

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

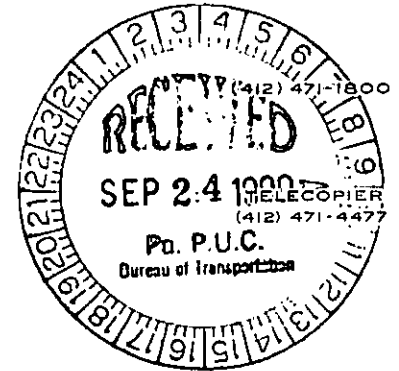
PITTSBURGH, PA. 15219-2383

September 24, 1990

JOHN A. VUONO
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RICHARD R. WILSON
DENNIS J. KUSTURISS
CHRISTINE M. DOLFI
PAUL J. STELIOTES

*ALSO MEMBER OF FLORIDA BAR

Re: South Hills Movers, Inc. (New)--Purchase--
South Hills Movers, Inc. (Old)
Our File 3713-2



A-109506

HAND-DELIVERED

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED

SEP 24 1990

**SECRETARY'S OFFICE
Public Utility Commission**

Dear Mr. Rich:

We enclose for filing with the Commission the signed original and two copies of a transfer application in connection with the purchase by South Hills Movers, Inc., a newly-formed Pennsylvania corporation referred to in the application as "new", of all of the PUC operating rights held by South Hills Movers, Inc., referred to in the application as "old", at Docket No. A-00099073.

This application is being filed in connection with the reorganization of the companies controlled by the Robert Lee family of Bethel Park, PA. There is attached to the transfer application an explanatory statement which explains in detail the nature of the transactions.

In connection with this application, we are filing simultaneously with the Commission petitions to substitute the transferee for the transferor in two pending application cases in which the transferor is seeking to purchase additional operating authority. Those applications are pending at Application Docket No. A-00099073, F. 2, Amendments I and J.

We are enclosing a check in the sum of \$350 to cover the filing fee.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to us in the self-addressed, stamped envelope provided for that purpose.

**DOCUMENT
FOLDER**

Mr. Jerry Rich
Page Two
September 24, 1990

For the reasons set forth in the transfer application, it is necessary that the parties consummate this transaction on January 1, 1991. Accordingly, we respectfully request that the Commission expedite its processing and disposition of this application so that the parties may meet the consummation date.

Sincerely yours,

VUONO, LAVELLE & GRAY



John A. Vuono

nd
Enclosures
cc: Mr. Peter S. Marzolf
South Hills Movers, Inc.



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

RECEIVED

SEP 24 1990

SECRETARY OF
Public Utility Commission

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of SOUTH HILLS MOVERS, INC. (NEW) *
(Applicant/Transferee-Buyer)

for approval of the transfer and to exercise the right

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

No. A-00099073, Folder No. _____, issued to

SOUTH HILLS MOVERS, INC. (OLD)
(Transferor-Seller)

for transportation of property
(persons-property)

PUC USE ONLY

Docket No. A-109506

Folder No. _____

APPL. ☒

COMPL. ☒

MVIC. ☒

CHECKED BY mw

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. South Hills Movers, Inc.
(Full and correct name of applicant/transferee)

2. (Not Applicable)
(Trade name, if any)

The trade name _____ been registered with the Secretary of the
(has or has not)

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

3. 3132 Industrial Boulevard
(Business Street Address)

(P.O. Box, if any)

Bethel Park Allegheny PA 15102 (412) 561-8200
(City) (County) (State) (Zip) (Telephone)

*The applicant is designated as "South Hills Movers, Inc. (New)" in order to avoid any confusion with the name of the Transferor. Any authority granted as a result of this proceeding should be issued to "South Hills Movers, Inc.". The Explanatory Statement which is attached sets forth the background and essential facts concerning the application.

ORIGINAL BEGINNING

DOCKETED
APPLICATION DOCKET

SEP 27 1990

ENTRY No. mw

DOCUMENT
FOLDER

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

John A. Vuono, Esq. 2310 Grant Building
Vuono, Lavelle & Gray Pittsburgh, PA 15219 (412) 471-1800
(Name) (Address) (Telephone)

5. Any documents should be mailed to:

John A. Vuono, Esq. 2310 Grant Building
Transferee: Vuono, Lavelle & Gray Pittsburgh, PA 15219
(Name) (Address)

John A. Vuono, Esq. 2310 Grant Building
Transferor: Vuono, Lavelle & Gray Pittsburgh, PA 15219
(Name) (Address)

6. Applicant does not 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 Pennsylvania

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.

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: SOUTH HILLS MOVERS, INC. (NEW) September 14, 1990
(each partner must sign) (Date)

(Corporate Seal)

By: Robert Lee
Robert Lee, President

Transferor sign here: SOUTH HILLS MOVERS, INC. (OLD) September 14, 1990

(Corporate Seal)

By: Robert Lee
Robert Lee, President

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.

(See Explanatory Statement)

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. (See Appendix 12-3)

11. The reason for the transfer is This transfer application is required as part of a reorganization of certain of the companies controlled by the management of Transferee. The details of the reorganization are set forth in the Explanatory Statement.

- 12a. The following must be attached:

- ☒ Sales Agreement. (Appendix 12-1)
- ☒ List of equipment to be used to render service. (summarize by type) (Appendix 12-2)
- ☒ Operating authority to be transferred/retained. (Appendix 12-3)
- ☒ Statement of Financial Condition. (Appendix 12-4)
- ☒ Statement of unpaid business debts of transferor and how they will be satisfied. (Appendix 12-5)
- ☒ Statement of safety program. (Appendix 12-6)
- ☒ Statement of transferee's experience. (Appendix 12-7)

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

- ☐ Partnership Agreement. (Not Applicable)
- ☐ Trade Name registration certificate. (Not Applicable)
- ☒ Certificate of Incorporation. (Pa. Corporation only) (Appendix 12-8)
- ☐ Certificate of Authority. (Foreign ((out-of-state)) Corporation only) (Not Applicable)
- ☒ Statement of corporate charter purpose. (corporations only) (Appendix 12-9)
- ☒ List of corporate officers and stockholders. (corporations only) (Appendix 12-9)
- ☐ Copy of short form certificate showing date of death of transferor and name of executor or administrator/administratrix.

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

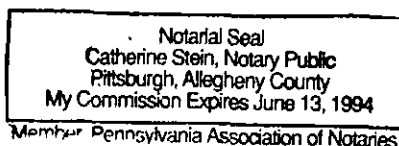
COMMONWEALTH OF PENNSYLVANIA :
: ss:
_____ Allegheny _____ County :

Robert Lee _____, being duly sworn (affirmed) according to law, desposes
and says that he is President of South Hills Movers, Inc. (New),
(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 South Hills Movers, Inc. to be able to prove the same
(Name of Corporation) (New)
the same at the hearing hereof.

Robert Lee
Signature of Affiant

Sworn and subscribed before me this 14th
day of Sept 19 90
My Commission Expires _____

Catherine Stein
Signature of Official Administering Oath



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:

Allegheny County :

Robert Lee, being duly sworn (affirmed) according to law,
deposes and says that he is President of South Hills Movers, Inc. (Old);
(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 South Hills Movers, Inc. (Old) to be able to prove the
(Name of Corporation)

same at the hearing hereof.

Robert Lee

Signature of Affiant

Sworn and subscribed before me this 14th

day of Sept 19 90

My Commission expires _____

Notary Seal
Catherine Stein, Notary Public
Pittsburgh, Allegheny County
Expires June 13, 1994
Division of Notaries

Catherine Stein

Signature of Official Administering Oath

APPLICATION OF
SOUTH HILLS MOVERS, INC.

EXPLANATORY STATEMENT

By this application, the parties seek authority for the transfer of all of the issued and outstanding operating authority of Transferor at Docket No. A-00099073 to South Hills Movers, Inc. (New), a newly-formed Pennsylvania corporation. All of the issued and outstanding stock of Transferee is held by SHM Holdings, Ltd., a Delaware corporation formed for the purpose, inter alia, of holding the stock of Transferee. There is set forth in Appendix 12-9 of the application the corporate data concerning the Transferee, including the names and addresses of its officers and directors.

Robert Lee and his wife, Marion, own all of the issued and outstanding preferred stock of Transferor and their sons, Robert E. Lee and Gary N. Lee, each own 50% of the issued and outstanding shares of common stock of Transferee.

Robert E. Lee and Gary N. Lee each own 50% of the issued and outstanding common stock of SHM Holdings, Ltd. The latter company is not authorized to issue any preferred stock.

There are presently pending before the Commission the following transfer applications, pursuant to which Transferor is seeking authority to purchase certain additional household goods operating authority:

1. Application of South Hills Movers, Inc., Docket No. A-00099073, F. 2, Am-I, which seeks authority to purchase a portion of the operating authority of D. Pierce Transportation, Inc. at Docket No. A-00107772, F. 2; and

2. Application of South Hills Movers, Inc., Docket No. A-00099073, F. 2, Am-J, which seeks authority to purchase a portion of the operating authority of Pitt-Ohio Express, Inc. at Docket No. A-00102471.

Contemporaneously with the filing of this application, petitions will be filed with the Commission seeking to substitute the Transferee for the Transferor as the applicant in the above proceedings.

The present application is the first step in the reorganization of the Lee family companies which will result in the stock of the motor carrier operating companies being owned by SHM Holdings, Ltd.

Robert E. Lee and Gary N. Lee each own 50% of the issued and outstanding common stock of Leelease, Inc. which holds authority from the Commission at Docket No. A-00107868. In connection with the transfer of the stock of Leelease, Inc. to SHM Holdings, Ltd., the parties intend to file with the Commission a separate application for approval of the transfer by or to an affiliated interest pursuant to 66 Pa. C.S.A. §1102(a)(3).

As a result of these transactions, SHM Holdings, Ltd. will control through ownership of all of the issued and outstanding stock of South Hills Movers, Inc. (New) and Leelease, Inc. ("the controlled companies"). Robert Lee is the President, Robert E. Lee and Gary N. Lee are the Vice Presidents, and Robert V. Stabile is the Secretary-Treasurer of the controlled companies. These four individuals constitute the Board of Directors of the controlled companies. It is not anticipated that there will be any change in the officers and directors of these companies.

Upon consummation of the transaction contemplated by this application, the name of Transferee will be changed to SHM, Inc. which will not hold any operating authority from the PUC.

Contemporaneously with the filing of this application, the parties will file an appropriate application to the Interstate Commerce Commission in connection with the transfer to Transferee of the interstate operating authority held by the Transferor at Docket No. MC-72914.

For a number of tax related and operational reasons, it is important that the parties consummate this transaction on January 1, 1991. Accordingly, we respectfully request that the Commission expedite its processing and disposition of this application so that the parties may meet the consummation date.

APPENDIX 12-1

AGREEMENT

BETWEEN

SOUTH HILLS MOVERS, INC. (OLD) (SELLER)

AND

SOUTH HILLS MOVERS, INC. (NEW) (BUYER)

DATED

SEPTEMBER 14, 1990

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AGREEMENT

THIS AGREEMENT is made this 14th day of September, 1990 between SOUTH HILLS MOVERS, INC. (OLD) (herein called "SELLER"), a Pennsylvania corporation, and SOUTH HILLS MOVERS, INC. (NEW) (herein called "BUYER"), a Pennsylvania corporation, both having their principal offices at 3132 Industrial Boulevard, Bethel Park, PA 15102.

I. PREMISES

A. SELLER is a motor common carrier of property and holds a certificate of public convenience issued by the Pennsylvania Public Utility Commission (PUC) at Docket No. A-00099073 and folders thereto.

B. BUYER is a newly formed corporation which does not hold any operating authority from the PUC and therefore is a non-carrier within the meaning of the Pennsylvania Public Utility Code.

C. SELLER has agreed to sell and BUYER has agreed to buy all of SELLER's PUC operating authority as set forth on Appendix A, free and clear of all liens, encumbrances, security interests and other claims.

