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1700 SANSOM STREET, 12TH FLOOR  
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RICHARD A. FRANKLIN  
(215) 972-5100 Ext. 110  
E-MAIL: rfrank05@counsel.com

NEW JERSEY OFFICE  
20 KINGS HIGHWAY WEST  
HADDONFIELD, NJ 08033  
(609) 795-4242 Ext. 110  
FAX (609) 354-0200

REPLY TO PHILADELPHIA

November 9, 1999

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

**RE: Application of Economy Moving & Storage, Inc.**

Dear Secretary McNulty:

Enclosed for filing, please find an original and two (2) copies of an Application for Approval of Transfer of Capital Stock on behalf of Economy Moving & Storage, Inc. Also enclosed is this firm's check, payable to the Commonwealth of Pennsylvania, in the amount of \$350.00, as payment of the filing fees associated with the Application.

Please indicate receipt of the enclosed Application by date stamping the extra copy of this letter and returning it to me in the enclosed, self addressed, stamped envelope.

Thank you for your attention to this matter. Should you have any questions, please feel free to call.

Very truly yours,

  
Richard A. Franklin, Esquire  
HWANG & ASSOCIATES, P.C.

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RAF/mos

cc: John Eder, President

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BY  
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PUC - 317: Stock Transfer

APPLICATION FOR APPROVAL OF TRANSFER OF CAPITAL STOCK  
TRANSPORTATION COMMON CARRIER

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application for approval to transfer  
all of the capital stock of  
(all or part)  
Economy Moving & Storage, Inc.  
(Name of Certificated Carrier)  
held by Stephen Eder  
(Name(s) of seller)  
to Economy Moving & Storage, Inc.  
(Name(s) of buyer)

**PUC USE ONLY**  
Docket No. 701029  
Folder No. \_\_\_\_\_

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

**DOCKETED**

- Economy Moving & Storage, Inc.  
(Full and correct name of Certificated Carrier)
- Docket number of Certificated Carrier is A- 00111774
- Seller(s) name is: Stephen Eder  
1408 Calcon Hook Road  
(Business Street Address) Delaware (P. O. Box, if any)  
Sharon Hill, PA 19079 610-522-1600  
(City) (State) (Zip) (Telephone)
- Seller(s) attorney (for this application) is:  
N/A  
(Name) (Address) (Telephone)
- Buyer(s) name is: Economy Moving & Storage, Inc. ("Economy")  
1408 Calcon Hook Road  
(Business Street Address) (P. O. Box, if any)  
Sharon Hill, PA 19079 610-522-1600  
(City) (State) (Zip) (Telephone)

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**DOCUMENT  
FOLDER**

A-111774  
F 5001

6. Buyer(s) attorney (for this application) is:

Richard A. Franklin, Esq., 1700 Sansom St., 12<sup>th</sup> Floor, Phila., PA 19103 215-972-5100, Ext. 110  
(Name) (Address) (Telephone)

7. Capital Stock of Certificated Carrier:

a) Number of authorized shares: 10

b) Par or stated value per share: no par

c) Number of shares outstanding: 10

Shareholder(s):	Number held
<u>John Eder</u>	<u>5</u>
<u>Stephen Eder</u>	<u>5</u>
_____	_____
_____	_____

e) Number of shares redeemed or held as treasury stock: 0

8. Stock Transaction:

Seller(s)	#Sold	Buyer(s)	#Bought
<u>Stephen Eder</u>	<u>5</u>	<u>Economy</u>	<u>5</u>
_____	_____	_____	_____
_____	_____	_____	_____

9. If buyer and/or seller are in control of or affiliated with each other or with any other carrier, state name of carrier(s), docket number(s) and nature of control or affiliation:

Seller was owner of 50% of the outstanding shares of J.C. Stilwell's Son, Inc. (A-00108330). Seller sold his shares of Stilwell's contemporaneously with this transaction. (See Exhibit "A")

10. Consideration for the transfer of capital stock is (if nominal, explain):

\$17,500.00  
\_\_\_\_\_  
\_\_\_\_\_

11. The consideration will be paid as follows:

The purchase price was paid in cash at a Closing which was held on  
(See Exhibit "A")

12. The reason(s) for the proposed transfer is/are:

The shareholders, who are brothers, desired to have Stephen Eder's  
ownership interest bought out. (See Exhibit "A")

13. Attach the following to the completed application:

- A statement containing a brief corporate history of the Certificated Carrier, the purpose for which it was created, a description of the service it furnishes to the public and a description of the territory in which it operates. See Exhibit "B"
- Statement of Financial Condition (Income Statement and Balance Sheet) for THE BUYER AND THE SELLER.  
See Financial Records at Docket No. A-0011774.
- Sales Agreement (Bilateral)  
See Exhibit "C"
- Verified Statement for Philadelphia taxicab companies.

