

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Uniform Cover and Calendar Sheet**

137

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
July 7, 1993	:	JUL-93-T-685*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	July 22, 1993
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Keener-Farley 7-4386	:	
8. <u>DOCKET NO.:</u>	:	
A-00109534, F.1, Am-C	:	

**DOCKETED**  
 SEP 23 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 transfer of all of the operating rights of Chariots of Fire Messenger & Delivery Service, Inc., under the certificate issued at A-00107486 subject to the same limitations and conditions.

(b) Transferor proposes to transfer all of its PUC operating authority for a total consideration of \$20,000; 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 supplemental order be forwarded to the Department of Revenue.

LKF:kmb

**DOCUMENT  
 FOLDER**

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

**CONTENT OF MOTION:** Staff recommendation adopted.



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

July 28, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

A-00109534  
Folder 1, Am-C

LOUIS J CARTER ESQUIRE  
7300 CITY LINE AVENUE  
PHILADELPHIA PA 19151

DOCUMENT  
FOLDER

Application of JOYCO INC t/d/b/a RAPID DELIVERY, 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 July 22, 1993 and dismiss the application without  
further proceeding.

Very truly yours,

John G. Alford, Secretary

AUG 19 1993

smk  
Encls.  
Cert.Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717) 787-5521  
cc:applicant  
1933 Chestnut Street  
Philadelphia PA 19103

MODIFICATION

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held July 22, 1993

Commissioners Present:

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

DOCUMENT  
FOLDER

Application of Joyco, Inc., t/d/b/a  
Rapid Delivery, a corporation of the  
Commonwealth of Pennsylvania, for the  
transfer of all of the operating rights  
of Chariots of Fire Messenger & Delivery  
Service, Inc., under the certificate  
issued at A-00107486 subject to the same  
limitations and conditions.

A-00109534  
F. 1  
Am-C

\_\_\_\_\_  
Louis J. Carter for the applicant.  
\_\_\_\_\_

RECEIVED  
AUG 19 1993

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 9, 1993. Public notice of the application was given in the Pennsylvania Bulletin of May 29, 1993. The unopposed application is certified to the Commission for its decision without oral hearing.

Joyco, Inc., t/d/b/a Rapid Delivery (applicant), is a Pennsylvania corporation, with its principal place of business in Philadelphia. It was initially certificated in 1991. As a currently operating carrier, the applicant has the experience, equipment, insurance coverage and safety program to adequately provide the additional service. As evidence of its financial capacity to perform the additional service, the applicant reports assets of \$130,183, with liabilities of \$75,336, leaving a shareholders' equity of \$54,847.

The total consideration for the rights is twenty thousand dollars (\$20,000). No tangible assets are involved. The rights involved herein were sold pursuant to an order of the United States Bankruptcy Court for the Eastern District of Pennsylvania (Case No. 92-13745). Four thousand dollars (\$4,000) has been placed in an escrow account and the balance will be payable at closing after approval of this transfer.

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):

1. To transport, as a Class D carrier, property, in parcels or packages, no single parcel or package to exceed one hundred (100) pounds in weight, between points in the counties of Montgomery, Philadelphia, Delaware, Chester and Bucks;
2. To transport, as a Class D carrier, property, in parcels and packages, no single parcel or package to exceed one hundred (100) pounds in weight, from points in the counties of Montgomery, Philadelphia, Chester, Delaware and Bucks, to points in the cities of Allentown, Lehigh County; Reading, Berks County; and Harrisburg, Dauphin County, and within an airline distance of ten (10) statute miles of the limits of each city;

with rights No. 1 and 2 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport food and foodstuffs.

- (b) That no right, power or privilege is granted to transport wearing apparel.
- (c) That no right, power or privilege is granted to transport parcels or packages except in vans.
- (d) That no right, power or privilege is granted to transport checks, deposit tickets, notes, money orders, drafts, traveler's checks, commercial papers, documents, written instruments, office supplies, cash, letters, evidence of indebtedness and securities, either for, to or from banks or banking institutions.
- (e) That no right, power or privilege is granted to provide service to or from points in the borough of Hatboro, Montgomery County, and within an airline distance of five (5) statute miles of the limits of said borough, except deliveries from the counties of Chester, Delaware and Philadelphia.
- (f) That no right, power or privilege is granted to provide service from points in that portion of the city and county of Philadelphia bounded by Allegheny Avenue and south to the Walt Whitman Bridge, and further bounded on the south and west by the Schuylkill Expressway (U.S. Highway Route 76).

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 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) No. 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.

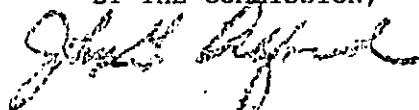
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

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, Chariots of Fire Messenger & Delivery Service, Inc., at A-00107486 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Afford  
Secretary

(SEAL)

ORDER ADOPTED: July 22, 1993

ORDER ENTERED: JUL 28 1993