

A-00109827

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 15, 1999

Commissioners Present:

- Robert K. Bloom, Vice Chairman
- David W. Rolka
- Nora Mead Brownell
- Aaron Wilson, Jr.

DOCUMENT
FOLDER

Application of Neil E. Haylett, t/d/b/a
Haylett Storage & Services, for the
transfer of part of the operating rights
of Engles Trucking Service, Inc., authorized
under the certificate issued at A-00109827,
subject to the same limitations and conditions.

A-00115810

Neil E. Haylett, pro se.

DOCKETED
JUL 26 1999

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application
filed April 16, 1999. Public notice of the application was
given in the Pennsylvania Bulletin of May 1, 1999. No
protests were filed.

EEF

The now unopposed application is certified to the
Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Neil A. Haylett will operate as a sole proprietor using
the trade name Haylett Storage and Services. He is domiciled
in the borough of Franklin, Venango County. Two straight
trucks and a pick-up truck will be used to provide service.

The applicant has entered a current balance sheet, which
establishes his financial capacity to provide the service
under the right to transfer.

The purchase price for the intrastate authority and
equipment is \$66,000.00.

This transfer involves only the household goods in use authority of the transferor. Engles Trucking Service, Inc., is retaining its authority to transport property.

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, 440Pa. 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.

After complete review of the record, 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 right:

To transport, as a Class D carrier, household goods in use, from points in the county of Venango, to other points in Pennsylvania, and vice versa;

subject to the following general conditions:

1. 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.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding 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 the 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, and 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 no. 2 and 3 above.
6. That the certificate holder shall not transfer, sell or in anyway 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 (a)(3) of Title 66 PA C.S.

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:

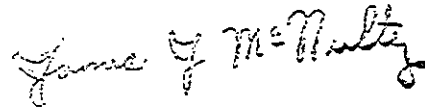
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate shall issued 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 third right granted the transferor, Engles Trucking Service, Inc. (formerly Timothy R. Engles, t/d/b/a Engles Family Moving), at A-00109827, by our order adopted September 26, 1991, entered October 2, 1991, be and is hereby canceled.

BY THE COMMISSION



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: July 15, 1999

ORDER ENTERED: JUL 22 1999