D. This transaction will require the prior approval of the PUC. BUYER and SELLER will file and diligently prosecute an application with the PUC for approval of the transaction pursuant to 66 Pa. C.S.A. §1102 of the Pennsylvania Public Utility Code (herein called "the application").

II. TERMS AND CONDITIONS

In consideration of the mutual covenants and promises herein contained, the parties, intending to be legally bound, agree, represent and warrant as follows:

1. Purchase Agreement. SELLER will sell to BUYER and BUYER will buy, free and clear of all liens, encumbrances, security interests and other claims, all of the Pennsylvania intrastate operating rights owned by SELLER and held at PUC Docket No. A-00099073, a copy of which is attached hereto as Appendix A (herein called "the operating rights").

2. Price and Payment. BUYER will pay to SELLER for the operating rights the total sum of Forty-Five Thousand (\$45,000) Dollars in cash or by certified or cashier's check on the final closing date.

3. Application for Approval. The parties agree that this transaction requires the prior approval of the PUC and that the transaction may not be consummated until final approval is secured by the PUC.

Accordingly, within ten (10) days after the execution of this agreement, the parties will jointly file with the PUC an application pursuant to 66 Pa. C.S.A. §1102 seeking approval of the purchase of the operating rights by BUYER from SELLER.

BUYER shall pay all filing fees in connection with the filing of the applications.

BUYER and SELLER will, with due diligence and in good faith, cooperate fully in the preparation, filing and prosecution of the applications and agree to join in and execute any and all such applications and other documents, subject to the approval of counsel.

BUYER and SELLER will supply such information as may be required, attend hearings, present testimony and otherwise cooperate to the end that approval of this transaction may be secured.

4. Warranties as to Operating Rights. SELLER warrants and guarantees that the operating rights have been duly issued by the PUC; the rights are in full force and effect; the rights will not be subject to any liens, encumbrances, security interests or claims of any kind on the final closing date; and that there are and on the date of consummation will be no actions at law or equity, nor any proceedings before any agency pending or threatened against SELLER to revoke, suspend or otherwise restrict the operating authority.

5. Denial of the Application. If the PUC, by its final order, should deny approval of the application, this agreement shall terminate. In such event, the parties shall have no further rights or obligations under this agreement.

The terms and conditions of this paragraph shall be subject to the appeal provisions set forth in paragraph 7.

6. Approval of Application Subject to Restrictions. If the PUC, by its final order, approves the application, subject to conditions which restrict, delete or cancel any of the operating rights or limit the use of the operating rights by BUYER in any way, BUYER shall have the option to declare this agreement null and void and forthwith terminate the agreement by giving SELLER written notice thereof within twenty (20) days after the service date of any such orders. In the absence of the exercise of the aforesaid option, any such restrictions shall be considered modifications hereto and this agreement, as modified, shall remain in full force and effect.

The terms and conditions of this paragraph shall be subject to the appeal provisions set forth in paragraph 7.

7. Appeals. In the event the PUC, by its final order, should deny the application or grant the application subject to conditions of the type set forth in paragraph 6, either party may seek judicial review of those orders to the extent available.

In the event that either party elects to seek judicial review, the termination provisions set forth in paragraphs 5 and 6 above shall not become effective until the exhaustion of such judicial remedies. In such event, if the final order of the PUC denying the application is sustained by the court, this agreement shall be terminated in accordance with paragraph 5. If the final order of the PUC approving the application,

subject to conditions, is sustained by the court, BUYER may exercise the right to terminate as set forth in paragraph 6 within twenty (20) days after the service of the order or judgment of the last Court of Review.

If either party elects to seek judicial review, the party so electing shall pay all expenses incurred in connection with the appeal, excluding counsel fees of the other party.

For the purposes of this agreement, the term "final order" shall be defined as an order of the PUC finally determining the application, specifically (a) in the case of the denial of the application, upon the expiration of the period permitted by the Rules of Practice and regulations of the PUC or by the PUC order, whichever time period is greater, within which petitions for rehearing, reargument or reconsideration may be filed, or upon a denial of any such petitions, if filed; and (b) in the case of approval of such applications, the effective date of the order of approval unless stayed by the ICC or by a court.

8. No Assumption of Liabilities. This agreement involves only the purchase of operating rights by BUYER from SELLER. Accordingly, BUYER does not assume any claim, debts, causes of action, judgments or other liabilities or obligations of SELLER by reason of this agreement.

9. SELLER's Representations and Warranties. SELLER represents and warrants as follows:

9.1 SELLER is a corporation duly organized, validly existing and in good standing under the laws of the

Commonwealth of Pennsylvania, and has full power and authority under its Articles of Incorporation or charter to engage in the business which it is now conducting.

9.2 SELLER is a motor carrier of property and is lawfully conducting operations under the operating rights. The Certificate of Public Convenience evidencing the operating rights is in good standing with the PUC and there are no citations, formal complaints, investigations or enforcement proceedings pending against SELLER by the PUC, the Department of Transportation or any other regulatory agency applicable to the operating rights.

9.3 The operating rights are not subject to any prior claims, options to purchase, agreements of sale or other contracts or obligations of purchase and SELLER will not enter into any such contractual arrangements prior to the final closing date.

9.4 The Board of Directors of SELLER and, if necessary, the shareholders of SELLER have, by proper resolution, duly authorized the execution and delivery of this agreement, the filing of the necessary applications with the PUC and the performance of such other actions as may be required to effectuate the purposes of this agreement. A certified copy of the aforesaid resolution of the Board of Directors of SELLER and any requisite resolution of the shareholders of SELLER shall be delivered to BUYER within ten (10) days after the date of execution of this agreement.

9.5 The execution and performance of this agreement by SELLER will not violate any provision of law or contravene any provision of the Articles of Incorporation or bylaws of SELLER.

In the event of any default by SELLER in the terms of this paragraph or any other provisions of this agreement, BUYER shall have the option either to declare this agreement null and void by giving SELLER written notice of termination or to exercise against SELLER all of BUYER's available remedies hereunder.

10. BUYER's Representations and Warranties. BUYER represents and warrants as follows:

10.1 BUYER is a corporation duly organized, validly existing and in good standing under the laws of the Commonwealth of Pennsylvania, and has full power and authority under its Articles of Incorporation or charter to engage in the business which it is now conducting.

10.2 The Board of Directors of BUYER and, if necessary, the shareholders of BUYER have, by proper resolution, duly authorized the execution and delivery of this agreement, the filing of the necessary applications with the PUC and the performance of such other actions as may be required to effectuate the purposes of this agreement. A certified copy of the resolution of the Board of Directors of BUYER and any requisite resolution of the shareholders of BUYER shall be delivered to SELLER within ten (10) days after the date of execution of this agreement.

10.3 The execution and performance of this agreement by BUYER will not violate any provision of law or contravene any provision of the Articles of Incorporation or bylaws of BUYER.

11. Employee Relations. It is agreed that this agreement involves the sale of only operating rights, a partial asset only, and that the BUYER is not a successor employer to SELLER and has no obligation to hire any employees or to assume any employee obligations of SELLER.

SELLER represents that it is not a party to any collective bargaining agreements nor is it a party to any individual labor agreements with its employees. SELLER further acknowledges that BUYER has no obligations with respect to any employees of SELLER to provide employment, fringe benefit payments, vacation pay or any other benefits of employment nor any liability for any claims, grievances, labor disputes, charges or causes of action on the part of or in behalf of any employees or former employees of SELLER which may arise from or be related to events which occurred on or prior to the temporary authority closing date.

SELLER agrees, represents and warrants as follows:

11.1 There are no labor disputes, grievances, or unfair labor practice charges, discrimination in employment charges or other claims on behalf of employees of SELLER pending or threatened by any individual employee, group of employees or employee labor organization which will adversely affect BUYER or BUYER's rights under this agreement.

11.2 SELLER has paid or prior to the temporary authority closing date will pay all costs of employment of present and former employees of SELLER due under any federal, state or local laws or regulations or collective bargaining agreements, including, without limitation, the costs relating to wages, holiday and vacation pay, pensions, health and welfare funds, F.I.C.A. payments, unemployment compensation taxes, withholding items, and any other employee costs and such costs shall be considered the obligations of SELLER.

11.3 SELLER will discharge any obligations it may have under the National Labor Relations Act or any labor agreements to notify any union representing employees of SELLER of the existence of this agreement and further will discharge any obligations SELLER may have subsequent to the temporary authority closing date to meet with any labor unions to discuss the effects of the sale on the employees of SELLER.

11.4 SELLER will cooperate fully and present testimony, if requested, in the defense of any claim, grievance, unfair labor practice or discrimination in employment charge, or suit which may now exist or which may arise in the future concerning SELLER.

11.5 SELLER has complied with all federal, state and local laws and regulations relating to the employment of persons and will continue to do so.

11.6 There have been no events which have occurred which would give rise to any disputes, claims, charges, grievances or claims to any payments of the type set forth in this paragraph.

11.7 In the event the transaction contemplated by this agreement has the effect of incurring withdrawal liability under The Employee Retirement Income Security Act of 1974 ("ERISA"), as amended by the Multi-Employer Pension Plan Amendment Act of 1980 ("MPPAA"), it is expressly understood and agreed that SELLER shall be solely responsible for any withdrawal liability attributable to its operations or employees, whether arising out of this transaction or otherwise, and that BUYER and any companies affiliated with BUYER and the shareholders, successors or assigns of BUYER, and any companies affiliated with BUYER, do not assume any withdrawal liability of SELLER.

11.8 SELLER will be responsible for and obligated to promptly satisfy any obligations, claims or other adverse consequences to BUYER resulting from SELLER's breach of any of the agreements, representations and warranties set forth in this paragraph, including reasonable attorneys' fees and expenses incurred by BUYER in connection therewith, provided SELLER is promptly advised of such obligations and is given an opportunity to defend against such obligations.

11.9 SELLER agrees to indemnify and hold harmless BUYER from any liabilities, causes of action, suits or other

claims arising under the terms of this subparagraph, including fees and expenses incurred in defending against any such claims.

12. No Broker's Fees or Commissions. BUYER and SELLER agree that to the best of their knowledge there are no claims for any finder's fees or broker's commission in connection with this transaction. Notwithstanding the foregoing, each of the parties agrees to indemnify the other against and hold it harmless from any and all liabilities (including reasonable attorney's fees and expenses incurred in defending such claims) for any finder's fees or broker's commission in connection with the transaction contemplated by this agreement, insofar as such claim shall be based on arrangements or agreements made or allegedly made by or on behalf of the indemnifying party.

13. PUC Assessments. SELLER warrants that all general assessments heretofore made or that may be made pursuant to 66 Pa. C.S.A. §510 of the Pennsylvania Public Utility Code applicable to any and all operating periods up to the final closing date will be the obligation of SELLER. Any general assessments applicable to periods subsequent to the closing date shall be the obligation of BUYER. In the event the PUC requires the payment of any such assessments due from SELLER as a condition precedent to the consummation of the application, SELLER agrees to promptly pay any such assessments if it is financially able to do so. BUYER shall have the right to make payment of any such amounts directly to the PUC and to deduct such amounts from the consideration due SELLER on the final closing date.

BUYER shall not, under any circumstances, be liable for or have responsibility to satisfy any obligations of SELLER as the result of this transaction.

14. Operating Rights Unique. The parties agree that the PUC operating rights which are the subject of this agreement are unique and are not otherwise obtainable.

15. Conditions Precedent. In addition to any other obligations imposed by this agreement, the fulfillment of the following conditions shall constitute conditions precedent to the enforcement of BUYER's obligations under this agreement:

15.1 The approval of the application by the issuance of a final order of the PUC, subject to the terms and conditions of this agreement. In the event this condition is not fulfilled, the rights and obligations of the parties will be governed by the applicable provisions of this agreement.

15.2 On the final closing date, the warranties and representations of SELLER as set forth herein have been fulfilled.

In the event any of the aforesaid warranties and representations are not met, BUYER shall have the option to terminate the agreement by giving SELLER written notice thereof within twenty (20) days after the occurrence of any such default. If temporary authority has been granted, the operating rights shall be returned to SELLER and the parties shall have no further rights or obligations under this agreement.

