

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
August 2, 1993	:	AUG-93-T-737*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	August 19, 1993
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Pike 3-5947	:	
8. <u>DOCKET NO.:</u>	:	
A-00109534, F. 1, Am-B	:	

DOCKETED
NOV 8 1993

9. (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 Charles S. Creighton, t/d/b/a 5C Delivery at A-00106972, subject to the same limitations and conditions.

(b) There was one protest which was withdrawn without amendment. Transferor proposes to transfer its P.U.C. common carrier rights for a total of \$1,000. No tangible assets are involved in the sale.

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

DAP:em

**DOCUMENT
FOLDER**

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

CONTENT OF MOTION: Staff recommendation adopted.



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

File

August 24, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00109534
F.1, Am-B

LOUIS J CARTER ESQUIRE
7300 CITY LINE AVENUE
PHILADELPHIA PA 19151

LOUIS J CARTER
FOLDER

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

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 August 19, 1993 and dismiss the application without
further proceeding.

Very truly yours,

John G. Alford, Secretary

DOCKETED

SEP 13 1993

smk
Encls.
Cert. Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
JOYCO INC
T/A RAPID DELIVERY
1933 CHESTNUT STREET
PHILADELPHIA PA 19103
MODIFICATION

0001

JOYCO, INC.
T/A RAPID DELIVERY
1933 CHESTNUT STREET
PHILADELPHIA PA 19103
SELF

0002

LOUIS J. CARTER, ESQUIRE ✓
7300 CITY LINE AVENUE
PHILADELPHIA PA 19151
APPLICANT

0003

CHARLES S. CREIGHTON ✓
T/A SC DELIVERY
767 WINDSOR CIRCLE, PO BOX 221
FOLCROFT PA 19032
TRANSFEROR

0004

EDWARD L. CIEMNIECKI, ESQUIRE ✓
1800 PENN MUTUAL TOWER
510 WALNUT STREET
PHILADELPHIA PA 19106
JAMOUR, INC/T/A QUICK/PROTESTANT

P

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 19, 1993

Commissioners Present:

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

DOUBLE
FOLDER

Application of Joyco Inc., t/d/b/a Rapid
Delivery for the transfer of all of
the operating rights of Charles S. Creighton
t/d/b/a 5C Delivery under the certificate
issued at A-00106272 subject to the same
limitations and conditions.

A-00109534
F. 1
Am-B

DOCKETED
SEP 13 1993

Louis J. Carter for the applicant.
Edward L. Ciemnecki for the protestant, Jamour, Inc., t/d/b/a Quick Courier
Service.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed
February 17, 1993. Public notice of the application was given in the
Pennsylvania Bulletin of April 17, 1993. There was one protest which was
withdrawn without amendment. The unopposed application is certified to the
Commission for its decision without oral hearing.

Howard Wool is president of the applicant which is domiciled at 1933
Chestnut Street, Philadelphia, Philadelphia County. Applicant leases sufficient
equipment to provide the service for the authority herein transferred. An
unaudited financial statement submitted by the applicant shows total assets of
\$130,183 with total liabilities of \$75,336 leaving stockholder's equity of
\$54,847.

The total consideration for the rights is \$1,000. No tangible
assets are involved. The sales agreement requires the consideration to be paid
upon this Commission's approval.

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 Superior 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 of public convenience issued on May 1, 1991, as amended, be further amended to include the following right(s):

To transport property, in parcels and packages, no single parcel or package to exceed one hundred pounds (100) pounds in weight, between points in the borough of Folcroft, Delaware County and points within Delaware County within an airline distance of ten (10) statute miles of the limits thereof, and from points in said territory to points in the counties of Delaware, Philadelphia, Montgomery, Chester and Bucks, limited to the pick up and delivery of shipments on the same calendar day;

Provided that no right, power or privilege shall be granted to the applicant to transport personal baggage of airline passengers arriving at the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware 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/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.

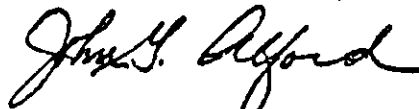
2. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
3. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.
4. 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.
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 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 shall have 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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Charles S. Creighton t/d/b/a 5C Delivery, at A-00106272 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford
Secretary.

(SEAL)

ORDER ADOPTED: August 19, 1993

ORDER ENTERED: AUG 24 1993