

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

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1. REPORT: February 21, 1997	2. BUREAU AGENDA NO.: MAR-97-TS-MC-74*
3. BUREAU: Transportation & Safety	5. PUBLIC MEETING DATE: March 13, 1997 DOCKETED MAR 24 1997
4. SECTION(S): Applications Review Section	
6. APPROVED BY: Director: Nicely 3-3846 <i>KW</i> Supervisor: Marzolf 3-5945	
7. PERSON IN CHARGE: Keener-Farley 7-4386	
8. DOCKET NO.: A-00113647	

- 9. (a) CAPTION (Abbreviate if more than four lines)**
(b) Short Summary of history & facts, documents & briefs
(c) Recommendation

(a) Application of Geo. W. Weaver & Son, Inc., (new corporation), New Cumberland, Cumberland County, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the property and household goods common carrier authority held by Geo. W. Weaver & Son, Inc., (old corporation), at A-00069107, F-2, 3 and 4.

(b) The transferor proposes to transfer all of its P.U.C. operating authority to a new corporation formed by merging several commonly owned corporations.

(c) The Bureau of Transportation & Safety 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.

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

CONTENT OF MOTION: Staff recommendation adopted.



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

REFER TO DUB FILE

MARCH 20, 1997

A-00113647

LLOYD R PERSUN ESQUIRE
METTE EVANS & WOODSIDE
3401 NORTH FRONT STREET
PO BOX 5950
HARRISBURG PA 17110-0950

DOCKETED
MAR 21 1997

APPLICATION of GEO. W. WEAVER & SON, INC. (a new corporation)
a CORPORATION of the COMMONWEALTH of PENNSYLVANIA

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:

DOCUMENT
FOLDER

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 13, 1997, 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
GEO W WEAVER & SON INC
165 LAMONT STREET
NEW CUMBERLAND PA 17070

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

Public Meeting held March 13, 1997

Commissioners Present:

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

Application of Geo. W. Weaver & Son, Inc. (a new corporation), a corporation of the Commonwealth of Pennsylvania for the right to begin to transport, as a common carrier, by motor vehicle, (1) property, excluding household goods in use, between points in Pennsylvania; (2) household goods in use, between points in the city of Harrisburg, Dauphin County, and within fifteen miles by the usually traveled highways of the limits of said city; and (3) household goods in use from points in the city of Harrisburg, Dauphin 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; which is to be a transfer of the rights held by Geo. W. Weaver & Son, Inc. (old corporation), under the certificate issued at A-00069107, Folders 2, 3, and 4, subject to the same limitations and conditions.

A-00113647

**DOCKETED
MAR 21 1997**

Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 3, 1997. Public notice of the application was given in the Pennsylvania Bulletin of January 25, 1997. No protests were filed and the record is now certified to the Commission for its decision without oral hearing.

**DOCUMENT
FOLDER**

Geo. W. Weaver & Son, Inc. (Weaver or applicant) is a Pennsylvania corporation, with its principal place of business at 165 Lamont Street, New Cumberland, Cumberland County. The applicant is a new corporation resulting from the merger of the old Geo. W. Weaver & Son, Inc. (transferor), Weaver Warehouses, Inc., and Harrisburg Transfer Company. The latter two corporations hold no authority from this Commission and are engaged in non-regulated or interstate activities. There will be no effective change in ownership of the corporations involved and the purpose of the merger is to simplify the business entities and the required financial and tax record keeping.

A review of the record before us indicates that the applicant will continue to use the same facilities and equipment to serve the public. As evidence of its financial capacity to continue the operation, Weaver reports assets of \$2,762,024, with liabilities of \$1,531,296, leaving a shareholders' equity of \$1,012,384.

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 proposed service.
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:

1. To transport, as a motor common carrier, property, excluding household goods in use, between points in Pennsylvania;
2. To transport, as a Class D carrier, household goods in use, between points in the city of Harrisburg, Dauphin County, and within fifteen (15) miles by the usually traveled highways of the limits of said city;

3. To transport, as a Class D carrier, household goods in use from points in the city of Harrisburg, Dauphin 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 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 the 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 thereof.
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 no. 3 above.
5. 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 filing 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 as evidence of insurance of bodily injury and property damage liability insurance.
2. Form H as 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, Geo. W. Weaver & Son, Inc., under the certificate issued at A-00069107, Folders 2, 3 and 4, be and are hereby cancelled and the record be marked "closed".

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: March 13, 1997

ORDER ENTERED: MAR 20 1997