

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

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| 1. REPORT DATE:<br>April 11, 1995  | 2. BUREAU AGENDA NO.:<br>MAY-95-TS-MC-111* |
| 3. BUREAU:<br>Transportation and Safety  |  |
| 4. SECTION(S):<br>Application Review   | 5. PUBLIC MEETING DATE:<br>May 11, 1995    |
| 6. APPROVED BY:<br>Director: Nicely 3-3846 <i>WN</i><br>Supervisor: Marzolf 3-5945 |  |
| 7. PERSONS IN CHARGE:<br>Keener-Farley 7-4386                                      |  |
| 8. DOCKET NO.:<br><u>A-00111638</u>  | <b>DOCKETED</b><br>JUN 13 1995             |

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

(a) Application of Walshie, Inc., Downingtown, Chester County, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the limousine operating rights of Upper Merion Investment Corporation, t/d/b/a Affordable Limousine Leasing, under the certificate issued at A-00109727 subject to the same limitations and conditions.

(b) Transferor proposes to transfer all of its PUC operating rights for a total consideration of \$16,000; no other assets are involved in the sale.

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

DOCUMENT  
FOLDER

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

CONTENT OF MOTION: Staff recommendation adopted.



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

IN REPLY PLEASE  
REFER TO OUR FILE

MAY 16, 1995

A-00111638

**DOCKETED**  
JUN 20 1995

**DOCUMENT  
FOLDER**

WANDA M SCHILLER ESQUIRE  
KENNARD & GMERK PC  
116 PINE STREET SUITE 403  
HARRISBURG PA 17101

APPLICATION OF WALSHIE, INC.,  
A CORPORATION OF THE COMMONWEALTH OF PENNSYLVANIA

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

The 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 with the Commission a FORM E as evidence of minimum  
public liability and property damage insurance coverage as  
shown on the back of this sheet.
- 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.

**PERSONS**

LDA

Minimum Limits for PA Public Utility Commission Authorized 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.
- 29 passengers or more: \$5,000,000 to cover liability bodily injury, death or property damage.

PROPERTY CARRIERS:

- Bodily Injury: \$300,000 per accident per vehicle to cover liability because of bodily injury, death or property damage.
- Insurance coverage of motor carriers of property shall meet the requirements 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 of public convenience has been issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Transportation, as a bus or taxi. Motor carriers 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 requirements within sixty (60) days of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of May 11, 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

encls.  
cert.mail  
receipt request  
WALSHIE INC  
42 NORWOOD HOUSE ROAD  
DOWNINGTOWN PA 19335

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held May 11, 1995

Commissioners Present:

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

**DOCKETED**  
JUN 20 1995

Application of Walshie, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Upper Merion Investment Corporation, t/d/b/a Affordable Limousine Leasing, a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00109727, subject to the same limitations and conditions.

A-00111638

**DOCUMENT  
FOLDER**

\_\_\_\_\_  
Wanda M. Schiller for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 28, 1994. Public notice of the application was given in the Pennsylvania Bulletin of February 4, 1995. The unopposed application is certified to the Commission for its decision without oral hearing.

Walshie, Inc. (Walshie or applicant), is a Pennsylvania corporation, with its principal place of business at 42 Norwood House Road, Downingtown, Chester County. Terrence P. Walsh is the president and sole shareholder of the corporation; for the past two years he has been the general manager of the transferor. As evidence of its financial capacity to begin operation as a common carrier Walshie's owner reports assets of \$210,666, with liabilities of \$110,900, leaving a net worth of \$99,766.

The rights have been assigned a value of sixteen thousand (\$16,000) dollars. One-half of the purchase price was paid at the execution of the

sales agreement and the balance will be paid at closing after the approval of this transfer application.

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, persons in limousine service, between points in Montgomery County, and from points in said county to points in Pennsylvania, and return.

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(s) 3 above.
5. 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 insurance of Bodily Injury and Property Damage Liability Insurance.
2. 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, Upper Merion Investment Corporation, t/d/b/a Affordable Limousine Leasing at A-00109727 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: May 11, 1995

ORDER ENTERED: MAY 16 1995