

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

KJR

1. <u>REPORT DATE:</u>	November 27, 1990	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	DEC-90-T-1369*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	December 13, 1990
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Pike 3-5947	:	
9. <u>DOCKET NO.:</u>	A-00109534	:	

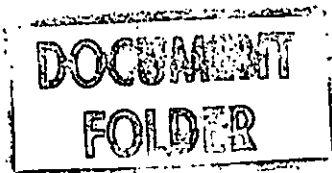
10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation

(a) Application of Joyco, Inc., t/d/b/a Rapid Delivery, city and county of Philadelphia, a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to applicant of all the rights held by Priority One Transport, Inc. at A-00106230.

(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total of \$75,000 including tangible assets.

(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.

DAP:np



DOCKETED  
 JAN 28 1991

11. MOTION BY:	Commissioner Chm. Smith	Commissioner Fischl - Yes
		Commissioner Holland - Not Participating
SECONDED:	Commissioner Rolka	Commissioner Rhodes - Yes

CONTENT OF MOTION: Staff recommendation adopted.



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

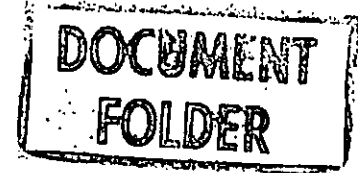
December 21, 1990

KJR

IN REPLY PLEASE  
REFER TO OUR FILE

A-00109534

Leonard Zack, Esquire  
Suite 1400  
1429 Walnut Street  
Philadelphia, PA 19102



Application of Joyco, Inc., t/d/b/a Rapid Delivery

DOCKETED  
JAN 01 1991

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.

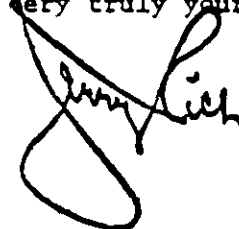
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of December 13, 1990 and dismiss the application without further proceedings.

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,



Jerry Rich, Secretary

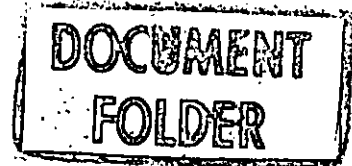
fao  
Enclosures  
Certified Mail  
Receipt Requested  
Joyco, Inc.  
t/a Rapid Delivery  
1933 Chestnut Street  
Philadelphia, PA 19103

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held December 13, 1990

Commissioners Present:

William H. Smith, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Frank Fischl  
Wendell F. Holland, not participating  
David W. Rolka



Application of Joyco, Inc., t/d/b/a  
Rapid Delivery for the transfer of  
all of the operating rights of  
Priority One Transport, Inc. under  
the certificate issued at A-00106230  
subject to the same limitations and  
conditions.

A-00109534

DOCKETED  
JAN 01 1991

Leonard Zack for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 9, 1990. Public notice of the application was given in the Pennsylvania Bulletin of November 17, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, Joyco, Inc., t/d/b/a Rapid Delivery is a corporation of the Commonwealth of Pennsylvania, domiciled at 1933 Chestnut Street, city and county of Philadelphia. Howard Wool is president, Joyce Wool, secretary and Brad Wool, stockholder. All vehicles are checked regularly and maintenance is performed periodically. An unaudited income statement submitted by the applicant shows total revenue for the year ending July 31, 1990 of \$227,997.

The total consideration for the rights and other assets including the customer list and other assets is \$75,000. The rights have been assigned a value of \$5,500 with the rest attributable to the customer list, telephone numbers and good will. The sales agreement requires the consideration to be paid as follows: seven thousand dollars (\$7,000) by cash to escrow upon consummation of the agreement, July 24, 1990. Eighteen thousand dollars (\$18,000) at closing. The balance, fifty thousand dollars (\$50,000), shall be due, ten thousand dollars (\$10,000), January 10, 1991, ten thousand dollars (\$10,000) July 10, 1991 and the remaining thirty thousand dollars (\$30,000) payable over 48 months commencing August 1, 1991. The balance is

to be secured by judgment notes, copies of which are attached to the sales agreement.

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 right(s):

To transport, as a Class B carrier, property  
between points in the city and county of  
Philadelphia, including the 69th Street area;

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, \$75,000, 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, Priority One Transport, Inc. at A-00106230 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large, sweeping initial "J".

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: December 13, 1990

ORDER ENTERED: DEC 21 1990





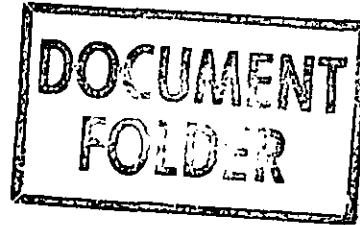
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

January 2, 1991

IN REPLY PLEASE  
REFER TO OUR FILE

R-16

Leonard Zack, Esquire  
Suite 1400  
1429 Walnut Street  
Philadelphia, PA 19102



NVL

Re: A-00109534 - Joyco, Inc., t/d/b/a Rapid Delivery

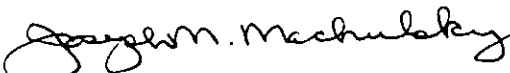
Dear Mr. Zack:

Under date of December 21, 1990, the Secretary's office transmitted to you the Commission's compliance order adopted December 13, 1990, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Priority One Transport, Inc. at A-00106230. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

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.

We also notice that rates for a part of the authorized service being transferred are provided in tariffs published by Tristate Household Goods Tariff Conference, Inc., Agent and Motor Carriers Service Bureau, Inc., Agent. Should you elect to participate in the agency publication(s), two copies of a suitable power of attorney should be included with the filing. If you do not elect to participate in the agency publication(s) a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency (agencies) for a minimum of 30 days.

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

  
By: Joseph M. Machulsky, Chief  
Financial Document Section

Enclosure (1 set)

cc: Tristate  
P.O. Box 2006  
Bristol, PA 19007  
New power of attorney to be designated:  
Pa. F. 1 No. 2 cancels 2 (series of transferor)

Motor Carriers  
P.O. Box 9023  
Lester, PA 19113  
New power of attorney to be designated:  
Pa. F. 1 No. 1 cancels 1 (series of transferor)

Joyco, Inc., t/a Rapid Delivery  
1933 Chestnut St.  
Philadelphia, PA 19103

Contact Person: G. B. Harry  
(717) 783-5937