

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

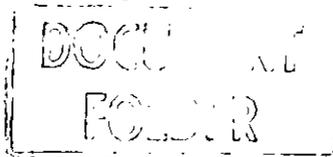
1. <u>REPORT DATE:</u>	April 23, 1990	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	MAY-90-T-528*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	May 10, 1990
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	White 7-4387	:	
9. <u>DOCKET NO.:</u>	A-00109244	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

(a) Application of Domenic F. Taddei, Penndel, Bucks County, for the transfer to him of all of the rights authorized under the certificate issued at A-00101950 to Harry E. Culbertson, Inc., t/d/b/a H.E.C., Inc., subject to the same limitations and conditions.

(b) The application is unopposed. The applicant proposes to purchase the operating rights of the transferor for the sum of \$39,250. No tangible assets are involved. We find that a continuing public need for service under the authority does exist, and that the applicant is fit, willing and able to render same.

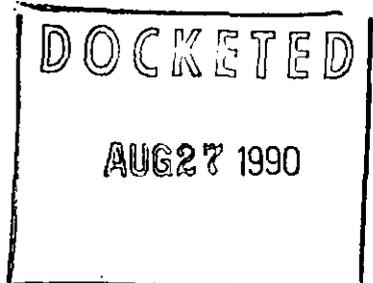
(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application; that the certificate of the transferor be cancelled by supplemental order; and that the Order to Show Cause docketed at A-00101950C891 and entered on June 20, 1989 against the transferor, be dismissed.

RW:11



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

CONTENT OF MOTION: Staff recommendation adopted.



BTL



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

May 17, 1990

IN REPLY PLEASE
REFER TO OUR FILE

A-00109244

Donald M. Davis, Esquire
1315 Walnut Street
Fifth Floor
Philadelphia, Pa. 19107

DOCUMENT
FOLDER

DOCKETED
JUN 21 1990

Application of Domenic F. Taddei

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.

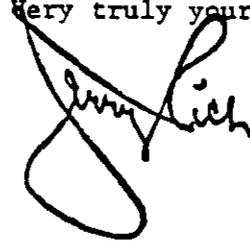
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of May 10, 1990 and dismiss the application without further proceedings.

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 cursive script, appearing to read "Jerry Rich". The signature is written in dark ink and is positioned above the typed name of the signatory.

Jerry Rich, Secretary

smk
Enclosures
Certified Mail
Receipt Requested
Domenic F. Taddei
475 Washington Avenue
Penndel, PA 19047

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

DOCKETED
JUN 21 1990

DOCUMENT
FOLDER

Application of Domenic F. Taddei, for
the transfer to him of all of the
rights authorized under the certificate
issued at A-00101950 to Harry E. Culbertson,
Inc., t/d/b/a H.E.C., Inc., subject to
the same limitations and conditions.

A-00109244

Margolis, Edelstein, Scherlis, Sarowitz and Kraemer, by Donald M. Davis
for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on
March 22, 1990, and published in the Pennsylvania Bulletin of April 14, 1990.
There are no protests and the record is now certified to the Commission for
its decision without oral hearing.

Domenic F. Taddei operates as a sole proprietor from a facility
located at 475 Washington Avenue, Penndel, Bucks County. He does not hold
authority from this Commission but does state that he has been involved in
the trucking business for more than 40 years, and seeks to utilize the
experience in building a successful business of his own through acquisition
of the operating authority involved herein. There is no affiliation with
other carriers. He will provide the service with the use of equipment leased
under long-term arrangements.

In support of his financial position, the applicant submitted a
balance sheet which shows that he has total assets of \$1,125,000 with no
liabilities. The current assets consist of \$50,000 cash on hand.

The transferor, Harry E. Culbertson, Inc., t/d/b/a H.E.C., Inc., has held the operating authority since July 22, 1980. Although our records indicate that it is current in all obligations due this Commission, there is an Order to Show Cause pending and docketed at A-00101950C891 which was entered on June 20, 1989, for failure to file an annual report and assessment report for 1988. Both reports have been filed and the assessment has been paid. The Order to Show Cause will be dismissed accordingly.

The total consideration for the operating rights is \$39,250. No tangible assets are involved. The sum of \$4,250 was paid at the time of execution of the sales agreement dated March 15, 1990. The balance of \$35,000 is to be paid at the time of settlement which shall be within ten days after final approval of the transaction by this Commission.

A review of the record before us indicates that the applicant possesses the requisite experience 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. That the applicant is fit, willing and able to provide the service 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 a certificate be issued granting the applicant the right to operate as follows:

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 located within an airline distance of twenty-five (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

an airline distance of one hundred (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 an airline distance of one hundred (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;

with right No. 5 subject to the following condition:

That no right, power or privilege is granted to provide service from points in Delaware County to points in Pennsylvania and vice versa except as hereinbefore authorized;

with all of the above 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 his 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 \$39,250 consideration paid by applicant for the rights and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter

is sufficient in amount to absorb said charge off.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the 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 as set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

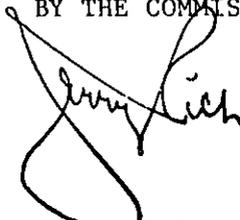
IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the Order to Show Cause docketed at A-00101950C891 and entered on June 20, 1989 against the transferor, be and is hereby dismissed.

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 upon compliance with this order, the rights granted the transferor, Harry E. Culbertson, Inc., t/d/b/a H.E.C., Inc., at A-00101950 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1990

ORDER ENTERED: MAY 17 1990



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

JML
P. 11

May 30, 1990

IN REPLY PLEASE
REFER TO OUR FILE

R-16

Donald M. Davis, Esquire
1315 Walnut Street
Fifth Floor
Philadelphia, PA 19107

Re: A-00109244 - Domenic F. Taddei

DOCKETED
AUG 3 2 30 PM '90

DOUGLAS
FOLDER

Dear Mr. Davis:

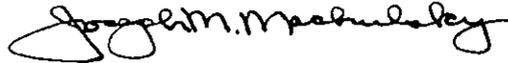
Under date of May 17, 1990, the Secretary's office transmitted to you the Commission's compliance order adopted May 10, 1990, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Harry E. Culbertson, Inc., t/d/b/a H.E.C., Inc. at A-00101950. The letter 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 tariff of the former operator will become the tariff 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 the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

We also notice that rates for a part of the authorized service being transferred are provided in tariffs published by Motor Carriers Service Bureau, Inc., Agent and Tristate Household Goods Tariff Conference Inc., Agent. Should you elect to participate in the agency publication(s), two

copies of a suitable power of attorney should be included with the filing. If you do not elect to participate in the agency publication(s) a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency (agencies) for a minimum of 30 days.

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



By: Joseph M. Machulsky, Chief
Financial Document Section

Enclosure (1 set)

cc: Motor Carriers
P.O. Box 9023
Lester, PA 19113
New power of attorney to be designated:
Pa. F. 1 No. 1 cancels 1 (Series of transferor)

Tristate
P.O. Box 9023
Lester, PA 19113
New power of attorney to be designated:
Pa. F. 1 No. 2 cancels 2 (Series of transferor)

Domenic F. Taddei
475 Washington Ave.
Penndel, PA 19047

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