

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: July 15, 1994	2. BUREAU AGENDA NO.: AUG-94-T-637*
3. BUREAU: Transportation	
4. SECTION(S): Technical Review	5. PUBLIC MEETING DATE: August 18, 1994
6. APPROVED BY:  Director: Ernst 7-2154 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Travitz 7-5513	
8. DOCKET NO.: - A-00109244, F. 1, Am-B	

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

(a) Application of Tad's Delivery Service, Inc., t/d/b/a T & N Van Service, Pennsauken, NJ, for the approval of the transfer to applicant of all of the right held by Budget Moving & Storage Company, Inc. at A-00110342.

(b) Transferor proposes to transfer its P.U.C. common carrier right for a total consideration of \$58,000. No tangible assets are involved.

(c) The Bureau of Transportation recommends that the Commission adopt the attached proposed order approving the transfer application and that the certificate issued to the applicant be amended to include the right. The restrictive conditioning excluding new household goods and office furnishings shall be eliminated as being without meaning. The certificate issued to the transferor shall be cancelled by supplemental order.

GET:rs/em



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

CONTENT OF MOTION: Staff recommendation adopted.



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

August 29, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00109244F0001Am-B

DENNIS GEORGE ESQUIRE
1515 MARKET STREET
SUITE 205
PHILADELPHIA 19102

DOCUMENT
FOLDER

DOCKETED
SEP 23 1994

Application of Tad's Delivery Service, Inc., t/d/b/a T & N Van
Service

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

The applicant will not be permitted to operate or engage in
any transportation granted by the enclosed order until a tariff has
been prepared and filed in accordance with the enclosed
instructions.

Motor carriers operating without complying with the above
requirement will be subject to the penalty provisions of the Public
Utility Code.

Commission regulations require compliance with the above
requirement within sixty (60) days of the date of this letter.
Failure to comply within the sixty (60) day period will cause the
Commission to rescind the action of August 18, 1994 and dismiss the
application without further proceedings.

Very truly yours,

John G. Alford
Secretary

JEP
Enclosure
Certified Mail

Tariff Contact Person: Joseph Machulsky (717) 787-5521

TAD'S DELIVERY SERVICE INC T/D/B/A T & N VAN SERVICE
9004 PENNSAUKEN HIGHWAY
PENNSAUKEN NJ 08110

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 18, 1994

Commissioners Present:

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

DOCKETED
SEP 23 1994

Application of Tad's Delivery Service, Inc., t/d/b/a
T & N Van Service for the transfer of all of the
operating right of Budget Moving & Storage, Inc.
under the certificate issued at A-00110342 subject
to the same limitations and conditions.

A-00109244
F. 1
Am-B

Dennis George for the applicant.

**DOCUMENT
FOLDER**

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 18, 1994. Public notice of the application was given in the Pennsylvania Bulletin of May 21, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Tad's Delivery Service, Inc., t/d/b/a T & N Van Service (applicant, transferee or T & N) seeks to amend its common carrier certificate by acquiring the right involved in this transfer proceeding. Applicant is a currently certificated common carrier and is in good financial condition. T & N will conduct operations utilizing eight International tractors and five trailers. Transferor wishes to cease operating the business.

The total consideration for the rights is \$58,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: \$5,800 has been paid into an escrow account and the balance of \$52,200 shall be paid in cash or certified funds at closing.

The restrictive conditioning excluding new household goods and office furnishings

shall be eliminated from the authority to issue as being without meaning. New furniture, which is the current phraseology for the archaic "new household goods and office furniture," is not within the scope of the authority involved. All service must be for a movement of household or other establishment from one location to another.

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 that:

1. The applicant is fit, willing and able to provide the service proposed.
2. The restrictive amendment is meaningless because new furniture is not within the scope of the application.
3. 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, as amended, be further amended to include the following right:

To transport, as a Class D carrier:

- (1) Property usual to use in a household when a part of such household equipment or supply; furniture, fixtures, equipment and the property usual in a store, office, museum, institution, hospital or other establishments when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment; works of art, furniture, musical instruments, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, and from points in said area to other points within an airline distance of one hundred (100) statute miles of the Philadelphia City Hall, 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 No. 3 above.
- (5) That the certificate holder shall not transfer, sell or in any way convey any of 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, Budget Moving & Storage Company, Inc. at A-00110342 be cancelled and the record be marked "CLOSED".

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: August 18, 1994

ORDER ENTERED: AUG 29 1994