





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

LDA

IN REPLY PLEASE  
REFER TO OUR FILE

May 2, 1995  
Corrected Letter

A-00111647

■  
DANIEL F MCGARITY  
WAYNE MOVING AND STORAGE OF NJ  
717 FELLOWSHIP ROAD  
MOUNT LAUREL NJ 08054  
■

**DOCKETED**  
JUN 19 1995

APPLICATION OF WAYNE MOVING AND STORAGE OF NEW  
JERSEY, INC., A CORPORATION OF THE STATE OF NEW  
JERSEY  
-----

**DOCUMENT  
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**.

**PROPERTY:**

MINIMUM Limits for 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 Carriers: \$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 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 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 April 27, 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

Very truly yours,



John G. Alford  
Secretary

las  
encls.  
cert.mail

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held April 27, 1995

Commissioners Present:

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

**DOCKETED**  
JUN 19 1995

Application of Wayne Moving and Storage of New Jersey, Inc., a corporation of the State of New Jersey, for transfer of all of the operating rights of Exodus Van Lines of Pennsylvania, Inc., under the certificate issued at A-00110382, subject to the same limitations and conditions.

A-00111647

**DOCUMENT  
FOLDER**

**O R D E R**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed November 15, 1994. Public notice of the application was given in the Pennsylvania Bulletin of February 18, 1995. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

**DISCUSSION AND FINDINGS**

Exodus Van Lines of Pennsylvania, Inc., seeks to sell and have transferred to the applicant all of its operating authority that it holds at A-00110382. The transferor seeks to discontinue service for the public and will go out of business upon approval of the transfer. Wayne Moving and Storage is an experienced household goods carrier with three tractors, seven trailers, and a packing van. It will operate from its facilities now in operation at Mount Laurel, New Jersey. Daniel F. McGarity, president of the applicant, is also president of Wayne Storage Co. a certificated carrier at A-00108351.

As evidence of its financial ability to provide the proposed service, the applicant provided a balance sheet dated October 14, 1994, reporting assets of \$13,561.08 and liabilities of \$178.33.

The total consideration for the operating rights is \$5,000. No tangible assets are being transferred. Five hundred dollars (\$500) has been paid into escrow. The balance of \$4,500 will be paid in cash or certified check at closing upon approval of the transfer by the Commission.

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, 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.

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 Class D carrier, household goods and office furnishings, in use, between points in the city and county of Philadelphia.

To transport, as a Class D carrier, household goods and office furnishings, in use, from points in the city and county of Philadelphia, to points in Pennsylvania within an airline distance of fifty (50) statute miles of the Philadelphia City Hall, 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 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, andy 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 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 filling of an application and approval thereof by the Commission under Section 1102(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:

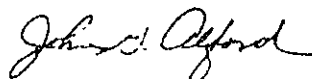
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H evidence of Cargo Liability Insurance.
3. A tariff establishing just and reasonable rates.

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 rights granted the transferor, Exodus Van Lines of Pennsylvania, Inc., under the certificate issued at A-00110382, shall be cancelled and the record shall be marked closed.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: April 27, 1995

ORDER ENTERED: MAY 1 1995





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

IN REPLY PLEASE  
REFER TO OUR FILE

LDA

May 8, 1995

R-16

DANIEL F MCGARITY  
WAYNE MOVING AND STORAGE OF NJ  
717 FELLOWSHIP ROAD  
MOUNT LAUREL NJ 08054

DOCUMENT  
FOLDER

Re: A-00111647 - Wayne Moving and Storage of New Jersey, Inc.

Dear Mr. McGarity:

Under date of May 1, 1995, the Secretary's office transmitted to you the Commission's compliance order adopted April 27, 1995, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Exodus Van Lines of Pennsylvania, Inc. at A-00110382. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

We also notice that rates for a part of the authorized service being transferred are provided in tariffs published by Tristate Household Goods Tariff Conference, Agent. Should you elect to participate in the agency publication(s), two copies of a suitable power of attorney should be included with the filing. If you do not

elect to participate in the agency publication(s) a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency (agencies) for a minimum of 30 days.

Very truly yours,  
Barry L. Ernst, Chief  
Motor Carrier Service



By Edward J. Karl  
Transportation Utility Manager

Enclosure (1 set)

cc: Tristate  
P.O. Box 2006  
Bristol PA 19007  
New power of attorney to be designated:  
PA. F. 1 No. 1 cancels 1 (series of transferor)

Contact Person: G. Baker  
(717)783-5936