

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

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| 1. REPORT DATE: January 26, 1996 | 2. BUREAU AGENDA NO.: FEB-96-TS-MC-43* |
| 3. BUREAU: Transportation & Safety | |
| 4. SECTION(S): Application Review | 5. PUBLIC MEETING DATE: February 8, 1996 |
| 6. APPROVED BY: Director: Nicely 3-3846 Supervisor: Marzolf 3-5945 | |
| 7. PERSONS IN CHARGE: Travitz 7-5513 | |
| 8. DOCKET NO.: A-00112674 | |

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

(a) Application of Frieda Ambrose and Francis J. Ambrose, Copartners, t/d/b/a Maiden Moving Co., Horsham, Montgomery County, for the approval of the transfer to applicant of all of the rights held by William Clark, t/d/b/a Maiden Moving Co., Isabell Clark, Administratrix of the Estate of William Clark (Deceased) at A-00106656.

(b) Transferor proposes to transfer all of its P.U.C. common carrier household goods rights for a total consideration of \$14,000. The operating rights have been assigned a value of \$7,100.

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

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED

**DOCUMENT
FOLDER**

FEB 21 1996



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

IN REPLY PLEASE
REFER TO OUR FILE

FEBRUARY 13, 1996

A-00112674

RICHARD A FRANKLIN ESQUIRE
HWANG & NIX PC
1700 SANSOM STREET 12TH FLOOR
PHILADELPHIA PA 19103

DOCUMENT
FOLDER

DOCKETED

MAR 04 1996

APPLICATION of FRIEDA AMBROSE and FRANCIS J AMBROSE,
COPARTNERS, t/d/b/a MAIDEN MOVING CO.

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 forward by separate cover at a later date.

PROPERTY:

JLS

Minimum Limits for Pa. Public Utility Commission Authorizing
Service

PASSENGER CARRIERS:

15 passengers or less:

\$35,000 to cover liability for bodily injury, death or property damage incurred in an accident.

\$25,000 first party medical benefits,
\$10,000 first party wage loss benefits
and shall conform to 75 Pa. C.S. §§1701-1798 (relating to Motor Vehicle Financial Responsibility Law).

First party coverage of the driver of certificated vehicle shall meet the requirements of 75 Pa. C.S. §1171 (relating to required benefits).

16 to 28 passengers:

\$1,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.

29 passengers or more:

\$5,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.

PROPERTY CARRIERS:

Bodily Injury:

\$300,000 per accident per vehicle to cover liability for bodily injury, death or property damage incurred in an accident.

Insurance coverage of motor carriers of 75 Pa. C.S. §1701-1798 (relating to Motor Vehicle Financial Responsibility Law).

Cargo:

\$5,000 for loss or damage to cargo carried on a motor vehicle.

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 (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 February 8, 1996 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: Insurance Unit
(717)-783-5933

Tariff Filings: Tariff Unit
(717) 787-5945

Very truly yours,

John G. Alford, Secretary

smk

encls.

Cert.Mail

FRIEDA & FRANCIS AMBROSE
T/A MAIDEN MOVING CO
624 WILHELMINA AVENUE
HORSHAM PA 19044

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 8, 1996

Commissioners Present:

John M. Quain, Chairman
Lisa Crutchfield, Vice-Chairman
John Hanger
David W. Rolka
Robert K. Bloom

Application of Frieda Ambrose and
Francis J. Ambrose, Copartners, t/d/b/a
Maiden Moving Co., for the transfer of
all of the operating rights of William
Clark, t/d/b/a Maiden Moving Co., Isabell
Clark, Administratirx of the Estate of
William Clark (Deceased), under the
certificate of public convenience issued
at A-00106656, subject to the same
limitations and conditions.

A-00112674

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FOLDER

Richard A. Franklin for the applicant.
William J. O'Brian, II for transferor.

DOCKETED

MAR 04 1996

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 22, 1995. Public notice of the application was given in the Pennsylvania Bulletin of December 23, 1995. The unopposed application is certified to the Commission for its decision without oral hearing.

Frieda Ambrose and Francis J. Ambrose, Copartners, t/d/b/a Maiden Moving Co. seek to commence operations as a common carrier transporting household goods by acquiring the rights involved in the instant transfer proceeding. Applicant will use a 1986 GMC truck which has been purchased from the transferor. If additional equipment is needed, it will be leased on a short-term basis from an associated P.U.C. carrier: F. Ambrose Moving, Inc. Applicant is affiliated with F. Ambrose Moving, Inc., a P.U.C. certificated carrier experienced in interstate and intrastate commerce. Applicant is firmly committed to operating safely and will adopt a safety program identical to that utilized by its affiliate. Applicant will ensure that his equipment

is kept in peak operating condition and is safe for over-the-road operation. Preventative maintenance will be performed at regular intervals and daily inspections will be performed with any defects that are detected being repaired before the vehicle is returned to service. It is applicant's intention to utilize drivers and other personnel experienced in rendering service. Applicant will give hiring preference to employees of the transferor.

The personal balance sheet of applicant dated July 31, 1995 shows total current assets of \$61,000, total assets of \$1,335,351, current liabilities of \$29,280, long-term debt of \$81,720 and net worth of \$1,224,351. As of July 31, 1995, applicant showed a total income of \$80,313.

The total consideration for the rights and other assets, including real estate and equipment is \$14,000. The rights have been assigned a value of \$7,100.

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 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 rights:

To transport, as a common carrier,

- (1) household goods in use between points in the city and county of Philadelphia;
- (2) household goods in use from points in the city and county of Philadelphia to other points in Pennsylvania within a fifty (50) mile airline radius of the Philadelphia City Hall, including the cities of Reading, Berks County, and Allentown, Lehigh County.

subject to the following general conditions:

1. 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.
2. 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.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.

4. 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.
5. 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 and 3 above.
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 in this application until the following is submitted to the Commission:

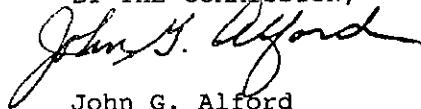
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H as a evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.

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, William Clark, t/d/b/a Maiden Moving Co., Isabell Clark, Administratrix of the Estate of William Clark (Deceased) at A-00106656 be cancelled and the record marked "CLOSED".

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: February 8, 1996

ORDER ENTERED: **FEB 13 1996**