16. Survival of Representations and Warranties. All provisions in this agreement applicable to BUYER and SELLER shall be deemed to be representations and warranties and shall survive the consummation of the transaction. SELLER acknowledges that all warranties, representations and covenants made in this agreement are for the purpose and with the intent of inducing BUYER to purchase the operating rights. BUYER acknowledges that all warranties, representations and covenants made in this agreement are for the purpose and with the intent of inducing SELLER to sell the operating rights.

17. Arbitration. Any dispute under this agreement shall be determined by arbitration conducted in accordance with the procedures of the American Arbitration Association. Each party shall appoint one arbitrator and notify the other of such appointment within ten (10) days after written request for appointment of an arbitrator is received from the other party. If the party so requested fails to appoint an arbitrator, the party making the request shall be entitled to designate two arbitrators. The two arbitrators shall then select a third arbitrator.

The decision of a majority of the arbitrators shall be conclusive and binding upon the parties. The arbitrators shall have the right to determine how their decision may be implemented or enforced. There shall be no appeal from the decision of the arbitrators.

18. Closing Dates. The closing date is the day selected by agreement of the parties within a period of thirty (30) days after the effective date of the final order of the PUC, approving the application or the thirtieth (30th) such day if no other day is selected. The transaction shall be consummated on the final closing date at the time of day and place mutually agreed upon by the parties.

19. Rights of Successors and Assigns. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors in interest, assigns and legal representatives.

20. Entire Agreement of Parties. This agreement cannot be changed orally and constitutes the entire contract between the parties hereto. It shall not be modified nor changed by any expressed or implied promises, warranties, guaranties, representations or other information unless expressly and specifically set forth in this agreement or an addendum thereto properly executed by the parties.

21. Construction. This agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

22. Paragraph Headings. The headings referring to the contents of paragraphs of this agreement are inserted for convenience and are not to be considered as part of this agreement nor a limitation on the scope of the particular paragraphs to which they refer.

III. EXECUTION

IN WITNESS WHEREOF, the parties intending to be legally bound, have executed this agreement the day and year first above stated.

SELLER:

SOUTH HILLS MOVERS, INC.
(OLD)

By: Robert Lee
Robert Lee
President

BUYER:

SOUTH HILLS MOVERS, INC.
(NEW)

By: Robert Lee
Robert Lee
President

UCSO-35

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

A. 99073
Folder 2

IN THE MATTER OF THE APPLICATION OF

SOUTH HILLS MOVERS, INC., a corporation
of the Commonwealth of Pennsylvania

**CERTIFICATE
OF
PUBLIC CONVENIENCE**

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

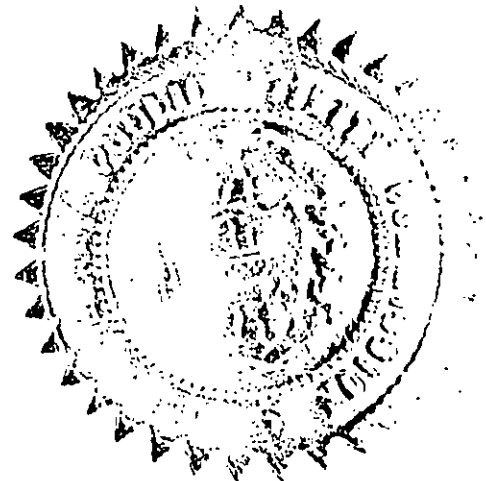
In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 18th day of February, 19 77.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Attest:

C. J. McElwee

Secretary



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held January 13, 1977
Harrisburg, PA 17120

COMMISSIONERS PRESENT:

Louis J. Carter, Chairman
James McGirr Kelly
Helen B. O'Bannon

Application Docket No. 99073, Folder 2 - Application of SOUTH HILLS MOVERS, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING SERVICE AS A MOTOR CARRIER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of SOUTH HILLS MOVERS, INC., a corporation of the Commonwealth of Pennsylvania, dated June 25, 1976, 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 right granted herein is in effect a transfer of the right which has been held by WEST PENN MOVERS, INC., a corporation of the Commonwealth of Pennsylvania, under report and order issued at A. 99518 on January 27, 1976, 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 and insurance requirements of the Commission by SOUTH HILLS MOVERS, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to 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 supply of such dwelling, in connection with the 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, furniture displays, musical instruments 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 counties of Allegheny and Washington and from points in the said counties to other points in Pennsylvania, and vice versa.

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

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 transport property requiring the use of carryalls, pole trailers and/or winch trucks or trailers.

FOURTH: 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 right 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.

FIFTH: That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.

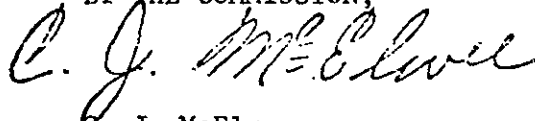
SIXTH: That the applicant charge to Account .1550-Other Intangible Property, \$10,000 being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 5 above.

SEVENTH: 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, January 13, 1977, 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.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: January 13, 1977

ORDER ENTERED: January 31, 1977

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of South Hills Movers, Inc.,
for amendment to permit the transportation
of household goods and office furniture,
in use, from points in the City of Uniontown,
Fayette County, and within fifteen (15)
miles by the usually traveled highways of
the limits of said city, to points in
Pennsylvania, and vice versa; . . . which
is to be a transfer of part of the rights
authorized under the certificate issued
at A-00091236 to Reliable Transfer, Inc.,
a corporation of the Commonwealth of Penn-
sylvania, subject to the same limitations
and conditions.

A-00099073,
F. 2, Am-A

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa.C.S. §332(h)), the decision of Administrative Law Judge John K. Clements dated April 8, 1983 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. The application of South Hills Movers, Inc., at A. 99073, F. 2, Am-A is hereby approved for the transfer of part of the rights held by Reliable Transfer, Inc., at A. 91236, F. 1 and the certificate issued February 18, 1977 to applicant at A. 99073, F. 2 be amended to include the following rights:

✓ To transport, as a Class D carrier, household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to 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, 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 county of Fayette and from points in the said county to other points in Pennsylvania, and vice versa;

subject to the following condition:

That (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale.

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 the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, 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 county of Greene, and from points in said county, to points in Pennsylvania, and vice versa;

and subject to the following condition:

That no right, power or privilege is granted to transport property which, because of size or weight requires special handling or the use of special equipment such as winch trucks, or tractors, pole or extendible trailers, or carry-alls or which require a highway permit from the Department of Transportation of the Commonwealth of Pennsylvania.

With all of the above subject to the following conditions:

- A. 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.

B. 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.

C. That the \$13,000.00 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 B above; provided the latter is sufficient in amount to absorb said charge off.

2. The transferor's, Reliable Transfer, Inc., authority shall be limited as a result of the approval of this application by the following restrictions:

(1) That no right, power or privilege is granted to transport, as a Class D carrier, personal effects and property used or to be used in a 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, 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 county of Fayette and from points in said county to other points in Pennsylvania, and vice versa; and (2) between points in the county of Greene and from points in said county to points in Pennsylvania, and vice versa.

(2) That no right, power or privilege is granted to transport, as a Class D carrier, household goods and office furniture in use, from points in city of Uniontown, Fayette County, within fifteen (15) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa.

3. That the authority transferred herein, to the extent that it duplicates authority now held by the carrier, shall not be construed as conferring more than one operating right.

4. That the applicant shall not operate or engage in any transportation under the above right until it has 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.

5. That in the event applicant has not, on or before 60 days of the service of Commission approval of this order, complied with the requirements set forth, the application shall be dismissed without further proceeding.

6. That upon compliance with this order the rights granted the transferor, Reliable Transfer, Inc. at A. 91236, F. 1 be modified and amended to eliminate therefrom the rights granted herein to the transferee.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ENTERED: June 15, 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 29, 1988

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of South Hills Movers, 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 city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value, requires specialized handling and equipment usually employed in moving household goods, between points in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa.

A-00099073

F. 2

Am-B

Vuono, Lavelle & Gray, by William J. Lavelle, for the applicant.
Pillar and Mulroy, P.C., by John A. Pillar, for the protestant,
Hindman Transfer and Storage, Inc.
Barton B. Williams for the protestant, Tosh Moving & Storage, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 8, 1985. Public notice of the application was given in the Pennsylvania Bulletin of September 21, 1985. Two protests were filed but were withdrawn contingent upon the Commission's acceptance of a restrictive amendment, prohibiting service to, from or between points in Beaver County. The now unopposed application is certified to the Commission for its decision, without oral hearing. The record consists of verified statements filed on behalf of the applicant and four supporting shippers.

South Hills Movers, Inc. (South Hills or applicant), is a Pennsylvania corporation, with its principal place of business in Bethel Park, Allegheny County. The applicant's fleet consists of twenty-six tractors, thirty-eight trailers, eighteen straight trucks, and four packing vans. A comprehensive safety program for drivers and vehicles is currently in operation. South Hills was initially certificated as a household goods mover in 1977 and currently serves Allegheny, Fayette, Greene and Washington counties.

As evidence of its financial capacity to perform the proposed service, South Hills reports assets of \$2,813,334, with liabilities of \$1,122,818, leaving shareholders' equity of \$1,690,516. Gross intrastate operating revenue was \$930,893 in 1986.

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, South Hills seeks to add the commodity description of "tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment" to its authority.

E. D. Walsh, Jr., senior buyer for USAir, Inc. (USAir), submitted a verified statement in support of the amended application. USAir operates sixteen sales offices and three warehouses in Pennsylvania. It expects to tender twenty shipments per year to the applicant for movement between its various facilities. The commodities to be shipped will include computer terminals, copying machines, and security equipment.

Frank H. Moser, Jr., vice president of Computer Research, Inc., submitted a verified statement in support of the amended application. This shipper sells and distributes computers and related peripheral equipment from its facilities in Corapolis, Allegheny County. Inbound and outbound shipments will be transported by the applicant to customers and from suppliers throughout Pennsylvania.

W. K. Rees, manager of NCR Corporation (NCR) in Pittsburgh, submitted a verified statement in support of the amended application. NCR sells and ships computers to customers from its Pittsburgh facility; other NCR facilities and suppliers ship to Pittsburgh. Approximately one hundred outbound and thirty inbound shipments will be transported annually.

Carole J. Weber, administrator of household moving, Aluminum Company of America (Alcoa), submitted a verified statement in support of the amended application. Alcoa needs a shipper capable of moving various office machinery between its Allegheny County locations and from shippers located throughout the state to its offices and plants. This shipper will tender fifty intracorporate moves and ten inbound moves per year.

All of these supporting witnesses noted the need for special handling of the fragile equipment they intend to ship and the necessity for inside delivery to customers. They are all seeking a reliable carrier with household goods transportation experience and believe that the applicant will meet their needs.

While the support for this application is somewhat limited, we note that the commodity description is very specialized. Additionally, the application was filed to obtain authority South Hills 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, as amended.
2. The applicant has, through its supporting shippers, demonstrated that a segment of the public desires the proposed service, as amended.
3. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended, be further amended to include the following right:

✓ To transport, as a Class D carrier, tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value,

requires specialized handling and equipment usually employed in moving household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa;

subject to the following condition:

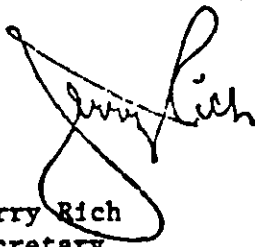
That no right, power or privilege is granted to transport to, from or between points in Beaver County.

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 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,

A handwritten signature in dark ink, appearing to read "Jerry Rich", is written over a circular stamp.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 29, 1988

ORDER ENTERED: FEB 05 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 29, 1988

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to the applicant of part of the rights held by Nicklaus Freight Lines, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00106901, subject to the same limitations and conditions.