N/A

WHEREFORE, Buyer and Seller request that the Commission approve the Application.

Economy Moving & Storage, Inc.

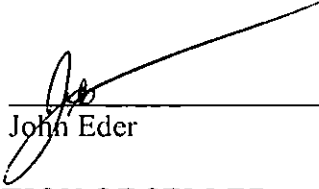
Buyer sign here: By: [Signature] 10/25/99  
(Corporate Seal) John Eder, Pres. (each partner must sign) (Date)

Seller sign here: [Signature]  
(Corporate Seal) Stephen Eder

**VERIFICATION OF BUYER AND  
OF CERTIFICATED CARRIER**

I, John Eder, verify that I am the President of Economy Moving & Storage, Inc. and am authorized to make this Verification, that I have reviewed the foregoing document, that the facts set forth therein are true and correct to the best of my personal knowledge, information and belief, and that this Verification is made subject to the penalties of 18. Pa.C.S. §4909.

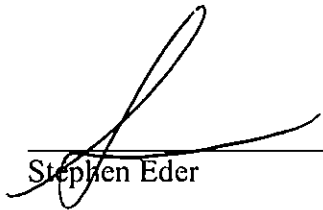
Date: 10/25/99

  
\_\_\_\_\_  
John Eder

**VERIFICATION OF SELLER**

I, Stephen Eder, verify that I am authorized to make this Verification, that I have reviewed the foregoing document, that the facts set forth therein are true and correct to the best of my personal knowledge, information and belief, and that this Verification is made subject to the penalties of 18. Pa.C.S. §4909.

Date: 10/25/99

  
\_\_\_\_\_  
Stephen Eder

## ADDITIONAL INFORMATION ABOUT TRANSFER

This Application for Approval of Transfer of Capital Stock is being filed *nunc pro tunc* to correct an oversight from almost two years ago. John and Stephen Eder, who are brothers, were the only shareholders of both J.C. Stilwell's Son, Inc. and Economy Moving & Storage, Inc. In December of 1997, the Eders decided that Stephen's ownership interest in both corporations would be bought out by the respective corporations, leaving John the sole owner of each. Agreements of Sale were prepared by the corporations' attorney and executed by the respective parties. The Agreements provided for Closing to be contingent upon receipt of the Commission's approval, but the parties need not fully realize that approval was needed before they actually consummated what they considered to be an informal intra-family transfer. They also believed that the Applications would be shortly filed and approved. However, due to an oversight by the corporations' attorney, the Applications were never filed. Recently, John Eder realized that he had never received any documentation confirming the approval of the transfers. When he contacted the attorney and inquired about the status of the Applications, the oversight was discovered.

Despite the fact that this Application is being filed late, the parties contend that there are two factors which support the Commission's approval of the transfer. First, the failure to obtain approval before consummating the transaction was not done in bad faith, but was the result of an oversight by the corporations' attorney. Second, the transaction did not result in the transfer of any control of the corporation to a new person or entity. Instead, the control change from John and Stephen Eder, jointly, to John Eder, individually. John Eder had been previously determined by the Commission to be fit to own stock in the corporation when he and Stephen first purchased the capital stock of the corporation. It should also be noted that the Commission has been known to grant similar applications. *See, e.g., Grove City Bus Lines, Inc., a Pennsylvania corporation, application for approval to transfer all of its issued and outstanding capital stock from SBK Management, Inc., a Delaware holding corporation to Myers Transit, Inc., Docket No. A-00088737, F. 500, 1988 Pa. PUC LEXIS 2 (January 5, 1988).* Based on the facts of this case, the parties respectfully request that the Commission approve the transfer of the capital stock from Stephen Eder to the Buyer/carrier.

**Exhibit "A"**

**CORPORATE HISTORY OF  
ECONOMY MOVING AND STORAGE, INC.**

Economy Moving and Storage, Inc. ("Economy"), a Pennsylvania corporation, was formed in 1994 for the purpose of becoming a certificated carrier to provide intrastate service in Pennsylvania. Economy obtained a Certificate of Public Convenience from this Commission in 1994. Economy has been operating continuously throughout the territory authorized by its Certificate. ( A description of the operating rights is set forth below). Economy provides service to both commercial and residential customers. In addition to transportation services, Economy also offers warehouse storage services to those customers who needs it.

