

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: September 13, 1996.	2. BUREAU AGENDA NO.: OCT-96-TS-MC-273*
3. BUREAU: Transportation & Safety	
4. SECTION(S): Applications Review	5. PUBLIC MEETING DATE: October 3, 1996
6. APPROVED BY: Director: Nicely 3-3846 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Travitz 7-5513	
8. DOCKET NO.: A-00113305	

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

(a) Application of Timothy M. Moore, t/d/b/a Moore Movers, Washington County, for the approval of the transfer to applicant of part of the rights held by Neel Transportation Co., Inc. at ~~A-00099691?~~

(b) Transferor proposes to transfer part of its P.U.C. common carrier rights for a total consideration of \$10,000. No tangible assets are involved.

(c) 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 Commission will cancel by supplemental order the rights to be transferred and identify the right held by the transferor.

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

CONTENT OF MOTION: Staff recommendation adopted.

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OCT 9 1996



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

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IN REPLY PLEASE
REFER TO OUR FILE

OCTOBER 8, 1996

A-00113305

JOHN A VUONO ESQUIRE
VUONO LAVELLE & GRAY
2310 GRANT BUILDING
PITTSBURGH PA 15219

APPLICATION of TIMOTHY M. MOORE,
t/d/h/a MOORE MOVERS

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 forward by separate cover at a later date.

PROPERTY:

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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 October 3, 1996, 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: Insurance Unit
(717)-783-5933

Tariff Filings: Tariff Unit
(717) 787-5945

Very truly yours,

John G. Alford, Secretary

smk
encls.
Cert.Mail

TIMOTHY M MOORE
T/A MOORE MOVERS
326 WEST MAIDEN STREET
WASHINGTON PA 15301

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held October 3, 1996

Commissioners Present:

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

Application of Timothy M. Moore,
t/d/b/a Moore Movers, for the
transfer of part of the operating
rights of Neel Transportation Co.,
Inc., under the certificate issued
at A-00099691, subject to the same
limitations and conditions.

A-00113305

Vuono, & Gray by John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 19, 1996. Public notice of the application was given in the Pennsylvania Bulletin of August 31, 1996. The unopposed application is certified to the Commission for its decision without oral hearing.

Timothy M. Moore, t/d/b/a Moore Movers (applicant, transferee or Moore) seeks to initiate common carrier service by acquiring rights from Neel Transportation Co. The rights involved are household goods in use, which transferor has decided to terminate. Timothy M. Moore has been involved in the transportation of household goods and office furnishings and equipment for a number of years. He presently owns all the issued and outstanding stock of McKean & Burt, Inc., t/d/b/a All Ways Moving & Storage at A-00091652. All Ways Moving & Storage is also an agent of a major van lines company and as a result, has experience in the movement of household goods and related commodities.

Applicant is in a position to immediately begin providing service and is financially able to secure additional equipment and facilities as may be required. Applicant will commence operations utilizing a 1991 International truck which

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will be subject to a preventative maintenance program requiring the checking and servicing of equipment on a regular basis. No equipment will be dispatched or utilized until known defects are corrected. A comprehensive safety and maintenance program will be implemented.

The statement of financial condition as of December 31, 1995 shows total current assets of \$21,780, total assets of \$424,280, total current liabilities of \$500 and a net worth of \$311,780.

Transferee's ratio of current assets to current liabilities exceeds two to one. Applicant has total current liabilities of \$500, estimated income taxes of \$112,000 and a net worth of \$311,780. Transferee has investments totaling \$400,000 and no long-term debt. Moore appears to be in strong financial shape.

The total consideration for the rights is \$10,000.

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.

Transferor is pulling the first numbered household goods right from a property right under which it has utilized the Tri-State household goods tariff for moves under 50 miles. Subsequently, transferor filed tariffs for less than 40 miles and more than 40 miles, continuing to accommodate household goods moves.

We find it in the public interest to grant the household goods removal from a property right for three reasons: (1) It is apparent that when transferor herein was granted household goods authority at Right No. 2 he was already utilizing Right No. 1 to transport household goods between points in the city of Washington, Washington County and within fifteen (15) miles by the usually traveled highways and that Right No. 2 was a natural extension of Right No. 1.; (2) The transfer will allow better service to the public and be a benefit and no harm will befall the public or other carriers; (3) Transferor's remaining authority will be strictly property rights, excluding household goods in use, between points in Pennsylvania.

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 in use:

1. between points in the city of Washington, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said city.
2. from points in the city of Washington, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, 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 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, any 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 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:

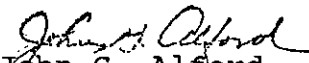
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H as a evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.

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, Neel Transportation Co., Inc. at A-00099691 be modified pursuant to the supplemental order.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: October 3, 1996

ORDER ENTERED: OCT 8 1996