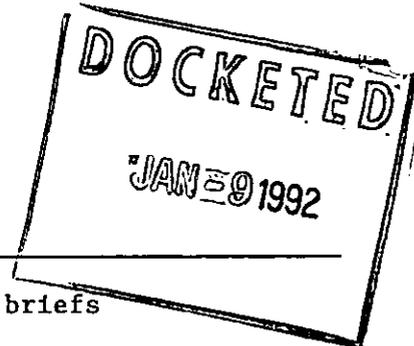


PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

| | | | | |
|-----------------------------|------------------------|---|--------------------------------|--|
| 1. <u>REPORT DATE:</u> | September 5, 1991 | : | 2. <u>BUREAU AGENDA NO.</u> | |
| 3. <u>BUREAU:</u> | Transportation | : | SEPT-91-T-914* | |
| 4. <u>SECTION</u> | Technical Review | : | 5. <u>PUBLIC MEETING DATE:</u> | |
| 6. <u>APPROVED BY:</u> | | : | September 26, 1991 | |
| Director: | Ernst 7-2154 | : | | |
| Supervisor: | Bigelow/Marzolf 3-5945 | : | | |
| 7. <u>MONITOR:</u> | | : | | |
| 8. <u>PERSON IN CHARGE:</u> | Keener-Farley 7-4386 | : | | |
| 9. <u>DOCKET NO.:</u> | A-00109506, F. 1, Am-A | : | | |



10. (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., Bethel Park, Allegheny County, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights held by Shoreline Moving Systems, Inc., under the certificate issued at A-00107274 subject to the same limitations and conditions.

(b) ETA was denied May 11, 1991. Transferor proposes to transfer all its PUC operating authority for a total consideration of \$5,000; no tangible assets are involved in the sale.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and that the certificate issued to the transferor be cancelled by supplemental order and that a copy of the order be forwarded to the Department of Revenue and that the pending temporary authority application be dismissed.

LKF:kmb



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

CONTENT OF MOTION: Staff recommendation adopted.



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

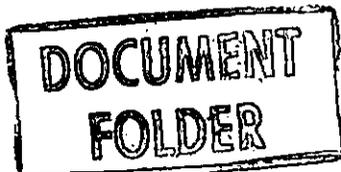
KJR

October 2, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-109506
F. 1, Am-A

JOHN A VUONO ESQUIRE
2310 GRANT BUILDING
PITTSBURGH PA 15219



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

To Whom It May Concern:

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

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

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

Commission regulations require compliance with the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of September 26, 1991 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich, Secretary

lg
Encls.

Certified Mail

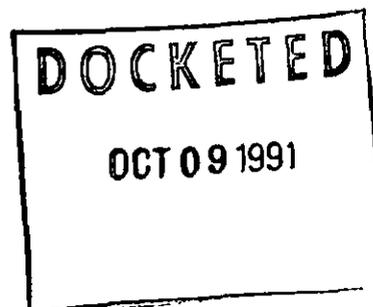
Receipt Requested

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

cc:applicant

SOUTH HILL MOVERS INC
3132 INDUSTRIAL BOULEVARD
BETHEL PARK PA 15102

Modification



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



Public Meeting held September 26, 1991

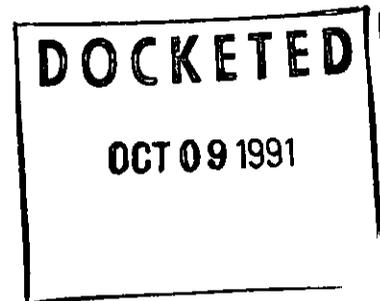
Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Shoreline Moving Systems, Inc. under the certificate issued at A-00107274 subject to the same limitations and conditions.

A-00109506
F. 1
Am-A

John A. Vuono for the applicant.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 23, 1991. Public notice of the application was given in the Pennsylvania Bulletin of August 10, 1991. The unopposed application is certified to the Commission for its decision without oral hearing.

Emergency temporary authority was denied by order adopted May 11, 1991. By our action on this permanent authority application, the still pending temporary authority application will become unnecessary and will be dismissed.

South Hills Movers, Inc. (applicant), is a Pennsylvania corporation, with its principal place of business in Bethel, Allegheny County. It was initially granted a certificate on April 18, 1991, when the applicant reorganized its predecessor corporation. It presently holds six paragraphs of "household goods" authority. By this application, it seeks to transfer to it the authority held by Shoreline Moving Systems, Inc. (transferor), which is presently in bankruptcy. As part of the liquidation of the transferor,

the trustee in bankruptcy has approved the sale of the intrastate operating rights of the transferor to the applicant.

The total consideration for the rights is \$5,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: five hundred dollars at signing of sales agreement on March 15, 1991, with the balance at closing after approval of this 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 the certificate issued to the applicant on April 18, 1991, be amended to include the following rights:

1. To transport, as a Class B carrier, household goods and office furniture in use, between points in the city of Erie, Erie County.
2. To transport, as a Class C carrier, household goods and office furniture in use, from points in the city of Erie to points within twenty (20) miles by the usually traveled highways of the public square in said city;
3. To transport, as a Class D carrier, household goods and office furnishings, in use, from points in the city of Erie, Erie County, and within twenty (20) miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa.

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, \$5,000, 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 a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the outstanding assessments of the transferor.

IT IS FURTHER ORDERED: That the temporary authority application be dismissed.

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, Shoreline Moving Systems, Inc., at A-00107274 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, circular scribble or flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 26, 1991

ORDER ENTERED: OCT 2_ 1991