To Transport, as a Class D carrier:

- (1) household goods and office furniture, in use, between points in the city and county of Philadelphia;
- (2) household goods and office furniture in use, from points in the city and county of Philadelphia to other points in Pennsylvania, and vice versa.
- (3) household goods, works of art and office furnishings, in use between points in the county of Delaware;
- (4) household goods, works of art and office furnishings, in use, from points in the county of Delaware to points in Pennsylvania, and vice vera.

**Exhibit "B"**

**SALES AGREEMENT**

**Exhibit "C"**



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

IN REPLY PLEASE  
REFER TO OUR FILE

November 18, 1999

RICHARD A FRANKLIN  
ATTORNEY AT LAW  
1700 SANSOM STREET 12TH FLOOR  
PHILADELPHIA PA 19103383.

**DOCKETED**  
NOV 18 1999  
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In Re: A-00111774, F. 5001 - Application of Economy Moving & Storage, Inc.

To Whom It May Concern:

The application cited above has been captioned as attached and will be submitted for review providing no protests are filed on or before December 20, 1999. If protests are filed, you will be advised as to further proceedings.

You are further advised that the above application will be published in the Pennsylvania Bulletin of November 27, 1999.

Very truly yours,

Tim Zeigler, Supervisor  
Compliance office - Technical Unit  
Bureau of Transportation and Safety

cc: Document Folder.  
Economy Moving & Storage, Inc.  
1408 Calcon Hook Road  
Sharon Hill, PA 19079

**DOCUMENT  
FOLDER**

A-00111774, F. 5001 ECONOMY MOVING & STORAGE, INC. (1408 Calcon Hook Road, Sharon Hill, Delaware County, PA 19079), a corporation of the Commonwealth of Pennsylvania - stock transfer - approval of the transfer of all issued and outstanding stock from Stephen Eder (5 shares) to Economy Moving & Storage, Inc. Attorney: Richard A. Franklin, 1700 Sansom Street, 12th Floor, Philadelphia, PA 19103.



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

IN REPLY PLEASE  
REFER TO OUR FILE

November 23, 1999

RICHARD A FRANKLIN  
ATTORNEY AT LAW  
1700 SANSOM STREET 12TH FLOOR  
PHILADELPHIA PA 19103

**DOCKETED**  
NOV 23 1999  
TL

**CORRECTED NOTICE**

In Re: A-00111774, F. 5001 - Application of Economy Moving & Storage, Inc.

To Whom It May Concern:

The application cited above has been captioned as attached and will be submitted for review providing no protests are filed on or before **December 27, 1999**. If protests are filed, you will be advised as to further proceedings.

You are further advised that the above application will be published in the Pennsylvania Bulletin of **December 4, 1999**.

Very truly yours, \*

Tim Zeigler, Supervisor  
Compliance office - Technical Unit  
Bureau of Transportation and Safety

cc: Document Folder.  
Economy Moving & Storage, Inc.  
1408 Calcon Hook Road  
Sharon Hill PA 19079

**DOCUMENT  
FOLDER**

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## RECEIPT

The addressee named here has paid the PA P.U.C. for the following bill:

DATE 11/24/99  
RECEIPT # 196413

HWANG & ASSOCIATES PC  
ATTN RICHARD A FRANKLIN  
1700 SANSOM ST 12TH FL  
PHILADELPHIA, PA 19103

Application fees for ECONOMY MOVING & STORAGE INC

Docket Number A-00111774F5001..... \$350.00

REVENUE ACCOUNT: 001780-017601-102

CHECK NUMBER: 1016  
CHECK AMOUNT: \$350.00

C. Joseph Meisinger  
(for Department of Revenue)

EEF

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NOV 29 1999  
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PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

Published in Pennsylvania Bulletin

DEC 04 1999

BUREAU OF TRANSPORTATION AND SAFETY  
COMMON CARRIER  
November 1999

A-00111774  
F. 5001

Application of Economy Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, for approval of the transfer of all issued and outstanding stock from Stephen Elder (5 shares) to Economy Moving & Storage, Inc.

TLZ:tz

11/16/99

Application Received: November 12, 1999  
Application Docketed: November 16, 1999

PROTESTS DUE

DEC 27 1999