A-00099073
F. 2
Am-D

Vuono, Lavelle & 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 September 17, 1987. Public notice of the application was given in the Pennsylvania Bulletin of October 24, 1987. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

South Hills Movers, Inc. (South Hills or applicant), is a Pennsylvania corporation, with its principal place of business in Bethel Park, Allegheny County. The applicant's fleet consists of twenty-six tractors, thirty-eight trailers, eighteen straight trucks, and four packing vans. A comprehensive safety program for drivers and vehicles is currently in operation. South Hills was initially certificated as a household goods mover in 1977 and currently serves the counties of Allegheny, Fayette, Greene and Washington.

As evidence of its financial capacity to perform the additional service, the applicant reports assets of \$2,813,334, with liabilities of \$1,122,818, leaving shareholders' equity of \$1,690,516. Gross intrastate operating revenue was \$930,893 in 1986.

By order adopted September 4, 1986, Nicklaus Freight Lines, Inc. (Nicklaus or transferor) obtained one hundred and eleven paragraphs of operating authority by transfer from Breman's Express Company. By this proceeding, Nicklaus will sell-off the household goods, in use, authority contained in five of its general property rights. The transferor's first one hundred and eight paragraphs will be restrictively amended, so as to eliminate the retention of any duplicate authority.

The total purchase price for the rights is twelve thousand dollars (\$12,000); no tangible assets are involved in the sale. Pursuant to a sales agreement executed September 8, 1987, the total purchase price will be paid at closing, following the approval of this transfer.

The transferor will remain in business and continue to operate under its remaining authority and will be responsible for all of its business debts and liabilities. Since Nicklaus did not receive its certificate until 1987, it has not yet been required to file an annual report; all other required information has been properly submitted.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

The authority to be transferred has been recently 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 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide the service involved herein.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Nicklaus Freight Lines, Inc., at A-00106901, be and is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended, be further amended to include the following rights:

- ✓ 1. To transport as a Class D carrier, household goods, in use, and baggage from points in the city of New Castle and the townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence County, to other points in Pennsylvania.

2. To transport, as a Class D carrier, household goods and office furnishings and equipment, in use, from the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa.
3. To transport, as a Class D carrier, household goods and office equipment, in use, from points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa, (except that no household goods or office equipment, in use, may be transported to and from points within the limits of White Township and the borough of Indiana, Indiana County.
- ✓ 4. To transport, as a Class D carrier, household goods and office furnishings and equipment, in use, between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough.
- ✓ 5. To transport, as a Class D carrier, household goods in use from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa.

with all of the rights 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 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, \$12,000, 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 comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §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.
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(3).

IT IS FURTHER ORDERED: That upon the adoption of this order, the application for temporary authority is hereby dismissed.

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 adoption supplement in accordance with 52 Pa. Code §23.13(c).

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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Nicklaus Freight Lines, Inc., at A-00106901, be modified and its tariff amended as provided for in the attached Supplemental Order.

BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 29, 1988

ORDER ENTERED: FEB 05 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 29, 1988

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to the applicant of part of the rights held by Phoenix Transport, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00105900, subject to the same limitations and conditions.

A-00099073
F. 2
Am-E

Vuono, Lavelle & 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 September 30, 1987. Public notice of the application was given in the Pennsylvania Bulletin of October 24, 1987. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

South Hills Movers, Inc. (South Hills or applicant), is a Pennsylvania corporation, with its principal place of business in Bethel Park, Allegheny County. The applicant's fleet consists of twenty-six tractors, thirty-eight trailers, eighteen straight trucks, and four packing vans. A comprehensive safety program for drivers and vehicles is currently in operation. South Hills was initially certificated as a household goods mover in 1977 and currently serves the counties of Allegheny, Fayette, Greene and Washington.

As evidence of its financial capacity to perform the additional service, the applicant reports assets of \$2,813,334, with liabilities of \$1,122,818, leaving shareholders' equity of \$1,690,516. Gross intrastate operating revenue was \$930,893 in 1986.

Phoenix Transport, Inc. (Phoenix or transferor) currently holds thirteen paragraphs of rights, under an order adopted March 15, 1985, which lists twelve rights, and a corrected order adopted April 12, 1985, which added the thirteenth right. By this transfer South Hills will receive all of rights number 3, 10, and 11; it will also receive all of the household goods and office furnishings, in use, authority contained in rights number 1, 2, 7, and 8. To avoid duplication, all of Phoenix's ten remaining rights will be restricted so as to prohibit the right to transport household goods and office furnishings, in use. The transferor also included "baggage" in the restriction but this was unnecessary because "baggage" was mentioned only in right number 3 and that right has been eliminated, thus further restriction is not required.

The total purchase price for the rights is ten thousand dollars (\$10,000); no tangible assets are involved in the sale. Pursuant to a sales agreement executed September 8, 1987, the total purchase price will be paid at closing, following the approval of this transfer.

The transferor will remain in business and continue to operate under its remaining authority and will be responsible for all of its business debts and liabilities. It reported gross intrastate operating revenue of \$54,828 in 1985 and \$42,827 in 1986. Phoenix is currently in good standing with the Commission, having filed all required information and reports.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

The authority to be transferred has been recently 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 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide the service involved herein.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Phoenix Transport, Inc., at A-00105900, be and is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended, be further amended to include the following rights:

1. To transport, as a Class B carrier, household goods and office furnishings, in use, between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County.
2. To transport, as a Class C carrier, household goods and office furnishings, in use, from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city.
3. To transport, as a Class D carrier, household goods, in use, and baggage between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa.
4. To transport, as a Class B carrier, household goods and office furnishings, in use, between points in the borough of Ellwood City, Lawrence County.
5. To transport, as a Class C carrier, household goods and office furnishings, in use, from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa.
6. To transport, as a Class D carrier, household goods in use between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.
7. To transport, as a Class D carrier, household goods, in use, from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa;

with rights 4 to 7, inclusive, subject to the following restrictive condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

with all of the rights 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 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, \$10,000, 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 comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §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.
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(3).

IT IS FURTHER ORDERED: That upon the adoption of this order, the application for temporary authority is hereby dismissed.

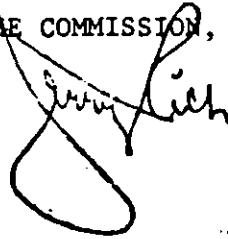
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff adoption supplement in accordance with 52 Pa. Code §23.13(c).

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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Phoenix Tansport, Inc., at A-00105900, be modified and its tariff amended as provided for in the attached Supplemental Order.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over the text "BY THE COMMISSION,". The signature is stylized with a large loop at the end.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 29, 1988

ORDER ENTERED: FEB 05 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 12, 1989

Commissioners Present:

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

Application of South Hills Movers, Inc.,
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 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; (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; (a) from points in the
city of New Castle and the townships of Taylor,
Hickory, Neshannock, Union, Shenango and North
Beaver, Lawrence County, to other points in
Pennsylvania; (b) from the borough of Clymer,
Indiana County, and within five (5) miles by
the usually traveled highways of the limits of
said borough to points within twenty-five (25)
miles by the usually traveled highways of the
limits of said borough, and vice versa; (c) from

A-00099073
F. 2
Am-F

points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa, (except that no household goods or office equipment, in use, may be transported to and from points within the limits of White Township and the borough of Indiana, Indiana County; (d) between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough; (e) from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa; (f) between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County; (g) from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city; (h) between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (i) between points in the borough of Ellwood City, Lawrence County; (j) from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa; (k) between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; and (l) from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa; with rights Nos. 1 thru 1, subject to the following condition: That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County: WHICH IS TO BE IN LIEU OF its current authority which reads as follows: (1) household goods, in use, and baggage from points in the city of New Castle and the townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence County, to other points in Pennsylvania; (2) household goods

and office furnishings and equipment, in use, from the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa; (3) household goods and office equipment, in use, from points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa, (except that no household goods or office equipment, in use, may be transported to and from points within the limits of White Township and the borough of Indiana, Indiana County; (4) household goods and office furnishings and equipment, in use, between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough; (5) household goods in use from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa; (6) as a Class B carrier, household goods and office furnishings, in use, between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County; (7) as a Class C carrier, household goods and office furnishings, in use, from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city; (8) as a Class D carrier, household goods, in use, and baggage between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (9) as a Class B carrier, household goods and office furnishings, in use, between points in the borough of Ellwood City, Lawrence County; (10) as a Class C carrier, household goods and office furnishings, in use, from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa;

(11) as a Class D carrier, household goods in use between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; and (12) household goods, in use, from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa; with rights Nos. 8 thru 12, subject to the following condition: That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 2, 1988. Public notice of the application was given in the Pennsylvania Bulletin of September 10, 1988. There were no protests and the record is now certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and the supporting shippers.

The applicant, South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania is domiciled at 3132 Industrial Boulevard, Bethel Park, Allegheny County. South Hills Movers is affiliated with two other motor carriers which hold operating authority from the Commission. They are Leelease, Inc. and Southway, Inc. There are common officers, directors and shareholders. Robert Lee is the president and a member of the board of directors of all three companies. He also owns all of the issued and outstanding preferred stock of South Hills Movers. Robert E. Lee and Gary N. Lee, are both vice presidents and members of the board of directors of all three companies. They each own 50% of the issued and outstanding common stock of both South Hills Movers and Leelease. Robert V. Stabile is the secretary-treasurer and a member of the board of directors of all three companies. He is the sole shareholder of Southway. An unaudited balance sheet submitted by the applicant shows total assets of \$2,586,839 with liabilities of \$954,795 leaving stockholders' equity of \$1,632,044, as of September 30, 1988.

South Hills Movers is now authorized to transport household goods and office furniture, in use, under both the short form and long form commodity descriptions, between various western Pennsylvania counties, and from

points in those counties to points in Pennsylvania, and vice versa. The recently acquired authority which has given rise to the instant application is that set forth at Folder 2, Am-D and Am-E. In each case, South Hills Movers acquired household goods authority stated in terms of the short form commodity description. Those two grants of authority extended the service area of South Hills Movers in Lawrence, Indiana, Armstrong, Mercer, Beaver, Jefferson, Clearfield, Cambria and Westmoreland Counties. South Hills Movers provides a complete household goods moving service for the public in these counties. It participates in both residential movements as well as movements for commercial and industrial customers. It also has a great deal of experience in transporting various types of business machines and other electronic equipment. Those commodities have been transported both in connection with removals by a householder from one home to another, removals by a business, store or other commercial enterprise from one location to another, and on an individual basis when the customer was not actually moving all of its possessions from one location to another.

South Hills also holds authority from the Interstate Commerce Commission to transport household goods and related commodities over irregular routes between points in 47 states. It also holds virtually nationwide contract carrier authority from the Interstate Commerce Commission to transport general commodities, with certain exceptions, under contract with PPG Industries, Inc. and The Standard Oil Company (Ohio).

With respect to part (1) of the application, approval of this application will duplicate the present authority completely insofar as the territory is concerned. To the extent that there is any question about the full range of commodities that can be transported under the short form household goods commodity description, that confusion will be eliminated. Insofar as part (2) of the application is concerned, approval of this application will duplicate the present authority to the extent that South Hills is now authorized to transport business machines, etc. when part of a relocation of a residence, office, store or similar establishment. Under the Commission's fairly recent interpretation of the third proviso authority, South Hills would not be able to transport business machines, etc. currently if no relocation were involved. Approval of part (2) of this application will therefore clear up any question about its ability to transport those types of commodities which traditionally have been handled by household goods movers.

South Hills operates 24 tractors, three drop-frame closed van trailers, 29 flat-floor closed van trailers, one open top trailer, two regular and two special commodities trailers, 15 straight trucks, and five packing vans. South Hills has developed a comprehensive safety program. Periodic safety meetings are held with all drivers in order to review safety matters and to impress upon them the importance of safe driving. In addition to safety meetings, South Hills uses various safety messages displayed on bulletin boards and printed payroll hand-out materials. South Hills invests extra money in safety related maintenance items, such as tires, to prevent costly accidents or road delay time. South Hills has maintenance facilities at 3132 Industrial Boulevard, Bethel Park, PA 15102. All vehicle maintenance is performed by our own mechanics in our own facilities, with the exception

of very major mechanical defects which are sometimes repaired by outside contractors. Records are maintained of every piece of equipment indicating the date and type of repairs, oil change, tire condition, etc. A repair order is executed and turned in by all drivers after each trip. All of the equipment undergoes daily visual inspection as well as periodic extensive inspections and repairs.

