

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

<b>1. REPORT DATE:</b> October 11, 1996	<b>2. BUREAU AGENDA NO.:</b> NOV-96-TS-MC-296*
<b>3. BUREAU:</b> Transportation and Safety	FOLDER
<b>4. SECTION(S):</b> Application Review	<b>5. PUBLIC MEETING DATE:</b>  November 1, 1996
<b>6. APPROVED BY:</b>  Director: Nicely 3-3846 Supervisor: Marzolf 3-5945	DOCKETED NOV 12 1996
<b>7. PERSONS IN CHARGE:</b> Zeigler 3-5946	
<b>8. DOCKET NO.:</b>  A-00113363	

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

(a) Application of Thomas L. Boyd, Pittsburgh, Allegheny County, for the transfer of all of the operating authority of Michael R. Barry, t/d/b/a Mini Movers, authorized under the certificate issued at A-00111447, subject to the same limitations and conditions.

(b) The application is unopposed. The transferee seeks to acquire all of the authority of the transferor. The applicant has the experience and equipment necessary to render the proposed service. The operating rights have been assigned a value of \$8,000.00. No tangible assets are involved. Approval of the application is necessary for the continued accommodation and convenience of the public.

(c) The Bureau of Transportation and Safety recommends the Commission adopt the proposed order approving the application and cancelling the certificate of the transferor by supplemental order.

<b>10. MOTION BY:</b> Commissioner Chm. Quain	Commissioner Hanger - Yes
	Commissioner Rolka - Yes
<b>SECONDED:</b> Commissioner Crutchfield	Commissioner Bloom - Yes

**CONTENT OF MOTION:** Staff recommendation adopted.

JAF



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

IN REPLY PLEASE  
REFER TO FILE

NOVEMBER 5, 1996

A00113363

JAF

DAVID M O'BOYLE ESQUIRE  
WICK STREIFF MEYER METZ & O'BOYLE  
1450 TWO CHATHAM CENTER  
PITTSBURGH PA 15219-3427

APPLICATION of THOMAS L. BOYD

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:	<p>\$35,000 to cover liability for bodily injury, death or property damage incurred in an accident.</p> <p>\$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).</p> <p>First party coverage of the driver of certificated vehicle shall meet the requirements of 75 Pa. C.S. §1171 (relating to required benefits).</p>
16 to 28 passengers:	<p>\$1,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.</p>
29 passengers or more:	<p>\$5,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.</p>
<u>PROPERTY CARRIERS:</u>	
Bodily Injury:	<p>\$300,000 per accident per vehicle to cover liability for bodily injury, death or property damage incurred in an accident.</p> <p>Insurance coverage of motor carriers of 75 Pa. C.S. §1701-1798 (relating to Motor Vehicle Financial Responsibility Law).</p>
Cargo:	<p>\$5,000 for loss or damage to cargo carried on a motor vehicle.</p>

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 November 1, 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

THOMAS L BOYD  
700 GRANT AVENUE  
DUQUESNE PA 15110

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held November 1, 1996

Commissioners Present:

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

Application of Thomas L. Boyd, for transfer  
of all of the operating rights of Michael R.  
Barry, t/d/b/a Mini Movers, authorized under  
the certificate issued at A-00111447, subject  
to the same limitations and conditions.

A-00113363

David M. O'Boyle for the applicant.  
Daniel R. Tobin for Michael R. Barry.

**O R D E R**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed August 16, 1996. Public notice of the application was given in the Pennsylvania Bulletin of September 28, 1996. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Thomas L. Boyd will operate the transferred authority from facilities at 700 Grant Avenue in the city of Pittsburgh, Allegheny County. The applicant has been involved in the moving business for a period of eight (8) years working part time for a certificated household goods carrier. He holds a commercial drivers license and is familiar with all aspects of household goods transportation. It is expected one straight truck of 24 feet will be placed into service. All equipment will be routinely maintained and safety inspected. Drivers will be screened prior to employment and will be monitored on a regular basis.

The applicant has provided a current balance sheet dated August 1, 1996, setting forth assets of \$48,000.00 and liabilities of \$27,000.00. Current assets of \$5,000.00 comprised of cash on hand are double current liabilities of \$2,500.00.

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The total consideration for the operating rights is \$8,000.00. The total purchase price was paid upon execution of the sales agreement dated August 9, 1996.

One of the rights to transfer is a household goods authority as described by the "short form", and the other is a "property" right permitting transportation from the facilities of Silo, Inc., in the borough of Greentree, Allegheny County.

The authority to issue here will authorize the transportation of household goods in use between points in the city of Pittsburgh, Allegheny County, and within an airline distance of three (3) statute miles of the limits of the said city, which is the right now held by the transferor and it will authorize the transportation of property, excluding household goods in use, between points in Pennsylvania. As of January 1, 1995, any carrier holding any type of property authority, was automatically granted the right to transport property between points in Pennsylvania by virtue of the Commission's Final Decision on Regulation of Motor Common Carriers of Property at P-00940884, which was adopted December 15, 1995, entered December 20, 1995.

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 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 granting the following rights:

To transport, as a Class B Carrier, household goods in use, between points in the city of Pittsburgh, Allegheny County, and within an airline distance of three (3) statute miles of the limits of the said city.

To transport, as a Common Carrier, property, except household goods in use, between points in Pennsylvania.

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 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 evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates for the transportation of household goods in use.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate shall 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, Michael R. Barry, t/d/b/a Mini Movers under the certificate issued at A-00111447 be and are hereby cancelled and the record shall be marked closed.

BY THE COMMISSION



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: November 1, 1996

ORDER ENTERED: NOV 5 1996