

1. <u>REPORT DATE:</u>	January 22, 1992	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	FEB-92-T-105*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	February 6, 1992
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Hoshour 7-5513	:	
9. <u>DOCKET NO.:</u>	A-00109681	:	

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

(a) Application of Brian C. Hinkley, Hallstead, Susquehanna County, for the right to begin to transport, as a common carrier, by motor vehicle, 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 between points in the county of Susquehanna, and from points in said county to points in Pennsylvania, and vice versa.

(b) The application was protested, however, the protest was dismissed by ALJ Chesnut for lack of prosecution. The applicant and seven supporting parties have entered verified statements. The record contains sufficient evidence to demonstrate that the applicant has the wherewithall to institute the proposed service and that there exists a public need for the service proposed by the application.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application.

WH:rs

11. MOTION BY: Commissioner Chm. Rolka
 Commissioner Rhodes
 SECONDED: Commissioner Rhodes
 CONTENT OF MOTION: Staff recommendation adopted.

Commissioner
 Commissioner
 Commissioner

Holland Yes
DOCKETED

FEB 18 1992

**DOCUMENT
FOLDER**



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

R-7

February 18, 1992

IN REPLY PLEASE
REFER TO OUR FILE

A-00109681

MICHAEL J GATHANY ESQUIRE
RD 2 BOX H6
HALLSTEAD PA 18822

FEB 24 1992

Application of Brian C. Hinkley

DOCUMENT
FOLDER

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.

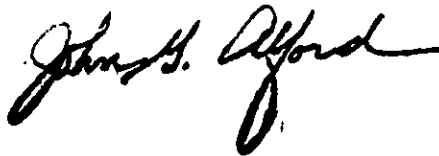
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of February 6, 1992 and dismiss the application without further proceedings.

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,



John G. Alford, Secretary

Enclosures
Certified Mail
Receipt Requested

BRIAN C HINKLEY
HALLSTEAD PLAZA
PO BOX 901
HALLSTEAD PA 18822

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 6, 1992

Commissioners Present:

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

FEB 24 1992

Application of Brian C. Hinkley, for the right to begin to transport, as a common carrier, by motor vehicle, 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, 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 between points in the county of Susquehanna, and from points in said county to points in Pennsylvania, and vice versa.

A-00109681

**DOCUMENT
FOLDER**

Michael J. Gathany for the applicant.
Gary R. Louderback for the protestant, Louderback Transportation
Company.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 21, 1991. Public notice of the application was given in the Pennsylvania Bulletin of March 16, 1991. A protest to the application was filed by Louderback Transportation Company.

On June 26, 1991, an initial hearing was scheduled before Administrative Law Judge Marlane Chesnut. The protest of Louderback Transportation Company was dismissed by the Administrative Law Judge for lack of prosecution as a result of the failure of the protestant to appear at the hearing.

The now unprotested application is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and seven supporting parties.

DISCUSSION AND FINDINGS

The applicant, Brian C. Hinkley, seeks an initial grant of common carrier authority which would authorize him to transport household goods, personal effects and property used or to be useful 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 between points in the county of Susquehanna, and from points in said county to points in Pennsylvania, and vice versa.

The proposed transportation operations will be conducted from property owned by the applicant which is located in Hallstead, Susquehanna County. The applicant is the owner of a storage mall and garage, which will be used as a terminal. Each vehicle operated by the applicant will be equipped with a CB radio.

It is the intention of the applicant to hire an individual who has 30 years experience in the moving business as the owner of V. L. Griffis Moving Company (A-00084370). The applicant will acquire one late-model straight truck; a hand truck and dollies; assorted pads; a piano board; and a Johnson bar.

An unaudited balance sheet indicates that as of December 31, 1991, the applicant had total current assets of \$5,200, total assets of \$388,207, total liabilities of \$60,700 and total equity of \$327,507. Since the applicant has not instituted any motor carrier operations, no income statement is available.

Charmarie Bisel, casework supervisor for Susquehanna County Services for Children & Youth, 31 Public Avenue, Montrose, states in support of the pending application that the county agency is often required to find suitable living arrangements for families using the agency's services. At the present time, there is no moving company located in Susquehanna County, which hinders the relocation of clients. A local moving company would provide an essential services to the clients of Susquehanna County.

John W. Ord, president of Peoples National Bank of Susquehanna County, Hallstead, states that the bank has offices located in the boroughs of Hallstead, Hop Bottom, Susquehanna Depot and the townships of Great Bend and Bridgewater. The bank has need for the transportation of machinery, equipment and office furniture between the branch offices, approximately six to 10 times per year. It would be a benefit to the bank to have a local carrier available.

Byron D. Lesjack, president of Systems Innovation, Inc., and owner of several rental units in the Hallstead-Great Bend area, set forth in support of the pending application that there is a need for a local moving service to accommodate both new employees and renters.

Sonji Lee, director of the Susquehanna County Aging Services, 31 Public Avenue, Montrose, sets forth in support of the pending application that the agency offers a variety of programs and services for the elderly in Susquehanna County. The agency's clientele often have need for a moving company providing residential relocation. A local moving company is needed in Susquehanna County.

James K. Adams, executive director of the Susquehanna County Housing/Redevelopment Authority, 61 Church Street, Montrose, states in support of the pending application that he is often in contact with people who are relocating. The public in Susquehanna County currently finds it necessary to acquire moving services from carriers located in Binghamton, NY or Scranton, PA. A carrier located in Susquehanna County would be beneficial to people relocating.

George H. Stover, Jr., a real estate broker located in Hallstead, supports the applicant for the authority being sought by the pending application. Having operated a real estate business in Susquehanna County for more than 20 years, he believes that a local carrier would better meet the needs of the public.

Fred Kotz, as a former owner of a certificated household goods mover, and as the secretary of the Susquehanna County Housing Authority, supports the applicant in his attempts to acquire the proposed operating authority. He is of the opinion that the availability of the applicant's service would be beneficial to the citizens of Susquehanna County, since the closest moving carrier is located at least 40 miles from Susquehanna County.

After due consideration of the record, we have determined that the applicant has the wherewithall to institute the proposed service. The seven supporting parties have also provided sufficient evidence to demonstrate that

there exists a public need for a carrier to provide transportation of household goods and office furniture, in use, in the area of application.

We find:

1. That the applicant is fit, willing and able to render the proposed transportation.
2. That the applicant has demonstrated that a public need exists for the proposed transportation.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, granting the following right:

To transport, as a Class D carrier, 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 between points in the county of Susquehanna, and from points in said county, to points in Pennsylvania, and vice versa.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he shall have complied with the requirements of the 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 in the event said applicant has not, on or before sixty (60) days from the date of 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 the requirements of the Public Utility Code relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing this Commission's approval of the right to operate as above-determined.

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,



—
John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: February 6, 1992

ORDER ENTERED: FEB 18 1992