The authority held at Folder 2, Am-D and Am-E contains duplicating authority and authority to operate as a Class B and Class C carrier. Since the applicant has now filed for authority which eliminates the references to Class B and C authority and has replaced that authority with Class D we have even more overlapping rights. We will consolidate those rights previously found at Folder 2, Am-D and Am-E to eliminate duplication and consolidate rights which are totally encompassed within another.

The first right previously found at Folder 2, Am-D is now covered by right e, the second right from Am-D is now contained within right a, the remaining rights from Folder 2, Am-D are now found at b, c and d. The rights previously found at Folder 2, Am-E, numbers 1 through 7 are now found at rights e through g, eliminating those previously shown at 1, 2, 4 and 6. This reduces the number of paragraphs without limiting the area the applicant may serve.

Verified statements were entered by Roadway Services, Inc., Joy Technologies, Inc., Electronic Instruments & Controls, Aluminum Company of America, US Air, Inc. and Westinghouse Electric Corp's, Bettis Atomic Power Lab. These statements along with the applicant's financial statement leads us to the determination that sufficient evidence exists to find that South Hills has the equipment, experience, ability and fitness necessary to provide the service proposed.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted February 18, 1977.
2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service.
3. That the applicant has shown that a need exists for the service as proposed.
4. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended be further amended, so that the rights granted at Folder 2, Am-D and Am-E and contained in the orders entered February 5, 1981, shall now read as follows:

To transport, as a Class D carrier, (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; (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;

- a. From the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways to the limits of said borough, and vice versa;
- b. From points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa;
- c. Between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough;
- d. From points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the

limits of said borough to other points in Pennsylvania, and vice versa;

- e. Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- f. Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;
- g. From points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa;

with right b subject to the following condition:

That no right, power or privilege is granted to transport household goods or office equipment in use to and from points within the limits of White Township and the borough of Indiana, Indiana County;

with rights f and g subject to the following condition:

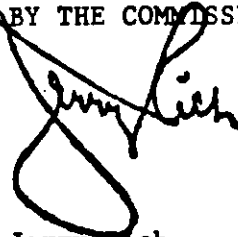
That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

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 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 the text "BY THE COMMISSION,".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 12, 1989

ORDER ENTERED: JAN 20 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 3, 1989

Commissioners Present:

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

South Hills Movers, Inc.;
Bethel Park, PA;
Petition for Reconsideration.

Docket No.
A-00099073,
F.2, Am-F

William J. Lavelle, Esquire
for Petitioner

C O R R E C T E D O R D E R

BY THE COMMISSION:

On August 2, 1988, South Hills Movers, Inc. (South Hills) filed an application at A-00099073, F.2, Am-F, for an amendment to its common carrier certificate, which grants the right to transport household goods and office furniture, in use, under both the short form and long form commodity descriptions, between various western Pennsylvania counties, and from points in those counties to points in Pennsylvania, and vice versa.

By Order entered January 20, 1989, this Commission approved the application at Am-F, as modified, so that South Hill's rights granted at F.2, Am-D and Am-E read as follows:

To transport, as a Class D carrier, (1)
household goods, personal effects and
property used or to be used in a dwelling

* * * * *

- e. Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- f. Between points in the borough of Ellwood City, Lawrence County and from points in said

borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;

- g. From points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa;

* * * * *

with rights f and g subject to the following condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

The Commission's reasoning for the modification was that approval of the application would duplicate the present authority completely insofar as the territory is concerned. This reduced the number of paragraphs without limiting the area that South Hills may serve.

On May 8, 1989, South Hills filed a Petition for Reconsideration of our January 20, 1989 Order. South Hills believes that its right to operate between two points in Beaver County, two points in Butler County, or between points in Beaver and Butler counties which are within the ten highway mile radius of Ellwood City has inadvertently been eliminated in the consolidation process of the various grants of authority.

The Public Utility Code grants the Commission broad discretionary powers concerning the reconsideration, amendment, rescission, or modification of its orders; such discretion is limited only by the due process considerations of providing notice and an opportunity to be heard by the parties. Pennsylvania Public Utility Commission v. Yellow Cab Co., 51 Pa. P.U.C. 149 (1977).

It was not the intention of this Commission to eliminate South Hill's right to operate between two points in Beaver County, between two points in Butler County, or between points in Beaver and Butler Counties which are within the ten highway mile radius of Ellwood City. Attention is directed specifically to paragraph g. When condensing paragraphs, an inadvertent error was committed and should be corrected; THEREFORE,

IT IS ORDERED: That the Petition for Reconsideration of our January 20, 1989 Commission Order filed by South Hills Movers, Inc. on May 8, 1989, is hereby granted and our January 20, 1989 Order is hereby amended to grant the following right:

To transport, as a Class D carrier, (1)
household goods, personal effects and
property used or to be used in a dwelling

* * * * *

- e. Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- f. Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;
- g. Between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, and from said area to other points in Pennsylvania, and vice versa;

with rights f and g subject to the following condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 3, 1989

ORDER ENTERED: December 20, 1989

APPLICATION OF
SOUTH HILLS MOVERS, INC.

APPENDIX 12-2

EQUIPMENT LIST

25 Tractors

37 Trailers

14 Straight Trucks

4 Packing Vans

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held January 13, 1977
Harrisburg, PA 17120

COMMISSIONERS PRESENT:

Louis J. Carter, Chairman
James McGirr Kelly
Helen E. O'Bannon

Application Docket No. 99073, Folder 2 - Application of SOUTH HILLS
MOVERS, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING SERVICE AS A MOTOR CARRIER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of SOUTH HILLS MOVERS, INC., a corporation of the Commonwealth of Pennsylvania, dated June 25, 1976, 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 right granted herein is in effect a transfer of the right which has been held by WEST PENN MOVERS, INC., a corporation of the Commonwealth of Pennsylvania, under report and order issued at A. 99518 on January 27, 1976, 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 and insurance requirements of the Commission by SOUTH HILLS MOVERS, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to 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 supply of such dwelling, in connection with the 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, furniture displays, musical instruments 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 counties of Allegheny and Washington and from points in the said counties to other points in Pennsylvania, and vice versa.

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

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 transport property requiring the use of carryalls, pole trailers and/or winch trucks or trailers.

FOURTH: 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 right 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.

FIFTH: That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.


SIXTH: That the applicant charge to Account .1550-Other Intangible Property, \$10,000 being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 5 above.

SEVENTH: 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, January 13, 1977, 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.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: January 13, 1977

ORDER ENTERED: January 31, 1977

UCSO-35

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

A. 99073
Folder 2

IN THE MATTER OF THE APPLICATION OF

SOUTH HILLS MOVERS, INC., a corporation
of the Commonwealth of Pennsylvania

**CERTIFICATE
OF
PUBLIC CONVENIENCE**

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

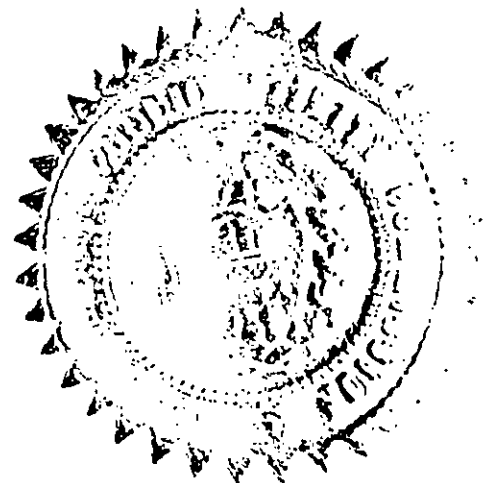
In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 18th day of February, 19 77.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Attest:

C. J. McElwee

Secretary



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of South Hills Movers, Inc.,
for amendment to permit the transportation
of household goods and office furniture,
in use, from points in the City of Uniontown,
Fayette County, and within fifteen (15)
miles by the usually traveled highways of
the limits of said city, to points in
Pennsylvania, and vice versa; . . . which
is to be a transfer of part of the rights
authorized under the certificate issued
at A-00091236 to Reliable Transfer, Inc.,
a corporation of the Commonwealth of Penn-
sylvania, subject to the same limitations
and conditions.

A-00099073,
F. 2, Am-A

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa.C.S. §332(h)), the decision of Administrative Law Judge John K. Clements dated April 8, 1983 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. The application of South Hills Movers, Inc., at A. 99073, F. 2, Am-A is hereby approved for the transfer of part of the rights held by Reliable Transfer, Inc., at A. 91236, F. 1 and the certificate issued February 18, 1977 to applicant at A. 99073, F. 2 be amended to include the following rights:

- ✓ / To transport, as a Class D carrier, household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to 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, 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 county of Fayette and from points in the said county to other points in Pennsylvania, and vice versa;

subject to the following condition:

That (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale.

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 the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, 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 county of Greene, and from points in said county, to points in Pennsylvania, and vice versa;

and subject to the following condition:

That no right, power or privilege is granted to transport property which, because of size or weight requires special handling or the use of special equipment such as winch trucks, or tractors, pole or extendible trailers, or carry-alls or which require a highway permit from the Department of Transportation of the Commonwealth of Pennsylvania.

With all of the above subject to the following conditions:

- A. 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.

B. 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.

C. That the \$13,000.00 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 B above; provided the latter is sufficient in amount to absorb said charge off.

2. The transferor's, Reliable Transfer, Inc., authority shall be limited as a result of the approval of this application by the following restrictions:

(1) That no right, power or privilege is granted to transport, as a Class D carrier, personal effects and property used or to be used in a 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, 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 county of Fayette and from points in said county to other points in Pennsylvania, and vice versa; and (2) between points in the county of Greene and from points in said county to points in Pennsylvania, and vice versa.

(2) That no right, power or privilege is granted to transport, as a Class D carrier, household goods and office furniture in use, from points in city of Uniontown, Fayette County, within fifteen (15) miles by the usually traveled highways of the limits of said city, to points in Pennsylvania, and vice versa.


3. That the authority transferred herein, to the extent that it duplicates authority now held by the carrier, shall not be construed as conferring more than one operating right.

4. That the applicant shall not operate or engage in any transportation under the above right until it has 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.

5. That in the event applicant has not, on or before 60 days of the service of Commission approval of this order, complied with the requirements set forth, the application shall be dismissed without further proceeding.

6. That upon compliance with this order the rights granted the transferor, Reliable Transfer, Inc. at A. 91236, F. 1 be modified and amended to eliminate therefrom the rights granted herein to the transferee.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ENTERED: June 15, 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 29, 1988

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of South Hills Movers, 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 city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value, requires specialized handling and equipment usually employed in moving household goods, between points in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa.

A-00099073

F. 2

Am-B

Vuono, Lavelle & Gray, by William J. Lavelle, for the applicant.
Pillar and Mulroy, P.C., by John A. Pillar, for the protestant,
Hindman Transfer and Storage, Inc.
Barton B. Williams for the protestant, Tosh Moving & Storage, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 8, 1985. Public notice of the application was given in the Pennsylvania Bulletin of September 21, 1985. Two protests were filed but were withdrawn contingent upon the Commission's acceptance of a restrictive amendment, prohibiting service to, from or between points in Beaver County. The now unopposed application is certified to the Commission for its decision, without oral hearing. The record consists of verified statements filed on behalf of the applicant and four supporting shippers.

South Hills Movers, Inc. (South Hills or applicant), is a Pennsylvania corporation, with its principal place of business in Bethel Park, Allegheny County. The applicant's fleet consists of twenty-six tractors, thirty-eight trailers, eighteen straight trucks, and four packing vans. A comprehensive safety program for drivers and vehicles is currently in operation. South Hills was initially certificated as a household goods mover in 1977 and currently serves Allegheny, Fayette, Greene and Washington counties.

