a Class C carrier, property from points in the city and county of Philadelphia to points in Pennsylvania within an airline distance of twenty-five (25) statute miles of Philadelphia City Hall; (3) household goods and office furniture in use, and new furniture, uncrated, from points in the city and county of Philadelphia to points within an airline distance of one hundred (100) statute miles of Philadelphia City Hall, and vice versa; (4) as a Class C carrier, property for Jacobson and Company, Electra Construction Company and W. E. Sparks from points in the city and county of Philadelphia to points within an airline distance of one hundred (100) statute miles of Philadelphia City Hall; and (5) exhibits, displays, literature and equipment used in connection with Public Relations activities of The Bell Telephone Company of Pennsylvania between points in Pennsylvania; with Right No. 5 subject to the following condition: That no right, power or privilege is granted to render service from points in Delaware County to points in Pennsylvania, and vice versa, except as hereinbefore authorized; which is to be a transfer of the rights authorized under the certificate issued at A-00101950 to Harry E. Culpertson, Inc., t/d/b/a H.E.C., Inc., subject to the same limitations and conditions. Attorney: Donald M. Davis, 1315 Walnut Street, Fifth Floor, Philadelphia, PA 19107.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE \_\_\_\_\_

SERVICE \_\_\_\_\_

APR 14 1990

BUREAU OF TRANSPORTATION  
COMMON CARRIER  
APRIL 1990

A-00109244

Application of Domenic F. Taddei, for the right to begin to transport, as a common carrier, by motor vehicle, (1) as a Class B carrier, property between points in the city and county of Philadelphia; (2) as a Class C carrier, property from points in the city and county of Philadelphia to points in Pennsylvania within an airline distance of twenty-five (25) statute miles of Philadelphia City Hall; (3) household goods and office furniture in use, and new furniture, uncrated, from points in the city and county of Philadelphia to points within an airline distance of one hundred (100) statute miles of Philadelphia City Hall, and vice versa; (4) as a Class C carrier, property for Jacobson and Company, Electra Construction Company and W. E. Sparks from points in the city and county of Philadelphia to points within an airline distance of one hundred (100) statute miles of Philadelphia City Hall; and (5) exhibits, displays, literature and equipment used in connection with Public Relations activities of The Bell Telephone Company of Pennsylvania between points in Pennsylvania; with Right No. 5 subject to the following condition: That no right, power or privilege is granted to render service from points in Delaware County to points in Pennsylvania, and vice versa, except as hereinbefore authorized; which is to be a transfer of the rights authorized under the certificate issued at A-00101950 to Harry E. Culpertson, Inc., t/d/b/a H.E.C., Inc., subject to the same limitations and conditions.

FW:rs  
4/2/90

Application received: 3/22/90  
Application docketed: 3/29/90

NH

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
APR 13 1990

ENTRY No. \_\_\_\_\_

MAY - 7 1990

Protests due on No Hearings \_\_\_\_\_  
Protests due on Hearings - (5 days prior to date of hearing)  
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.