

RJR

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	June 15, 1990	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	JUL-90-T-771*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	July 6, 1990
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-00109327	:	

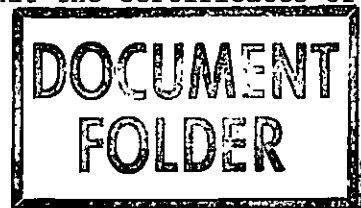
10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) Application of V.I.P. Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, Lebanon, Lebanon County, for the transfer to it of all of the rights authorized under the certificates issued at A-00067519, Fs. 2 and 3 to H. A. Hartman & Son, 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 P.U.C. operating authority and the I.C.C. operating authority of the transferor for the sum of \$21,500. The sum of \$20,000 has been allocated to the P.U.C. rights, with \$1,500 assigned to the I.C.C. rights. No other assets are involved. We find that the applicant has shown that it is fit, ready, willing and able to provide the service, and that a continuing public need for service under the authority to be transferred does exist.

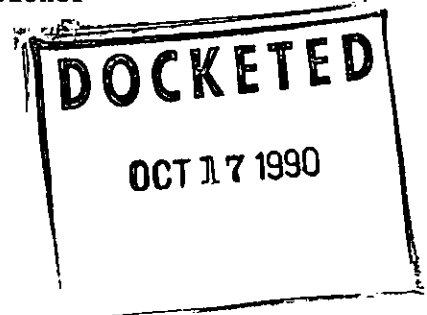
(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and that the certificates of the transferor be cancelled by supplemental order.

RW:rs



11. MOTION BY:	Commissioner Smith	Commissioner Fischl - Yes
		Commissioner Rolka - Yes
SECONDED:	Commissioner Rhodes	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.





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

AMH

July 16, 1990

IN REPLY PLEASE
REFER TO OUR FILE

A-00109327

J. Bruce Walter, Esquire
P.O. Box 1146
Harrisburg, PA 17108

DOCKETED
SEP 19 1990

DOCUMENT
FOLDER

Application of V.I.P. Trucking, Inc., a corporation of the Commonwealth of Pennsylvania

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 6, 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,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich, Secretary

fao
Enclosures
Certified Mail
Receipt Requested

cc: V.I.P. Trucking, Inc.
825 Wheatfield Lane
Lebanon, PA 17042

DOCKETED
SEP 19 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 6, 1990

Commissioners Present:

William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka



Application of V.I.P. Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer to it of all of the rights authorized under the certificates issued at A-00067519, Folders 2 and 3, to H. A. Hartman & Son, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

A-00109327

Rhoads & Sinon, by J. Bruce Walter for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on May 7, 1990, and published in the Pennsylvania Bulletin of June 2, 1990. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

V.I.P. Trucking, Inc. (or applicant) was organized under the laws of Pennsylvania and received its Certificate of Incorporation on January 2, 1987. John J. Brandt is president; Jean Brandt is vice-president; Shannon Brandt is secretary; John Brandt, III, is treasurer. All of the officers are also shareholders and reside at 825 Wheatfield Lane in the city of Lebanon, Lebanon County, which is also the headquarters of the corporation.

The applicant does not hold authority from either this Commission or the I.C.C., and neither the corporation or its officers are affiliated with other carriers. John Brandt, the president, has worked in the transportation business for 27 years, including time with his father who held P.U.C.

and I.C.C. authority, and as an agent for moving companies in Maryland and Delaware. The applicant corporation currently owns three tractors and two trailers, and has access to additional equipment if needed.

An unaudited balance sheet discloses that as of December 31, 1989, the applicant had current assets of \$30,142, total assets of \$94,496, with current liabilities of \$2,000 and total liabilities of \$43,860, leaving stockholders' equity of \$50,636.

Pursuant to the terms of a sales agreement dated April 18, 1990, the applicant will pay the sum of \$21,500 for the transferor's P.U.C. and I.C.C. authority. The sum of \$20,000 is allocated to the P.U.C. rights, with \$1,500 assigned to the I.C.C. rights. No other assets are involved. A down payment of \$10,000 was made upon execution of the sales agreement, with the balance of \$11,500 to be paid within 15 days of our order approving the application.