As evidence of its financial capacity to perform the proposed service, South Hills reports assets of \$2,813,334, with liabilities of \$1,122,818, leaving shareholders' equity of \$1,690,516. Gross intrastate operating revenue was \$930,893 in 1986.

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, South Hills seeks to add the commodity description of "tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment" to its authority.

E. D. Walsh, Jr., senior buyer for USAir, Inc. (USAir), submitted a verified statement in support of the amended application. USAir operates sixteen sales offices and three warehouses in Pennsylvania. It expects to tender twenty shipments per year to the applicant for movement between its various facilities. The commodities to be shipped will include computer terminals, copying machines, and security equipment.

Frank H. Moser, Jr., vice president of Computer Research, Inc., submitted a verified statement in support of the amended application. This shipper sells and distributes computers and related peripheral equipment from its facilities in Corapolis, Allegheny County. Inbound and outbound shipments will be transported by the applicant to customers and from suppliers throughout Pennsylvania.

W. K. Rees, manager of NCR Corporation (NCR) in Pittsburgh, submitted a verified statement in support of the amended application. NCR sells and ships computers to customers from its Pittsburgh facility; other NCR facilities and suppliers ship to Pittsburgh. Approximately one hundred outbound and thirty inbound shipments will be transported annually.

Carole J. Weber, administrator of household moving, Aluminum Company of America (Alcoa), submitted a verified statement in support of the amended application. Alcoa needs a shipper capable of moving various office machinery between its Allegheny County locations and from shippers located throughout the state to its offices and plants. This shipper will tender fifty intracorporate moves and ten inbound moves per year.

All of these supporting witnesses noted the need for special handling of the fragile equipment they intend to ship and the necessity for inside delivery to customers. They are all seeking a reliable carrier with household goods transportation experience and believe that the applicant will meet their needs.

While the support for this application is somewhat limited, we note that the commodity description is very specialized. Additionally, the application was filed to obtain authority South Hills 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, as amended.
2. The applicant has, through its supporting shippers, demonstrated that a segment of the public desires the proposed service, as amended.
3. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended, be further amended to include the following right:

To transport, as a Class D carrier, tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value,

requires specialized handling and equipment usually employed in moving household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa;

subject to the following condition:

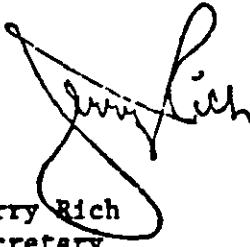
That no right, power or privilege is granted to transport to, from or between points in Beaver County.

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 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,

A handwritten signature in dark ink, appearing to read "Jerry Rich", is written over a circular stamp or seal.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 29, 1988

ORDER ENTERED: FEB 05 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 29, 1988

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to the applicant of part of the rights held by Nicklaus Freight Lines, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00106901, subject to the same limitations and conditions.

A-00099073
F. 2
Am-D

No. 600D

Vuono, Lavelle & 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 September 17, 1987. Public notice of the application was given in the Pennsylvania Bulletin of October 24, 1987. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

South Hills Movers, Inc. (South Hills or applicant), is a Pennsylvania corporation, with its principal place of business in Bethel Park, Allegheny County. The applicant's fleet consists of twenty-six tractors, thirty-eight trailers, eighteen straight trucks, and four packing vans. A comprehensive safety program for drivers and vehicles is currently in operation. South Hills was initially certificated as a household goods mover in 1977 and currently serves the counties of Allegheny, Fayette, Greene and Washington.

As evidence of its financial capacity to perform the additional service, the applicant reports assets of \$2,813,334, with liabilities of \$1,122,818, leaving shareholders' equity of \$1,690,516. Gross intrastate operating revenue was \$930,893 in 1986.

By order adopted September 4, 1986, Nicklaus Freight Lines, Inc. (Nicklaus or transferor) obtained one hundred and eleven paragraphs of operating authority by transfer from Breman's Express Company. By this proceeding, Nicklaus will sell-off the household goods, in use, authority contained in five of its general property rights. The transferor's first one hundred and eight paragraphs will be restrictively amended, so as to eliminate the retention of any duplicate authority.

The total purchase price for the rights is twelve thousand dollars (\$12,000); no tangible assets are involved in the sale. Pursuant to a sales agreement executed September 8, 1987, the total purchase price will be paid at closing, following the approval of this transfer.

The transferor will remain in business and continue to operate under its remaining authority and will be responsible for all of its business debts and liabilities. Since Nicklaus did not receive its certificate until 1987, it has not yet been required to file an annual report; all other required information has been properly submitted.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

The authority to be transferred has been recently 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 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide the service involved herein.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Nicklaus Freight Lines, Inc., at A-00106901, be and is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended, be further amended to include the following rights:

- ✓ 1. To transport as a Class D carrier, household goods, in use, and baggage from points in the city of New Castle and the townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence County, to other points in Pennsylvania.

2. To transport, as a Class D carrier, household goods and office furnishings and equipment, in use, from the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa.
3. To transport, as a Class D carrier, household goods and office equipment, in use, from points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa, (except that no household goods or office equipment, in use, may be transported to and from points within the limits of White Township and the borough of Indiana, Indiana County.
- ✓ 4. To transport, as a Class D carrier, household goods and office furnishings and equipment, in use, between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough.
- ✓ 5. To transport, as a Class D carrier, household goods in use from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa.

with all of the rights 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 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, \$12,000, 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 comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §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.
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(3).

IT IS FURTHER ORDERED: That upon the adoption of this order, the application for temporary authority is hereby dismissed.

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 adoption supplement in accordance with 52 Pa. Code §23.13(c).

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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Nicklaus Freight Lines, Inc., at A-00106901, be modified and its tariff amended as provided for in the attached Supplemental Order.

BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 29, 1988

ORDER ENTERED: FEB 05 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 29, 1988

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to the applicant of part of the rights held by Phoenix Transport, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00105900, subject to the same limitations and conditions.

A-00099073
F. 2
Am-E

GOOD
No

Vuono, Lavelle & 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 September 30, 1987. Public notice of the application was given in the Pennsylvania Bulletin of October 24, 1987. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

South Hills Movers, Inc. (South Hills or applicant), is a Pennsylvania corporation, with its principal place of business in Bethel Park, Allegheny County. The applicant's fleet consists of twenty-six tractors, thirty-eight trailers, eighteen straight trucks, and four packing vans. A comprehensive safety program for drivers and vehicles is currently in operation. South Hills was initially certificated as a household goods mover in 1977 and currently serves the counties of Allegheny, Fayette, Greene and Washington.

As evidence of its financial capacity to perform the additional service, the applicant reports assets of \$2,813,334, with liabilities of \$1,122,818, leaving shareholders' equity of \$1,690,516. Gross intrastate operating revenue was \$930,893 in 1986.

Phoenix Transport, Inc. (Phoenix or transferor) currently holds thirteen paragraphs of rights, under an order adopted March 15, 1985, which lists twelve rights, and a corrected order adopted April 12, 1985, which added the thirteenth right. By this transfer South Hills will receive all of rights number 3, 10, and 11; it will also receive all of the household goods and office furnishings, in use, authority contained in rights number 1, 2, 7, and 8. To avoid duplication, all of Phoenix's ten remaining rights will be restricted so as to prohibit the right to transport household goods and office furnishings, in use. The transferor also included "baggage" in the restriction but this was unnecessary because "baggage" was mentioned only in right number 3 and that right has been eliminated, thus further restriction is not required.

The total purchase price for the rights is ten thousand dollars (\$10,000); no tangible assets are involved in the sale. Pursuant to a sales agreement executed September 8, 1987, the total purchase price will be paid at closing, following the approval of this transfer.

The transferor will remain in business and continue to operate under its remaining authority and will be responsible for all of its business debts and liabilities. It reported gross intrastate operating revenue of \$54,828 in 1985 and \$42,827 in 1986. Phoenix is currently in good standing with the Commission, having filed all required information and reports.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

The authority to be transferred has been recently 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 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide the service involved herein.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Phoenix Transport, Inc., at A-00105900, be and is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended, be further amended to include the following rights:

- ✓ 1. To transport, as a Class B carrier, household goods and office furnishings, in use, between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County.
2. To transport, as a Class C carrier, household goods and office furnishings, in use, from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city.
3. To transport, as a Class D carrier, household goods, in use, and baggage between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa.
4. To transport, as a Class B carrier, household goods and office furnishings, in use, between points in the borough of Ellwood City, Lawrence County.
5. To transport, as a Class C carrier, household goods and office furnishings, in use, from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa.
6. To transport, as a Class D carrier, household goods in use between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.
7. To transport, as a Class D carrier, household goods, in use, from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa;

with rights 4 to 7, inclusive, subject to the following restrictive condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

with all of the rights 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 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, \$10,000, 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 comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §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.
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(3).

IT IS FURTHER ORDERED: That upon the adoption of this order, the application for temporary authority is hereby dismissed.

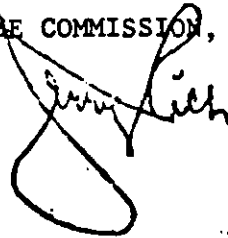
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff adoption supplement in accordance with 52 Pa. Code §23.13(c).

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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Phoenix Tansport, Inc., at A-00105900, be modified and its tariff amended as provided for in the attached Supplemental Order.

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "Jerry Rich", is written over the typed name. The signature is stylized with a large loop at the end.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 29, 1988

ORDER ENTERED: FEB 05 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 12, 1989

Commissioners Present:

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

Application of South Hills Movers, Inc.,
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 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; (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; (a) from points in the
city of New Castle and the townships of Taylor,
Hickory, Neshannock, Union, Shenango and North
Beaver, Lawrence County, to other points in
Pennsylvania; (b) from the borough of Clymer,
Indiana County, and within five (5) miles by
the usually traveled highways of the limits of
said borough to points within twenty-five (25)
miles by the usually traveled highways of the
limits of said borough, and vice versa; (c) from

A-00099073
F. 2
Am-F

points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa, (except that no household goods or office equipment, in use, may be transported to and from points within the limits of White Township and the borough of Indiana, Indiana County; (d) between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough; (e) from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa; (f) between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County; (g) from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city; (h) between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (i) between points in the borough of Ellwood City, Lawrence County; (j) from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa; (k) between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; and (l) from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa; with rights Nos. 1 thru 1, subject to the following condition: That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County: WHICH IS TO BE IN LIEU OF its current authority which reads as follows: (1) household goods, in use, and baggage from points in the city of New Castle and the townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence County, to other points in Pennsylvania; (2) household goods

and office furnishings and equipment, in use, from the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa; (3) household goods and office equipment, in use, from points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa, (except that no household goods or office equipment, in use, may be transported to and from points within the limits of White Township and the borough of Indiana, Indiana County; (4) household goods and office furnishings and equipment, in use, between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough; (5) household goods in use from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa; (6) as a Class B carrier, household goods and office furnishings, in use, between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County; (7) as a Class C carrier, household goods and office furnishings, in use, from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city; (8) as a Class D carrier, household goods, in use, and baggage between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (9) as a Class B carrier, household goods and office furnishings, in use, between points in the borough of Ellwood City, Lawrence County; (10) as a Class C carrier, household goods and office furnishings, in use, from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa;

(11) as a Class D carrier, household goods in use between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; and (12) household goods, in use, from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa; with rights Nos. 8 thru 12, subject to the following condition: That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 2, 1988. Public notice of the application was given in the Pennsylvania Bulletin of September 10, 1988. There were no protests and the record is now certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and the supporting shippers.

