

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	June 24, 1991	:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation	:	JUL-91-T-666*	
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>		:	July 16, 1991	
Director:	Ernst 7-2154	:		
Supervisor:	Bigelow/Marzolf 3-5945	:		
7. <u>MONITOR:</u>		:		
8. <u>PERSON IN CHARGE:</u>	White 7-4387	:		
9. <u>DOCKET NO.:</u>	A-00109787	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

DOCKETED

OCT 1 - 1991

(a) Application of L & J Moving and Storage, Inc., a corporation of the Commonwealth of Pennsylvania, Temple, Berks County, for the transfer to it of all of the rights authorized under the certificate issued at A-00101174 to Moyer Trucking & Moving, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

(b) The application is unopposed. The applicant proposes to purchase the operating authority of the transferor for the sum of \$40,000. No tangible assets are involved. The applicant has shown that it is fit, ready, willing and able to render the service and that approval of the application is in the public interest.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and that the certificate of the transferor be cancelled by supplemental order.

RW:11

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

July 19, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-00109787

PHILIP J EDWARDS ESQUIRE
THE BERKSHIRE 6TH FLOOR
501 WASHINGTON STREET
BOX 877
READING PA 19603

DOCUMENT
FOLDER

Application of L & J Moving and Storage, Inc.,
a corporation of the Commonwealth of Pennsylvania

DOCKETED
JUL 23 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 July 16, 1991 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,

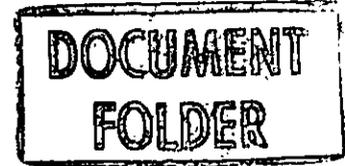
A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the end.

Jerry Rich, Secretary

smk
Enclosures
Certified Mail
Receipt Requested

L & J MOVING & STORAGE INC
36 MOUNTAIN SIDE ROAD
TEMPLE PA-19560

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



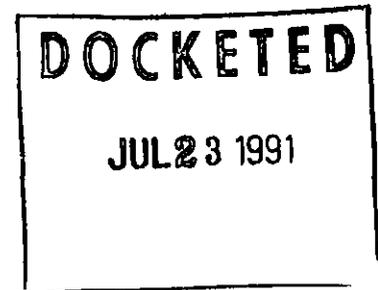
Public Meeting held July 16, 1991

Commissioners Present:

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

Application of L & J Moving and Storage, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer to it of all of the rights authorized under the certificate issued at A-00101174 to Moyer Trucking & Moving, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

A-00109787



Rhoda, Stoudt & Bradley, by Philip J. Edwards for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application for transfer of operating authority filed on May 6, 1991, and published in the Pennsylvania Bulletin of June 1, 1991. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

L & J Moving and Storage, Inc. (transferee or applicant) was organized under the laws of Pennsylvania on October 9, 1990, and has its place of business located at 36 Mountain Side Road, Temple, Berks County. The corporation is authorized to issue 10,000 shares of common stock with no par value per share. To date, 1,000 shares have been issued to Leon J. Turulski, Sr., chief executive officer and secretary, and 1,000 shares have been issued to James B. Fry, president and treasurer. It does not hold Pennsylvania PUC authority at this time, but does hold ICC authority at MC-107012. There is no affiliation with other carriers.

An unaudited balance sheet indicates that as of November 30, 1990, the applicant had current assets of \$47,554, total assets of \$65,869, with

current liabilities of \$20,709 and total liabilities of \$54,491, leaving stockholders' equity of \$11,378.

The applicant owns a 1978 Mack tractor, a 1978 Mercedes straight truck, a 1986 Nissan pick-up truck, and a 1990 Ford Aerostar van which are suitable for use in the service involved herein. A safety program is administered. The applicant is an agent for North American Van Lines. Leon Turulski, Sr., co-owner, has been in the moving business for 20 years, having started with Louderback Transportation Company in 1970, during which he was employed in various management positions.

Under the terms of a sales agreement dated April 29, 1991, the applicant will pay the transferor the sum of \$40,000 for the operating authority. No tangible assets are involved. The sum of \$20,000 was paid upon execution of the agreement, with the balance of \$20,000 to be paid upon receipt of our final order approving the application.

The record shows that on April 17, 1991, an Order to Show Cause docketed at A-00101174C911 was entered against the transferor for failure to maintain evidence of insurance coverage. The matter has been placed in abeyance pending disposition of this transfer application. The Order will be dismissed accordingly, based upon a favorable decision here.

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 application be and is hereby approved and that a certificate be issued granting the applicant the right to operate as follows:

1. To transport, as a Class D carrier, meats from railroad cars in the city of Reading, Berks County, to points within thirty (30) miles by the usually travelled highways of the limits of the said city.

2. To transport, as a Class B carrier, property between points in the city of Reading, Berks County, and within five (5) miles by the usually travelled highways of the limits of the said city.
3. To transport, as a Class D carrier, household goods, in use, from points in the city of Reading, Berks County, and within five (5) miles by the usually traveled highways of the limits of the said city to other points within thirty (30) miles by the usually travelled highways of the limits of the said area, and vice versa.
4. 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 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 city of Reading, Berks County, and within five (5) miles of the usually traveled highways of the limits of said city, and from points in the said area to other points in Pennsylvania within an airline distance of one hundred (100) statute miles of the limits of the said city;

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 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, \$40,000, 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.
4. 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(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 issuance of the certificate be withheld pending our receipt of payment of the 1991 assessment by the transferor.

IT IS FURTHER ORDERED: That upon compliance with the requirements as 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 the 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 the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the Order to Show Cause docketed at A-00101174C911 and entered on April 17, 1991, be dismissed.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Moyer Trucking & Moving, Inc., at A-00101174 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 loop at the end.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1991

ORDER ENTERED: JUL 19 1991



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

KJR

July 22, 1991

IN REPLY PLEASE
REFER TO OUR FILE

R-16

PHILIP J EDWARDS ESQUIRE
THE BERKSHIRE 6TH FLOOR
501 WASHINGTON STREET
BOX 877
READING PA 19603

Re: A-00109787 - L & J Moving and Storage, Inc.

Dear Mr. Edwards:

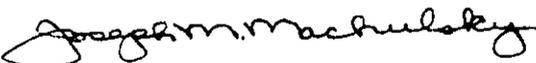
Under date of July 19, 1991, the Secretary's office transmitted to you the Commission's compliance order adopted July 16, 1991, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Moyer Trucking & Moving, Inc. at A-00101174. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change of ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariff for the reason that the present tariff can not be located.

It will be necessary, therefore, to file a new tariff which should be designated Freight Pa. P.U.C. No. 1. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42.

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


By: Joseph M. Machulsky, Chief
Financial Document Section

cc: L & J Moving and Storage, Inc.
36 Mountainside Road
Temple, PA 19560

Contact Person: G. L. Baker
(717) 783-5936

