

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: February 18, 1997	2. BUREAU AGENDA NO.: MAR-97-TS-MC-61*
3. BUREAU: Transportation & Safety	
4. SECTION(S): Applications Review	5. PUBLIC MEETING DATE: March 13, 1997
6. APPROVED BY: Director: Nicely 3-3846 <i>Kew</i> Supervisor: Marzolf 3-5945	DOCKETED
7. PERSONS IN CHARGE: Travitz 7-5513	MAR 24 1997
8. DOCKET NO.: A-00113657	

9. (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 corporation of the Commonwealth of Pennsylvania, Pittsburgh, Allegheny County, for the approval of the transfer to applicant of all of the rights held by Georgia P. Carroll at ~~A-00108243, Folders 2 and 3.~~

(b) Transferor proposes to transfer all of her P.U.C. common carrier household goods rights for a total consideration of \$15,000. The P.U.C. certificates have been assigned a value of \$4,000, the purchase price of a 1988 moving van straight truck at \$10,000 and \$1,000 for the use of the fictitious name and good will of Georgia P. Carroll Moving Company.

(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 certificate issued to the transferor be cancelled by supplemental order.

10. MOTION BY:	Commissioner Chm. Quain	Commissioner Hanger	Yes
		Commissioner Roca	Yes
SECONDED:	Commissioner Crutchfield	Commissioner Blocher	Yes

CONTENT OF MOTION: Staff recommendation adopted.

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
MARCH 20, 1997

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IN REPLY PLEASE
REFER TO OUR FILE
A-00113657

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

DOCKETED
MAR 21 1997

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

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

The 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 with the Commission a FORM E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this sheet.
- 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 forwarded by separate cover at a later date.

PERSONS

DOCUMENT
FOLDER

Minimum Limits for Public Utility Commission Authorized 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 vehicles shall meet the requirements of 75 Pa. C.S. §1711 (relating to required benefits).
- 16 to 28 passengers: \$1,000,000 to cover liability for 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 property shall meet the requirements 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 of public convenience has been issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Transportation, as a bus or taxi. Motor carriers 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 requirements within sixty (60) days 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 Section
(717) 783-5933

TARIFF FILINGS: Tariff Section
(717) 787-5945

Very truly yours,

John G. Alford
Secretary

smk
Enclosures
Certified Mail
Receipt Requested
JENKS INC
T/A GEORGIA P CARROLL MOVING
42 RIDGE DRIVE
PITTSBURGH PA 15235

CORRECTED PAGE

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 Jenks, Inc., t/d/b/a
Georgia P. Carroll Moving Company,
for the transfer of all of the
operating rights of Georgia P.
Carroll, under the certificates
issued at A-00108243, Fs. 2 and 3,
subject to the same limitations and
conditions.

A-00113657

Wick, Streiff, Meyer, Metz & O'Boyle, by David M.
O'Boyle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed December 30, 1996. Public notice of the application was given in the Pennsylvania Bulletin of January 25, 1997. The unopposed application is certified to the Commission for its decision without oral hearing.

Jenks, Inc., t/d/b/a Georgia P. Carroll Moving Company (Jenks, applicant or transferee), a corporation of the Commonwealth of Pennsylvania, seeks the beginning right through the instant transfer application to acquire household goods authority in use held by Georgia P. Carroll at A-00108243, Fs. 2 and 3. Earl Jenkins, who is the vice-president and a stockholder of transferee, is the brother of the transferor, Georgia P. Carroll. Mr. Jenkins has been working for the transferor as the general manager for the past several months. Jenkins has become well acquainted with the manner and operations of the household goods carrier. His experience will provide a smooth transition when the transfer is concluded. As the result of his experience, Mr. Jenkins has a very good working knowledge of the requirements for operating a safe household goods business.

Transferee intends to operate under the trade name held by transferor of Georgia P. Carroll Moving Company, which is a well known name in the area of operations. Applicant intends to initially operate a 20-foot enclosed straight truck to conduct operations. This truck is being purchased from the transferor as part of this transaction. Applicant will continue the safety programs of transferor and comply with the regulations of the U.S. DOT, the Pennsylvania Department of Transportation and the Pennsylvania Public Utility Commission.

The total consideration for the rights and other assets, including real estate and equipment is \$15,000. The rights have been assigned a value of \$4,000. The vehicle to be purchased, which is a 1988 moving van straight truck, has been assigned a value of \$10,000 and \$1,000 for the use of the fictitious name and good will of the transferor.

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 a certificate be issued granting the following rights:

To transport, as a common carrier, by motor vehicle:

- (1) as a Class D carrier, household goods in use, for the Relocation Department of the Urban Redevelopment Authority of Pittsburgh, between points in the city of Pittsburgh, Allegheny County, and from points in said city to other points in Allegheny County;

(2) as a Class B carrier, household goods in use, between points in the city of Pittsburgh, Allegheny County;

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. 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.
4. 1996 assessment of the transferor.

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, Georgia P. Carroll at A-00108243, Fs. 2 and 3 be 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