The applicant, South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania is domiciled at 3132 Industrial Boulevard, Bethel Park, Allegheny County. South Hills Movers is affiliated with two other motor carriers which hold operating authority from the Commission. They are Leelease, Inc. and Southway, Inc. There are common officers, directors and shareholders. Robert Lee is the president and a member of the board of directors of all three companies. He also owns all of the issued and outstanding preferred stock of South Hills Movers. Robert E. Lee and Gary N. Lee, are both vice presidents and members of the board of directors of all three companies. They each own 50% of the issued and outstanding common stock of both South Hills Movers and Leelease. Robert V. Stabile is the secretary-treasurer and a member of the board of directors of all three companies. He is the sole shareholder of Southway. An unaudited balance sheet submitted by the applicant shows total assets of \$2,586,839 with liabilities of \$954,795 leaving stockholders' equity of \$1,632,044, as of September 30, 1988.

South Hills Movers is now authorized to transport household goods and office furniture, in use, under both the short form and long form commodity descriptions, between various western Pennsylvania counties, and from

points in those counties to points in Pennsylvania, and vice versa. The recently acquired authority which has given rise to the instant application is that set forth at Folder 2, Am-D and Am-E. In each case, South Hills Movers acquired household goods authority stated in terms of the short form commodity description. Those two grants of authority extended the service area of South Hills Movers in Lawrence, Indiana, Armstrong, Mercer, Beaver, Jefferson, Clearfield, Cambria and Westmoreland Counties. South Hills Movers provides a complete household goods moving service for the public in these counties. It participates in both residential movements as well as movements for commercial and industrial customers. It also has a great deal of experience in transporting various types of business machines and other electronic equipment. Those commodities have been transported both in connection with removals by a householder from one home to another, removals by a business, store or other commercial enterprise from one location to another, and on an individual basis when the customer was not actually moving all of its possessions from one location to another.

South Hills also holds authority from the Interstate Commerce Commission to transport household goods and related commodities over irregular routes between points in 47 states. It also holds virtually nationwide contract carrier authority from the Interstate Commerce Commission to transport general commodities, with certain exceptions, under contract with PPG Industries, Inc. and The Standard Oil Company (Ohio).

With respect to part (1) of the application, approval of this application will duplicate the present authority completely insofar as the territory is concerned. To the extent that there is any question about the full range of commodities that can be transported under the short form household goods commodity description, that confusion will be eliminated. Insofar as part (2) of the application is concerned, approval of this application will duplicate the present authority to the extent that South Hills is now authorized to transport business machines, etc. when part of a relocation of a residence, office, store or similar establishment. Under the Commission's fairly recent interpretation of the third proviso authority, South Hills would not be able to transport business machines, etc. currently if no relocation were involved. Approval of part (2) of this application will therefore clear up any question about its ability to transport those types of commodities which traditionally have been handled by household goods movers.

South Hills operates 24 tractors, three drop-frame closed van trailers, 29 flat-floor closed van trailers, one open top trailer, two regular and two special commodities trailers, 15 straight trucks, and five packing vans. South Hills has developed a comprehensive safety program. Periodic safety meetings are held with all drivers in order to review safety matters and to impress upon them the importance of safe driving. In addition to safety meetings, South Hills uses various safety messages displayed on bulletin boards and printed payroll hand-out materials. South Hills invests extra money in safety related maintenance items, such as tires, to prevent costly accidents or road delay time. South Hills has maintenance facilities at 3132 Industrial Boulevard, Bethel Park, PA 15102. All vehicle maintenance is performed by our own mechanics in our own facilities, with the exception

of very major mechanical defects which are sometimes repaired by outside contractors. Records are maintained of every piece of equipment indicating the date and type of repairs, oil change, tire condition, etc. A repair order is executed and turned in by all drivers after each trip. All of the equipment undergoes daily visual inspection as well as periodic extensive inspections and repairs.

The authority held at Folder 2, Am-D and Am-E contains duplicating authority and authority to operate as a Class B and Class C carrier. Since the applicant has now filed for authority which eliminates the references to Class B and C authority and has replaced that authority with Class D we have even more overlapping rights. We will consolidate those rights previously found at Folder 2, Am-D and Am-E to eliminate duplication and consolidate rights which are totally encompassed within another.

The first right previously found at Folder 2, Am-D is now covered by right e, the second right from Am-D is now contained within right a, the remaining rights from Folder 2, Am-D are now found at b, c and d. The rights previously found at Folder 2, Am-E, numbers 1 through 7 are now found at rights e through g, eliminating those previously shown at 1, 2, 4 and 6. This reduces the number of paragraphs without limiting the area the applicant may serve.

Verified statements were entered by Roadway Services, Inc., Joy Technologies, Inc., Electronic Instruments & Controls, Aluminum Company of America, US Air, Inc. and Westinghouse Electric Corp's, Bettis Atomic Power Lab. These statements along with the applicant's financial statement leads us to the determination that sufficient evidence exists to find that South Hills has the equipment, experience, ability and fitness necessary to provide the service proposed.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted February 18, 1977.
2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service.
3. That the applicant has shown that a need exists for the service as proposed.
4. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application is hereby approved and that the certificate issued to the applicant on February 18, 1977, as amended be further amended, so that the rights granted at Folder 2, Am-D and Am-E and contained in the orders entered February 5, 1981, shall now read as follows:

To transport, as a Class D carrier, (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; (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;

- a. From the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways to the limits of said borough, and vice versa;
- b. From points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa;
- c. Between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough;
- d. From points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the

limits of said borough to other points in Pennsylvania, and vice versa;

- e. Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- f. Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;
- g. From points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa;

with right b subject to the following condition:

That no right, power or privilege is granted to transport household goods or office equipment in use to and from points within the limits of White Township and the borough of Indiana, Indiana County;

with rights f and g subject to the following condition:

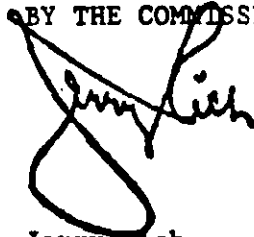
That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

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 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 horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 12, 1989

ORDER ENTERED: JAN 20 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 3, 1989

Commissioners Present:

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

South Hills Movers, Inc.;
Bethel Park, PA;
Petition for Reconsideration.

Docket No.
A-00099073,
F.2, Am-F

William J. Lavelle, Esquire
for Petitioner

C O R R E C T E D O R D E R

BY THE COMMISSION:

On August 2, 1988, South Hills Movers, Inc. (South Hills) filed an application at A-00099073, F.2, Am-F, for an amendment to its common carrier certificate, which grants the right to transport household goods and office furniture, in use, under both the short form and long form commodity descriptions, between various western Pennsylvania counties, and from points in those counties to points in Pennsylvania, and vice versa.

By Order entered January 20, 1989, this Commission approved the application at Am-F, as modified, so that South Hill's rights granted at F.2, Am-D and Am-E read as follows:

To transport, as a Class D carrier, (1)
household goods, personal effects and
property used or to be used in a dwelling

* * * * *

- e. Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- f. Between points in the borough of Ellwood City, Lawrence County and from points in said

borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;

- g. From points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa;

* * * * *

with rights f and g subject to the following condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

The Commission's reasoning for the modification was that approval of the application would duplicate the present authority completely insofar as the territory is concerned. This reduced the number of paragraphs without limiting the area that South Hills may serve.

On May 8, 1989, South Hills filed a Petition for Reconsideration of our January 20, 1989 Order. South Hills believes that its right to operate between two points in Beaver County, two points in Butler County, or between points in Beaver and Butler counties which are within the ten highway mile radius of Ellwood City has inadvertently been eliminated in the consolidation process of the various grants of authority.

The Public Utility Code grants the Commission broad discretionary powers concerning the reconsideration, amendment, rescission, or modification of its orders; such discretion is limited only by the due process considerations of providing notice and an opportunity to be heard by the parties. Pennsylvania Public Utility Commission v. Yellow Cab Co., 51 Pa. P.U.C. 149 (1977).

It was not the intention of this Commission to eliminate South Hill's right to operate between two points in Beaver County, between two points in Butler County, or between points in Beaver and Butler Counties which are within the ten highway mile radius of Ellwood City. Attention is directed specifically to paragraph g. When condensing paragraphs, an inadvertent error was committed and should be corrected; THEREFORE,

IT IS ORDERED: That the Petition for Reconsideration of our January 20, 1989 Commission Order filed by South Hills Movers, Inc. on May 8, 1989, is hereby granted and our January 20, 1989 Order is hereby amended to grant the following right:

To transport, as a Class D carrier, (1)
household goods, personal effects and
property used or to be used in a dwelling

* * * * *

- e. Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- f. Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;
- g. Between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, and from said area to other points in Pennsylvania, and vice versa;

with rights f and g subject to the following condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 3, 1989

ORDER ENTERED: December 20, 1989

APPLICATION OF
SOUTH HILLS MOVERS, INC.

APPENDIX 12-4

Pro-Forma Balance Sheet

ASSETS

Cash	<u>\$100,000</u>
 TOTAL ASSETS	 <u>\$100,000</u>

LIABILITIES AND SHAREHOLDERS' EQUITY

Shareholder's Equity

Paid-In Capital	50,000
Common Stock, 50,000 shares issued and outstanding	<u>50,000</u>

TOTAL LIABILITIES & SHAREHOLDERS' EQUITY	<u>\$100,000</u>
--	------------------

APPLICATION OF
SOUTH HILLS MOVERS, INC.

APPENDIX 12-5

STATEMENT OF UNPAID BUSINESS DEBTS OF TRANSFEROR
AND HOW THEY WILL BE SATISFIED

Transferor proposes to pay its present unpaid business debts out of current funds and from the proceeds of this transaction.

APPLICATION OF
SOUTH HILLS MOVERS, INC.

APPENDIX 12-6

Statement of Safety Program

Applicant intends to maintain a complete safety program to be conducted in accordance with the safety regulations of the Pennsylvania Department of Transportation, the Federal Department of Transportation and the Pennsylvania Public Utility Commission. Under this program all drivers will be investigated and thoroughly examined prior to employment. Before a driver is assigned to a vehicle, he must successfully demonstrate his ability to operate such equipment safely. During the time of his employment, the driver will be periodically given safety instructions that require him to meet certain high standards of operation. The program will also include safety meetings where discussions are conducted concerning the safe operation of equipment.

Applicant also intends to implement a preventive maintenance program which will require the checking and servicing of equipment on a regular basis. No equipment will be dispatched or utilized until known defects are corrected.

APPLICATION OF
SOUTH HILLS MOVERS, INC.

APPENDIX 12-7

Statement of Transferee's Experience

The management of Transferee has been involved in the transportation of household goods and office furniture and equipment in use for many years. It controls South Hills Movers, Inc. (old) which holds authority from the Commission at Docket No. A-00099073. Pursuant to that authority, South Hills Movers, Inc. has provided extensive service between points in western Pennsylvania.

The management of Transferee is familiar with the safety regulations of the Pennsylvania Public Utility Commission and the Pennsylvania Department of Transportation. If this application is approved, Transferee will take such actions as may be necessary to assure that it is in compliance with all of the Commission's regulations.

Microfilm Number _____

Filed with the Department of State on _____

Entity Number _____

Secretary of the Commonwealth

ARTICLES OF INCORPORATION

Indicate type of domestic corporation (check one):

- ☒ Business-stock (15 Pa. C.S. § 1306) _____ Professional (15 Pa. C.S. § 2903)
_____ Business-nonstock (15 Pa. C.S. § 2102) _____ Management (15 Pa. C.S. § 2701)
_____ Business-statutory close (15 Pa. C.S. § 2304a is applicable) _____ Cooperative (15 Pa. C.S. § 7701)

1. The name of the corporation is: South Hills Movers, Inc.

_____ This corporation is incorporated under the provisions of the Business Corporation Law of 1988.

2. The address of this corporation's initial (a) registered office in this Commonwealth or (b) commercial registered office provider and the county of venue is:

(a) 3132 Industrial Blvd. Bethel Park, PA 15102 Allegheny
Number and Street City State Zip County

(b) _____
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The aggregate number of shares authorized is: 100,000 (other provisions, if any, attach 8 1/2 x 11 sheet)

4. The name and address, including street and number, if any, of each incorporator is:

Name	Address	Signature	Date
<u>Robert Lee</u>	<u>3132 Industrial Blvd.</u> <u>Bethel Park, PA 15102</u>	<u>Robert Lee</u>	<u>9-6-99</u>

5. The specified effective date, if any, is: _____
month day year hour, if any

6. Any additional provisions of the articles, if any, attach an 8 1/2 x 11 sheet.

7. Statutory close corporation only: Neither the corporation nor any shareholder shall make an offering of any of its shares of any class that would constitute a 'Public Offering' within the meaning of the Securities Act of 1933 (15U.S.C. § 77A et seq.).