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, used household goods; personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments; when a part of the stocks, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments; and articles, 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 Harrisburg, Dauphin County, and within ten (10) miles by the usually traveled highways of the limits of said city;

2. To transport, as a Class D carrier, used household goods; personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; 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; and articles, including objects of art, displays or exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, from points in the city of Harrisburg, Dauphin County, and within ten (10) miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa;

3. To transport, as a Class D carrier, used household goods; personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; 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; and articles, including objects of art, displays or 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 Harrisburg, Dauphin County, and within fifty (50) miles by the usually traveled highways of the limits of said city, and from points in the city of Harrisburg, Dauphin County, and within a distance of fifty (50) miles by the usually traveled highways of the limits thereof, to points in Pennsylvania, and vice versa;

with Rights No. 1, 2 and 3 subject to the following conditions:

- (a) That no right, power or privilege is granted to render service to or from points in Lancaster County, except as authorized in the second right;

- (2) That no right, power or privilege is granted to render service between points in the borough of Carlisle, Cumberland County and within fifteen (15) miles thereof, or from points in the said territory to other points in Pennsylvania, and

vice versa, except as authorized in the second right.

4. To transport, as a Class D carrier, household goods in use, from points in the village of Bowmansdale, Cumberland County, and within eight (8) miles, by the usually traveled highways, of the limits of said village, to points within fifty (50) miles by the usually traveled highways of the limits of said village, and vice versa;

with all of the above 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*, \$20,000, 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 the 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 receipt of the 1990 assessment of the transferor.

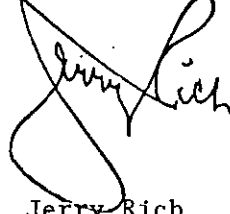
IT IS FURTHER ORDERED: That upon compliance with the requirements as set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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 upon compliance with this order, the rights granted the transferor, H. A. Hartman & Son, Inc., at A-00067519, F. 2 & 3, be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over a large, stylized, looped scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 6, 1990

ORDER ENTERED: JUL 16 1990



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

August 1, 1990

IN REPLY PLEASE
REFER TO OUR FILE

R-16

J. Bruce Walter, Esquire
P.O. Box 1146
Harrisburg, PA 17108

Re: A-00109327 - V.I.P. Trucking, Inc.

Dear Mr. Walter:

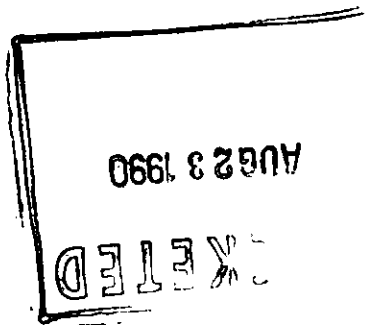
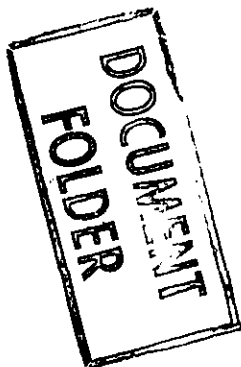
Under date of July 16, 1990, the Secretary's office transmitted to you the Commission's compliance order adopted July 6, 1990, evidencing approval of the above application which is in effect a transfer of the rights formerly held by H. A. Hartman & Son, Inc. at A-00067519, Fs. 2 and 3. The letter transmitting 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 in 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's description of operating authority does not conform with the approval of this application.

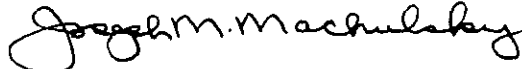
It will be necessary, therefore, to file a new tariff which should be designated Freight Pa. P.U.C. No. 1. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one day's notice under authority of Pa. Code, Title 52,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

We notice that rates for a part of the authorized service being transferred are provided in tariffs published by Tristate Household Goods Tariff Conference, 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 currently on file, for a minimum of 30 days.

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



By: Joseph M. Machulsky, Chief
Financial Document Section

cc: Tristate
P.O. Box 9023
Lester, PA 19113

New power of attorney to be designated:
PA. F. 1 No. 1 cancels 1 (series of transferor)

V.I.P. Trucking, Inc.
825 Wheatfield Lane
Lebanon, PA 17042

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