

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
November 2, 1993	:	DEC-93-T-1008*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	December 2, 1993
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Zeigler 3-5946	:	
8. <u>DOCKET NO.:</u>	:	
A-00109506, F. 1, Am-B	:	

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

(a) Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania, Bethel Park, Allegheny County, for transfer of authority granted to SHM, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00099073, F. 2, Am-I, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The transfer application is filed to comply with an Opinion and Order upon Remand adopted May 7, 1992, entered May 13, 1992, wherein we granted SHM, Inc., [formerly South Hills Movers, Inc. (old)] partial transfer of authority from D. Pierce Transportation, Inc. The authority to transfer is the authority granted by the Opinion and Order upon Remand. Transfer of the authority will close out all matters involved in the former transfer proceeding. All outstanding authority of SHM, Inc. (formerly South Hills Movers, Inc., (old)), at A-00099073, F. 2 will have been transferred to South Hills Movers, Inc., and the authority being transferred from D. Pierce Transportation, Inc., will be cancelled by the supplemental order.

(c) The Bureau of Transportation recommends the Commission adopt the proposed order approving the transfer application; and cancelling the appropriate authority by supplemental order.

TZ:rs/em

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
MAR 07 1994

**DOCUMENT
FOLDER**



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

December 15, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00109506
F.1, Am-B

WILLIAM A GRAY ESQUIRE
2310 GRANT BUILDING
PITTSBURGH PA 15219-2383

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

Dear Sir:

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

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

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

Commission regulations require compliance with the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of December 2, 1993 and dismiss the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

DC LN
FOLDER

smk
Encls.
Cert. Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521

JAN 05 1994

cc: applicant
3132 Industrial Boulevard
Bethel Park PA 15102

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 2, 1993

Commissioners Present:

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

100 JUN
FOLDER

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

A-00109506
F. 1
Am-B

William A. Gray for the applicant.

100 JUN 1993
JAN 05 1994

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 1, 1993. Public notice of the application was given in the Pennsylvania Bulletin of August 14, 1993. The unopposed application is certified to the Commission for its decision without an oral hearing.

The application for transfer is filed as the result of a Commission Opinion and Order upon Remand which approved the transfer of part of the rights authorized D. Pierce Transportation, Inc., at A-00107772, F. 2 to SHM, Inc., formerly South Hills Movers, Inc. (Old). Originally, South Hills Movers, Inc. (Old) filed an application at A-00099073, F. 2, Am-I to acquire part of the rights of D. Pierce Transportation, Inc. The application was denied March 22, 1991. In the January 3, 1992 Opinion and Order of the Commonwealth Court (filed on January 7, 1992), it acted to reverse the Commission's order and to remand the case with the direction that the application be granted to transfer the authority. As a result of the Opinion and Order upon Remand, adopted May 7, 1992, entered May 13, 1992, the applicant has filed the instant application.

The transferor is now SHM, Inc., as South Hills Movers, Inc., (old) was granted permission to change its name to SHM, Inc., by our order at

A-00099073, F. 2, adopted March 25, 1993, entered March 26, 1993. Approval of the transfer here at A-00109506, F. 1, Am-B, will close out all outstanding matters involved with SHM, Inc. and South Hills Movers, Inc. (old). Approval of the instant application will cause SHM, Inc., [formerly South Hills Movers, Inc. (old)] to have no current authority and the certificate at A-00099073, F. 2 may be cancelled.

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. That 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 the certificate issued, April 18, 1991, as amended, be further amended to include the following right:

To transport, as a Class D carrier, household goods in use between points in the county of Beaver, and from points in said county to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

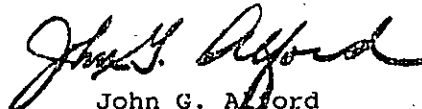
- (1) That approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.

3. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) 2 above.
4. 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.
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 other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted 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 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.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 2, 1993

ORDER ENTERED: DEC 15 1993



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

December 23, 1993

IN REPLY PLEASE
REFER TO OUR FILE

R-16

William A. Gray, Esquire
2310 Grant Building
Pittsburgh, PA 15219-2383



RECEIVED
91 FEB -3 AM 9:14
PA. P. U. C.
INFO. CONTROL DIV.

Re: A-00109506, F.1, Am-B
South Hills Movers, Inc.

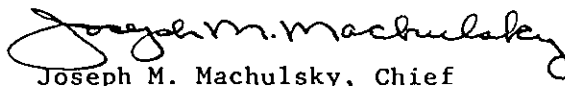
Dear Mr. Gray:

Under date of December 15, 1993, the Secretary's office transmitted to you the Commission's compliance order adopted December 2, 1993, evidencing approval of the above carrier's application which is in effect a transfer of the rights formerly held by SHM, Inc. at A-00099073, F.2, Am-I. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

LOA

In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

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

By: 
Joseph M. Machulsky, Chief
Financial Document Section

Enclosure (1 set)

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

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