8. Business cooperative corporations only: (Complete and strike out inapplicable term) The common bond of membership among its members/shareholders is: _____

66211 012506



Department of State
Corporation Bureau
308 North Office Building
Harrisburg, PA 17120-0029

Robert P. Casey
Governor

Christopher A. Lewis
Secretary of the Commonwealth

Charles A. Ottaviano
Director, Corporation Bureau

Instructions for Completion of Form:
DSCB:15-1306 (Rev 89)-2

- A. One original of this form is required. The form shall be completed in black or blue-black ink in order to permit reproduction. The filing fee for this form is \$75 made payable to the Department of State. PLEASE NOTE: A separate check is required for each form submitted.
- B. The following, in addition to the filing fee, shall accompany this form:
 - (1) Three copies of a completed form DSCB:15-134A (Docketing Statement).
 - (2) Any necessary copies of form DSCB:17.2 (Consent to Appropriation of Name) or form DSCB:17.3 (Consent to Use of Similar Name).
 - (3) Any necessary governmental approvals.
- C. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 23 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, nonstock status, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- D. One or more corporations or natural persons of full age may incorporate a business corporation.
- E. 15 Pa. C.S. § 1307 (relating to advertisement) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be submitted to, and will not be received by or filed in, the Department, but should be filed with the minutes of the corporation.
- F. This form and all accompanying documents shall be mailed to:

Department of State
Corporation Bureau
308 North Office Building
Harrisburg, PA 17120-0029
- G. To receive confirmation of the file date prior to receiving the microfilmed original, send either a self-addressed, stamped postcard with the filing information noted or a self-addressed, stamped envelope with a copy of the filing document.

SUPPLEMENT TO
ARTICLES OF INCORPORATION
OF
South Hills Movers, Inc.

Standard of Care of Officers.

An officer shall perform his duties as an officer in good faith, in a manner he reasonably believes to be in the best interest of the Corporation and with such care, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances. In performing his duties, an officer shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by any of the following:

1. One or more directors or employees of the Corporation whom the officer reasonably believes to be reliable and competent in the matters presented.
2. Counsel, public accountants or other persons as to matters which the officer reasonably believes to be within the professional or expert competence of such person.
3. A committee of the board upon which he does not serve, duly designated in accordance with the law, as to matters in its designated authority, which committee the officer reasonably believes merit competence. An officer will not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause his reliance to be unwarranted.

In discharging the duties of their respective positions, the officers, in considering the best interests of the Corporation, may consider the effects of any action upon employees, upon suppliers and customers of the Corporation and upon communities in which offices or other establishments of the Corporation are located, and all other pertinent factors. The consideration of those factors shall not constitute a violation of this subsection.

Absent breach of fiduciary duty, lack of good faith or self-dealing, actions taken as an officer or any failure to take any action shall be presumed to be in the best interests of the Corporation.

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If a bylaw adopted by the shareholders so provides, an officer shall not be personally liable, as such, for monetary damages for any action taken, or any failure to take any action, unless:

- (i) the officer has breached or failed to perform the duties of his office under this section; and
- (ii) the breach or failure to perform constitutes self-dealing, willful misconduct or recklessness.

The provisions of the prior paragraph shall not apply to:

- (i) the responsibility or reliability of an officer pursuant to any criminal statute; or
- (ii) the liability of an officer for the payment of taxes pursuant to local, state or federal law.

APPLICATION OF
SOUTH HILLS MOVERS, INC.

APPENDIX 12-9

CORPORATE DATA

1. Names, Titles and Addresses of Corporate Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Robert Lee	President	3132 Industrial Blvd. Bethel Park, PA 15102
Robert E. Lee	Vice President	3132 Industrial Blvd. Bethel Park, PA 15102
Gary N. Lee	Vice President	3132 Industrial Blvd. Bethel Park, PA 15102
Robert V. Stabile	Secretary- Treasurer	3132 Industrial Blvd. Bethel Park, PA 15102

2. Names and Addresses of Corporate Directors:

<u>Name</u>	<u>Address</u>
Robert Lee	3132 Industrial Blvd. Bethel Park, PA 15102
Robert E. Lee	3132 Industrial Blvd. Bethel Park, PA 15102
Gary N. Lee	3132 Industrial Blvd. Bethel Park, PA 15102
Robert V. Stabile	3132 Industrial Blvd. Bethel Park, PA 15102

3. Amount of Stock Authorized:

One Hundred Thousand (100,000) shares common stock
having a par value of One (\$1.00) Dollar.

4. Amount of Stock Issued and Outstanding:

Fifty Thousand (50,000) shares common stock having a par value of One (\$1.00) Dollar.

5. Name, Address and Number of Shares Held by Each Shareholder:

<u>Name</u>	<u>Address</u>	<u>Number of Shares</u>
SHM Holdings, Ltd.	3132 Industrial Blvd. Pittsburgh, PA 15102	50,000

6. Corporate Purpose Clause:

To invest in, own, conduct, manage and operate the business of a common, contract, private or exempt carrier by motor vehicle transporting property and/or persons in interstate or foreign commerce or in intrastate commerce in any state of the United States, including between points in Pennsylvania pursuant to the regulations of the Pennsylvania Public Utility Commission, and business incidental and necessary to rendering such service, including owning, leasing and operating terminals, warehouses, platforms, garages and equipment.

To engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law of Pennsylvania.

6. Location of principal place of business:

3132 Industrial Blvd. Bethel Park, PA 15102

Number and Street/RD number and Box City State Zip Code

7. Mailing address if different than #5 (Location where correspondence, tax report form, etc. are to be sent):

Number and Street/RD number and Box City State Zip Code

8. Federal Identification Number: _____

9. Act of General Assembly or authority under which you are organized or incorporated (Full Citation of statute or statute attach a separate sheet if more space is required): N/A

10. Date and state of incorporation or organization (foreign corporation only): N/A

11. Date business started in PA (foreign corporation only): N/A

12. Is the corporation authorized to issue capital stock? ☒ YES ☐ NO

13. Corporation's fiscal year ends: December 31

This statement shall be deemed to have been executed by the individual who executed the accompanying submittal. See 18 PA C.S. § 4904 (relating to unsworn falsification to authorities).

Instructions for completion of form:

- A. A separate completed set of copies of this form shall be submitted for each entity or registration resulting from the transaction.
- B. The Bureau of Corporation Taxes in the PA Department of Revenue should be notified of any address changes. Notification should be sent to the Processing Division, Bureau of Corporation Taxes, PA Department of Revenue, Dept. 280705, Harrisburg, PA 17128-0705.
- C. All PA corporate tax reports, except those for motor vehicle for hire, must be filed with the Commonwealth on the same fiscal basis as filed with the U.S. government. Motor vehicle for hire, i.e., gross receipts tax reports, must be filed on a calendar year basis only.

October 12, 1990

IN REPLY PLEASE
REFER TO OUR FILE

John A. Vuono
Attorney at Law
2310 Grant Building
Pittsburgh, PA 15219

In re: A-00109506 - Application of South Hills Movers, Inc. (new)

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of South Hills Movers, Inc. (new) for the rights of South Hills Movers, Inc. (old).

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before November 5, 1990. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that South Hills Movers, Inc. (old) 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 October 13, 1990.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:11

cc: Applicant
3132 Industrial Boulevard
Bethel Park, PA 15102

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
OCT 15 1990
ENTRY No. <u>AR</u>

A-00109506 SOUTH HILLS MOVERS, INC. (NEW) (3132 Industrial Boulevard, Bethel Park, Allegheny County, PA 15102), a corporation of the Commonwealth of Pennsylvania - (1) 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 the 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, furniture displays, musical instruments 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 counties of Allegheny and Washington and from points in the said counties to other points in Pennsylvania, and vice versa; with right no. 1 subject to the following conditions: 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; 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; and That no right, power or privilege is granted to transport property requiring the use of carryalls, pole trailers and/or winch trucks or trailers; (2) household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa; (3) 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 county of Fayette and from points in the said county to other points in Pennsylvania, and vice versa; with right no. 3 subject to the following condition: That (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale; (4) 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 the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, 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 county of Greene, and from points in said county, to points in Pennsylvania, and vice versa; with right

no. 4 subject to the following condition: That no right, power or privilege is granted to transport property which, because of size or weight requires special handling or the use of special equipment such as winch trucks, or tractors, pole or extendible trailers, or carry-alls or which require a highway permit from the Department of Transportation of the Commonwealth of Pennsylvania; (5) tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value, requires specialized handling and equipment usually employed in moving household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa; with right no. 5 subject to the following condition: That no right, power or privilege is granted to transport to, from or between points in Beaver County; (6) (I) 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; (II) 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) From the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways to the limits of said borough, and vice versa; (b) From points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (c) Between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough; (d) From points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa; (e) Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (f) Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa; (g) Between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, and from said area to other points in Pennsylvania, and vice versa; with right b subject to the following condition: That no right, power or privilege is granted to transport household goods or office equipment in use to and from points within the limits of White Township and the borough of Indiana, Indiana County; and with rights f and g subject to the following condition: That no right, power or privilege is granted to furnish transportation which

originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County, which is to be a transfer of the rights authorized under the certificate issued at A-00099073, F. 2 to South Hills Movers, Inc. (OLD), subject to the same limitations and conditions. Attorney: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

OCT 13 1990

BUREAU OF TRANSPORTATION
COMMON CARRIER
SEPTEMBER 1990

A-00109506

Application of South Hills Movers, Inc. (NEW), a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, (1) 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 the 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, furniture displays, musical instruments 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 counties of Allegheny and Washington and from points in the said counties to other points in Pennsylvania, and vice versa; with right no. 1 subject to the following conditions: 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; 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; and That no right, power or privilege is granted to transport property requiring the use of carryalls, pole trailers and/or winch trucks or trailers; (2) household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa; (3) 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

NA

NOV - 5 1990

NOV - 5 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.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
OCT 15 1990

ENTRY No. *ml*

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____ SERVICE _____

- 2 -

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 Fayette and from points in the said county to other points in Pennsylvania, and vice versa; with right no. 3 subject to the following condition: That (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale; (4) 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 the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, 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 county of Greene, and from points in said county, to points in Pennsylvania, and vice versa; with right no. 4 subject to the following condition: That no right, power or privilege is granted to transport property which, because of size or weight requires special handling or the use of special equipment such as winch trucks, or tractors, pole or extendible trailers, or carry-alls or which require a highway permit from the Department of Transportation of the Commonwealth of Pennsylvania; (5) tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of its unusual nature or value, requires specialized handling and equipment usually employed in moving household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa; with right no. 5 subject to the following condition: That no right, power or privilege is granted to transport to, from or between points in Beaver County; (6) (I) 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

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.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____ SERVICE _____

- 3 -

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; (II) 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) From the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways to the limits of said borough, and vice versa; (b) From points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (c) Between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough; (d) From points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa; (e) Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (f) Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa; (g) Between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, and from said area to other points in Pennsylvania, and vice versa; with right b subject to the following condition: That no right, power or privilege is granted to transport household goods or office equipment in use to and from points within the limits of White Township and the borough of Indiana, Indiana County; and with rights f and g subject to the following condition: That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County, which is to be a transfer of the rights authorized under the certificate issued at A-00099073, F. 2 to South Hills Movers, Inc. (OLD), subject to the same limitations and conditions.

MW:np

9/27/90

Application received: 9/24/90

Application docketed: 9/27/90

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.