

1. REPORT DATE:  
September 28, 1998

2. BUREAU AGENDA NO.:  
OCT-98-TS-MC-222\* (revised)

3. BUREAU:  
Transportation and Safety

4. SECTION(S):  
MCS&E

5. PUBLIC MEETING DATE:  
October 16, 1998

6. APPROVED BY:  
  
Director: Mahan *GM* 7-2496  
Supervisor: Marzolf 3-5945

**DOCKETED**  
OCT 26 1998

7. PERSONS IN CHARGE:  
Zeigler 3-5946

8. DOCKET NO.:  
A-00113657, F. 1, Am-B

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

(a) Application of Jenks, Inc., t/d/b/a Georgia P. Carroll Moving Company, a Pennsylvania Corporation, Pittsburgh, Allegheny County, for the transfer of all of the operating authority of Michael M. Schaefer, under the certificate issued at A-00114723, 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 fitness necessary to render the proposed service. 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 contingent upon the transferee's payment of its assessment in the amount of \$858.00; and canceling the certificate of the transferor by supplemental order.

10. MOTION BY: Commissioner Chm. Quain  
SECONDED: Commissioner Bloom  
Commissioner Rolka - Yes  
Commissioner Brownell - Yes  
Commissioner Wilson - Yes

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
OCTOBER 21, 1998

IN REPLY PLEASE  
REFER TO OUR FILE

A-00113657F.1, Am-B

DOCUMENT  
FOLDER

DOCKETED

OCT 27 1998

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

APPLICATION of JENKS, INC.,  
t/d/b/a GEORGIA P. CARROLL MOVING COMPANY,  
a CORPORATION of the COMMONWEALTH of PENNSYLVANIA

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 October 16, 1998 and dismiss the application without further proceedings.

Very truly yours,

EEF

James J. McNulty,  
Secretary

smk  
Enclosures  
Certified Mail  
**Tariff Section:** (717) 787-5945  
JENKS INC  
T/A GEORGIA P CARROLL MOVING  
42 RIDGECREST DRIVE  
PITTSBURGH PA 15235

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

Public Meeting held October 16, 1998

Commissioners Present:

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

Application of Jenks, Inc., t/d/b/a  
Georgia P. Carroll Moving Company,  
a corporation of the Commonwealth of  
Pennsylvania, for the transfer of all  
of the operating rights of Michael M.  
Schaefer, authorized under the certificate  
issued at A-00114723, subject to the same  
limitations and conditions.

A-00113657  
F. 1  
Am-B

David M. O'Boyle for the applicant.

O R D E R

DOCUMENT  
FOLDER

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed August 6, 1998. Public notice of the application was given in the Pennsylvania Bulletin of August 22, 1998. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Jenks, Inc., is an established carrier in Pennsylvania having first received authority to operate as a common carrier in March of 1997. It now provides the transportation of household goods in use for the Relocation Department of the Urban Redevelopment Authority of Pittsburgh, the Housing Authority of the City of Pittsburgh, the Allegheny County Housing Authority, Housing Opportunities Unlimited and LLM-7 Cleaning Company, Inc. As a currently certificated carrier, there is a presumption of fitness.

The full purchase price for the rights is \$6,000.00., which has been paid and placed in escrow pending approval of the transfer by the Commission.

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OCT 27 1998

The authority to transfer consists of one right permitting the transportation of household goods in use, from the county of Allegheny, to points in Pennsylvania, and vice versa. The transferor is not retaining any operating authority.

Commission records reflect that Jenks, Inc., t/d/b/a Georgia P. Carroll Moving Company has an outstanding assessment owing to the Commission in the amount of \$858.00. The transfer of authority is contingent upon payment of the due assessment amount.

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.

After complete review of the record, 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 certificate issued June 26, 1997, as amended, be further amended to include the following right:

To transport as a Class D carrier, household goods in use, from points in the county of Allegheny, to 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 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 and 3 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 filing of an application and approval thereof by the Commission under Section (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:

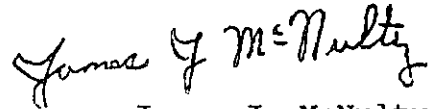
1. A tariff establishing just and reasonable rates.
2. The assessment of the transferee in the amount of \$858.00.

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, Michael M. Schaefer, under the certificate issued at A-00114723, be and are hereby canceled and the record shall be marked closed.

BY THE COMMISSION



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: October 16, 1998

ORDER ENTERED: **OCT 21 1998**