

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

16

1. REPORT DATE: August 26, 1997	2. BUREAU AGENDA NO.: SEP-97-TS-MC-229*
3. BUREAU: Transportation & Safety	
4. SECTION(S): Compliance Office	5. PUBLIC MEETING DATE: September 12, 1997
6. APPROVED BY: Director: Farrell 3-1846 Supervisor: Marzoff 3-5945	
7. PERSONS IN CHARGE: Travitz 7-5513	
8. DOCKET NO.: A-00113647, F. 1, Am-A	

DOCKETED

SEP 24 1997

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

(a) Application of Geo. W. Weaver & Son, Inc., a corporation of the Commonwealth of Pennsylvania, New Cumberland, Cumberland County, for the approval of the transfer to applicant of all of the rights held by Penn-Hershey Transfer, Inc. at A-00092827.

(b) Transferor proposes to transfer all of its P.U.C. common carrier household goods in use rights for a total consideration of \$90,000. The P.U.C. operating rights have been assigned a value of \$10,000.

(c) The Bureau of Transportation and Safety recommends that the Commission adopt the proposed order approving the transfer application and that the certificate issued to the applicant be amended to include the rights involved herein. 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 Bloom	Commissioner Brownell - Yes

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
SEPTEMBER 19, 1997

IN REPLY PLEASE
REFER TO OUR FILE

A-00113647, F.1, Am-A

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

APPLICATION of GEO. W. WEAVER & SON, INC.

TO WHOM IT MAY CONCERN:

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

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with the above requirement 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 September 12, 1997 and dismiss the application without further proceedings.

Very truly yours,

James J. McNulty,
Acting Secretary

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smk
Enclosures
Certified Mail
Tariff Section: (717) 787-5945
GEO W WEAVER & SON INC
165 LAMONT STREET
NEW CUMBERLAND PA 17070

DOCUMENT
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held September 12, 1997

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
John Hanger
David W. Rolka
Nora Mead Brownell

Application of Geo. W. Weaver & Son,
Inc., for the transfer of all of the
operating rights of Penn-Hershey
Transfer, Inc., under the
certificate issued at A-00092827,
subject to the same limitations and
conditions.

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Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 13, 1997. Public notice of the application was given in the Pennsylvania Bulletin of July 26, 1997. The unopposed application is certified to the Commission for its decision without oral hearing.

Geo. W. Weaver & Son, Inc. (Weaver, applicant or transferee) seeks to amend its common carrier certificate through the instant transfer proceeding. Applicant is a currently authorized common carrier holding household goods in use and property, excluding household goods, in use, between points in Pennsylvania. Through the transfer, applicant will be purchasing two Chevrolet trucks and a cube van along with various office furnishings, warehouse tools, etc.

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The authority as published in the Pennsylvania Bulletin at Right Nos. 1 and 2, includes household goods and office furniture, in use. Since office furniture is included within a property right, it is not necessary to transfer that portion. Applicant also currently holds the right to transport property (excluding household goods in use) between points in Pennsylvania. For the reasons cited above, Right No. 3 (requesting property) will be eliminated as applicant currently holds property authority.

The total consideration for the rights and other assets, including real estate and equipment is \$90,000. The rights have been assigned a value of \$10,000. Applicant will also purchase two Chevrolet trucks and a cube van valued at \$75,000 and office furniture, warehouse tools, etc. valued at \$5,000.

The unaudited balance sheet of the applicant as of December 31, 1996 shows total current assets of \$1,188,635, total assets of \$1,344,521, total current liabilities of \$396,357, and total stockholders' equity of \$737,614.

Transferee's ratio of current assets to current liabilities exceeds two to one. Applicant appears to be in strong financial condition.

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 the order adopted on March 13, 1997 and entered on March 20, 1997 be amended to include the following rights:

To transport as a Class D carrier, household goods in use:

- (1) between points in Hershey, Dauphin County, and within nine (9) miles by the usually traveled highways of the limits of Hershey.
- (2) from points in Hershey, Dauphin County, and within nine (9) miles by the usually traveled highways of the limits of Hershey, 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(s) 2 and 3 above.

6. 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.

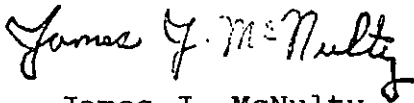
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.
2. 1997 assessment of the transferor.

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, Penn-Hershey Transfer, Inc. at A-00092827 be cancelled and the record be marked "CLOSED".

BY THE COMMISSION,


James J. McNulty
Acting Secretary

(SEAL)

ORDER ADOPTED: September 12, 1997

ORDER ENTERED: SEP 19 1997