

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

20

1. REPORT DATE: February 10, 1995	2. BUREAU AGENDA NO.: MAR-95-TS-MC-50*
3. BUREAU: Transportation & Safety	
4. SECTION(S): Application Review	5. PUBLIC MEETING DATE: March 16, 1995
6. APPROVED BY: Director: Nicely 3-3846 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Travitz 7-5513	
8. DOCKET NO.: A-00111628	

DOCKETED

APR 19 1995

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

(a) Application of David Caruso, Exeter, Luzerne County, for the approval of the transfer to applicant of all of the right held by Allentown Moving & Storage, Inc. at A-00108998.

(b) Transferor proposes to transfer its P.U.C. common carrier right for a total consideration of \$29,000. No tangible assets are involved.

(c) The instant transfer was received November 23, 1994 and involves the transfer of household goods and property. Due to recent Federal legislation on January 1, 1995, we separated the application into two separate folders: this one requesting household goods and Folder 2 requesting property, excluding household goods, between points in Pennsylvania. 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.

GET:rs/m

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT  
FOLDER



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

KJR

IN REPLY PLEASE  
REFER TO OUR FILE

MARCH 24, 1995

A-00111628

DAVID H RADCLIFF ESQUIRE  
2216 WALNUT STREET  
HARRISBURG PA 17103

DOCKETED  
MAY 18 1995

APPLICATION OF DAVID CARUSO

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FOLDER

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.

**PROPERTY:**

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 March 16, 1995 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. Edward J. Karl-Insurance Unit  
(717)-783-5933

Tariff Filings: Mr. Monroe Dove-Tariff Unit  
(717) 787-5521

Very truly yours,

John G. Alford, Secretary

smk  
encls.  
cert.mail  
DAVID CARUSO  
1313 WYOMING AVENUE  
EXETER PA 18643

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held March 16, 1995

Commissioners Present:

John M. Quain, Chairman  
Joseph Rhodes, Jr., Vice Chairman  
Lisa Crutchfield  
John Hanger  
David W. Rolka

DOCUMENT  
FOLDER

A- 00111628

Application of David Caruso, for the transfer of all of the operating right of Allentown Moving & Storage, Inc. under the certificate issued at A-00108998, subject to the same limitations and conditions.

\_\_\_\_\_  
David H. Radcliff, P.C. for the applicant.

DOCKETED  
MAY 18 1995

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 23, 1994. Public notice of the application was given in the Pennsylvania Bulletin of December 31, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

David Caruso (applicant, transferee or Caruso) is an individual seeking to initiate household service by acquiring the rights involved in the transfer. Applicant will commence operations utilizing equipment under a long-term lease. That equipment involves a 1994 International 26-foot straight truck. Additional equipment is available on a short-term basis as required. A comprehensive safety and maintenance program is in effect. Caruso has over seven (7) years' experience in the management of household goods transportation and is familiar with the operation as a household goods carrier in intrastate and interstate service.

The balance sheet of the applicant as of December 31, 1993 shows total assets of \$396,150, total liabilities of \$176,100 and a net worth of \$220,050.

The transferor in this proceeding ceased doing business and entered a Chapter 7 bankruptcy proceeding. Transferee purchased all of the Pennsylvania authority of Allentown Moving & Storage, Inc. at a sale conducted by the Trustee in Bankruptcy in a Chapter 7 proceeding.

The instant transfer was received November 23, 1994 and involved the transfer of household goods and property. Due to the recent Federal legislation on January 1, 1995, we separated the application into two separate folders for easier handling: Folder 1 was captioned as the household goods right and Folder 2 was captioned as property excluding household goods, between points in Pennsylvania.

The total consideration for the rights is \$29,000.

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. The instant transfer application has been separated into two folders due to the recent Federal legislation on January 1, 1995, Folder 1 involves the household goods right and Folder 2 involves property, excluding household goods, between points in Pennsylvania.
3. 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, including those from institutions, libraries and plants, works of art and office furnishings, used or to be set up for use or dismantling, between points in the counties of Lehigh and Northampton, and those portions of Carbon, Bucks and Berks Counties which are

within ten (10) miles by the usually traveled highways of the limits of the county of Lehigh, and from said area to other points in Pennsylvania, and vice versa.

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 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 3 above.

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:

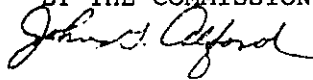
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H as a evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.
4. 1994 assessment of the transferor.

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, Allentown Moving & Storage, Inc. at A-00108998 be and is hereby cancelled.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: March 16, 1995

ORDER ENTERED: **MAR 24 1995**