

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

12

1. REPORT DATE: October 7, 1997	2. BUREAU AGENDA NO.: OCT-97-TS-MC-258*
3. BUREAU: Transportation and Safety	
4. SECTION(S): M C S & E	5. PUBLIC MEETING DATE: October 23, 1997
6. APPROVED BY:  Director: [Signature] 3-3846 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Zeigler 3-5946	
8. DOCKET NO.:  A-00114163	

REPORT  
COLDEP

OK  
OCT 29 1997

19 (a) CAPTION (abbreviate if more than 4 lines)

- (b) Short summary of history & facts, documents & briefs
- (c) Recommendation

(a) Application of Dennis Perigo, t/d/b/a Shaffer's Transfer, Stoystown, Somerset County, for the transfer of all of the operating rights of Steven S. Corden and Mark A. Corden, copartners, t/d/b/a Shaffer's Transfer, authorized under the certificate issued at A-00107088, 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. The total purchase price involved in this transfer is \$22,000. 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 canceling the certificate of the transferor.

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

DOCUMENT  
FOLDER

OCTOBER 28, 1997

IN REPLY PLEASE  
REFER TO OUR FILE

A-00114163

SCOTT M DINNER ESQUIRE  
3 KACEY COURT SUITE 201  
MECHANICSBURG PA 17055

DOCKETED  
DEC 03 1997

APPLICATION of DENNIS PERIGO,  
t/d/b/a SHAFFER'S TRANSFER

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:**

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 October 23, 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,

James J. McNulty, Acting Secretary

smk  
encls.  
Cert.Mail  
DENNIS PERIGO  
T/A SHAFFER'S TRANSFER  
513 OLD LINCOLN HWY  
PO BOX 114  
STOYSTOWN PA 15563

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

Public Meeting held October 23, 1997

Commissioners Present:

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

Application of Dennis Perigo, t/d/b/a Shaffer's Transfer, for the transfer of all of the operating rights of Steven S. Corden and Mark A. Corden, copartners, t/d/b/a Shaffer's Transfer, authorized under the certificate issued at A-00107088, subject to the same limitations and conditions. A-00114163

Scott M. Dinner for the applicant.

**DOCKETED**  
DEC 03 1997

DOCUMENT ORDER  
FOLDER

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed June 30, 1997. Public notice of the application was given in the Pennsylvania Bulletin of August 23, 1997. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

The applicant will operate as a sole proprietor retaining the trade name Shaffer's Transfer. The trade name has been reregistered in the name of the applicant. Dennis Perigo is domiciled at 513 Old Lincoln Highway, Stoystown, Somerset County. A balance sheet dated December 31, 1996, establishes the applicant's financial capacity to provide service.

The total consideration involved in this transfer proceeding is \$22,000.00 for the operating rights and equipment. The full purchase price will be paid by cash or certified funds upon approval of the transfer by the Commission.

The authority to transfer consists of nine rights, one of which permits the transportation of household goods and office furnishings, in use, and eight of which permits the transportation of other specific items of property. Operation of the household goods right will require the applicant to provide transportation within the scope of the authority and to file a tariff establishing just and reasonable rates.

The eight rights permitting the transportation of specific other property is now considered a general property right permitting the transportation of all types of property, excluding household goods in use, except as authorized, between all points in Pennsylvania by virtue of the Commissions Final Decision at P-00940884, Regulation of Motor Common Carriers of Property, adopted December 15, 1994, entered December 22, 1994.

For the sake of clarity and to conform with current Commission policy, the nine rights will be combined into two specific grants of authority, one for the transportation of household goods in use and the other for the transportation of all other commodities or property.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and fitness 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 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:

1. To transport, as a Class D Carrier, household goods in use, between points in the borough of Hooversville, Somerset County, and within eighteen (18) miles by the usually traveled highways of the limits thereof, and from points in the said area to points in Pennsylvania, and vice versa.

2. To transport, as a Common Carrier, property, excluding household goods in use, except as now authorized, 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 and 3 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.

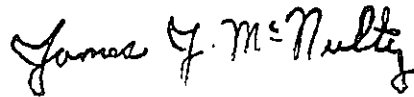
4. All past and current assessment balances due (\$250.00) to the Commission by the transferor.

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, Steven S. Corden and Mark A. Corden, copartners, t/d/b/a Shaffer's Transfer, under the certificate issued at A-000107088, be and are hereby canceled and the record shall be marked closed.

BY THE COMMISSION



James J. McNulty  
Acting Secretary

(SEAL)

ORDER ADOPTED: October 23, 1997

ORDER ENTERED: **OCT 28 1997**