

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
October 31, 1990	:	NOV-90-T-1275*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	November 21, 1990
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u>	:	
Zeigler 3-5946	:	
9. <u>DOCKET NO.:</u>	:	
A-00109506	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

(a) Application of South Hills Movers, Inc. (NEW), a corporation of the Commonwealth of Pennsylvania, Bethel Park, Allegheny County, for the transfer of all of the operating rights of South Hills Movers, Inc. (OLD), under the certificate issued at A-00099073, F. 2, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The purpose of the transfer application is to reorganize into a new corporate entity while maintaining the familiar name of the transferor. The transfer application is a step in the reorganization of family owned companies which will result in the stock of all their motor carrier operating companies being owned by SHM Holdings, Ltd. The total consideration for the operating authority is \$45,000. No tangible assets are involved in this transaction.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application; and cancelling the certificate issued to the transferor by supplemental order.

TZ:11

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

CONTENT OF MOTION: Staff recommendation adopted.

**DOCKETED**  
JAN 28 1991

**DOCUMENT  
FOLDER**



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

November 28, 1990

KJR

IN REPLY PLEASE  
REFER TO OUR FILE

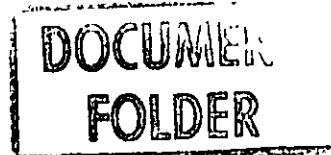
A-109506

DOCKETED  
DEC 04 1990

John A. Vuono, Esquire  
2310 Grant Building  
Pittsburgh, PA 15219

Application of South Hills Movers, Inc. (NEW), a corporation of the  
Commonwealth of Pennsylvania.

To Whom It May Concern:



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

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

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

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

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

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

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

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

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

Property Carriers:

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

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

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

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

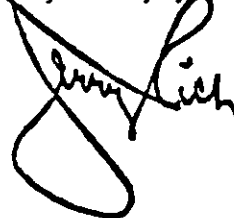
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of November 21, 1990 and dismiss the application without further proceedings.

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

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich, Secretary

lg

Enclosures  
Certified Mail  
Receipt Requested

cc:applicant  
South Hills Movers, Inc.  
3132 Industrial Boulevard  
Bethel Park, PA 15102

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held November 21, 1990

Commissioners Present:

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William H. Smith, Chairman  
Frank Fischl  
David W. Rolka  
Joseph Rhodes, Jr.

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DOCKETED  
DEC 04 1990

Application of South Hills Movers, Inc.  
(NEW), a corporation of the Commonwealth  
of Pennsylvania, for the transfer of all  
of the operating rights of South Hills  
Movers, Inc. (OLD), under the certificate  
issued at A-00099073, F. 2, subject to the  
same limitations and conditions.

A-00109506

DOCUMENT  
FOLDER

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John A. Vuono for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 24, 1990. Public notice of the application was given in the Pennsylvania Bulletin of October 13, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

The purpose of the instant application is to transfer all of the issued and outstanding authority<sup>1/</sup> of South Hills Movers, Inc., which is contained under the certificate issued at A-00099073, F. 2, to a newly-formed corporation while retaining the name South Hills Movers, Inc., at A-00109506. This transfer application is being filed to facilitate reorganization of

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1/ The transferor has two pending application preceedings at A-00099073, F. 2, Am-J and A-00099073, F. 2, Am-I. The transferor has filed Petitions for Substitution of the Applicant in these proceedings.

companies which will result in the stock of two motor carrier operating companies being owned by SHM Holdings, Ltd.

SHM Holdings, Ltd. is a stockholding company in which Robert E. Lee and Gary N. Lee each hold 50 percent of the issued and outstanding common stock. Robert E. Lee and Gary N. Lee also each own 50 percent of the issued and outstanding shares of common stock of the applicant. Robert Lee and his wife Marion Lee own all of the issued and outstanding preferred stock of the transferor. The result of approval of this application will consolidate this family's business under one entity. At a separate proceeding docketed at A-00107868, the stock of LeeLease, Inc., is being transferred to SHM Holdings, Ltd. Robert E. Lee and Gary N. Lee each own 50 percent of LeeLease, Inc.

Upon approval of the applications, SHM Holdings, Ltd., will control through ownership of all of the issued and outstanding stock, South Hills Movers, Inc. (NEW) and LeeLease, Inc. The applicant has also filed with the Interstate Commerce Commission applications to effectuate this reorganization.

The new corporation, South Hills Movers, Inc., has total assets of \$100,000 in cash. Its shareholders' equity is comprised of paid in capital of \$50,000 and common stock with 50,000 shares of par value of \$1.00 issued and outstanding. Officers of the transferor will take positions as officers in the transferee. As such, the newly-formed corporation will have the benefit of their experience.

The total consideration for the rights is \$45,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: the total purchase price of \$45,000 will be paid in cash or by certified or cashier's check on the final closing date. The closing date is a date selected by agreement of the parties within a period of 30 days after the effective date of the final order by the Commission approving the application.

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

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.

2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;  
THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

1. To transport, as a Class D carrier, 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, 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;

right 1 subject to the following conditions:

- 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.

2. 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.
3. 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;

right 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. 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;

right 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. To transport, as a Class D carrier, tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of their 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.

6. 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 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 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;
  - (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;

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;

- (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;

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.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights

herein granted in excess of the actual cost of such rights to the original holder thereof.

3. That the applicant charge to Account 1550, Other Intangible Property, \$45,000, 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; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).


IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, South Hills Movers, Inc. (OLD), at A-00099073, F. 2, be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: November 21, 1990

ORDER ENTERED: **NOV 28 1990**