

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	September 17, 1991	2. <u>BUREAU AGENDA NO.</u>	OCT-91-T-931*
3. <u>BUREAU:</u>	Transportation	5. <u>PUBLIC MEETING DATE:</u>	October 3, 1991
4. <u>SECTION</u>	Technical Review		
6. <u>APPROVED BY:</u>			
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Zeigler 3-5946		
9. <u>DOCKET NO.:</u>	A-00109621, F. 1, Am-A		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

DOCUMENT FOLDER

(a) Application of Independent Equipment Transfer Co., Inc., a corporation of the Commonwealth of Pennsylvania, Oakdale, Allegheny County, for the transfer of all of the operating rights of Albert H. Sloan, under the certificate issued at A-00108717, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The transferor seeks to sell all his operating authority to the applicant for the total consideration of \$15,000. No tangible assets are being transferred.

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

TZ:kmb

DOCKETED
JAN 18 1992

11. <u>MOTION BY:</u>	Commissioner Chm. Smith	Commissioner Holland - Yes
		Commissioner Rolka - Yes
<u>SECONDED:</u>	Commissioner Rhodes	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



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

October 10, 1991

IN REPLY PLEASE
REFER TO OUR FILE

DAVID M O'BOYLE ESQUIRE
1450 TWO CHATHAM CENTER
PITTSBURGH PA 15219

A-109621
F. 1, Am-A

Application of Independent Equipment Transfer Co., Inc. a corporation
of the Commonwealth of Pennsylvania

BTL

To Whom It May Concern:

Enclosed is the compliance order issued by the Commission
in this proceeding.

The applicant 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 Code.

Commission regulations require compliance with the above
requirement 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 October 3, 1991 and dismiss the
application without further proceedings.

Very truly yours,

**DOCUMENT
FOLDER**

Jerry Rich, Secretary

lg
Encls.
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717)787-5521
cc:applicant
INDEPENDENT EQUIPMENT TRANSFER CO INC
RD #1 BOX 865
THOMAS RUN ROAD
OAKDALE PA 15071
Modification

DOCKETED
OCT 25 1991

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

Public Meeting held October 3, 1991

Commissioners Present:

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

Application of Independent Equipment Transfer Co., Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Albert H. Sloan under the certificate issued at A-00108717, subject to the same limitations and conditions.

A-00109621
F. 1
Am-A

David M. O'Boyle for the applicant.

DOCKETED
OCT 25 1991

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 17, 1991. Public notice of the application was given in the Pennsylvania Bulletin of August 17, 1991. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, Independent Equipment Transfer Co., Inc., is currently certificated to transport specific commodities in Western Pennsylvania and other points in the Commonwealth. It is domiciled in Oakdale, Allegheny County. The applicant was first certificated in May of 1991 and by the instant application seeks to acquire additional operating rights by transfer from Albert H. Sloan.

As a currently certificated carrier, the applicant has equipment and experience to provide the proposed service authorized by the subject rights. The applicant will be authorized upon approval of the transfer application to transport building materials in bulk in dump trucks, coal, slag and soil between points in the counties of Allegheny, Fayette, Westmoreland and Washington, provided no haul exceeds twenty-five miles from

point of origin to point of destination; excluding the transportation of brick to or from or between points in Allegheny County.

The total consideration for the rights is \$15,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: \$5,000 has been paid upon execution of the sales agreement. The balance of \$10,000 will be paid by cash, cashiers check or certified check at final closing which will occur within thirty days of the Commission's order approving the 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 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 May 13, 1991, be amended to include the following right:

To transport, as a Class D carrier, building materials in bulk in dump trucks, coal, slag and soil between points in the counties of Allegheny, Fayette, Westmoreland and Washington, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

subject to the following condition:

That no right, power or privilege is granted to transport brick to, from or between points in the county of Allegheny.

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 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, \$15,000, 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; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
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/permit 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(a)(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 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, Albert H. Sloan, at A-00108717 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, handwritten "X" or similar mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 3, 1991

ORDER ENTERED: **OCT 10 1991**