

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

<p>1. REPORT DATE: February 5, 2004</p>	<p>2. <u>BUREAU AGENDA NO.</u> MAR-2004-TSM-0030*</p>
<p>3. BUREAU: Transportation and Safety</p>	<p>5. <u>PUBLIC MEETING DATE:</u> March 4, 2004</p>
<p>4. SECTION(S): MCS&E</p>	<p align="center">DOCKETED MAR 10 2004</p> <p align="center">DOCUMENT FOLDER</p>
<p>6. APPROVED BY: Director: Hoffman 3-384 Supervisor: Keezel 3-5010 Legal Review: <i>[Signature]</i></p>	
<p>7. PERSONS IN CHARGE: Travitz 7-5513</p>	
<p>8. DOCKET NO.: A-00114277, F 2, Am-A</p>	

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

(a) Application of Bayshore Transportation Systems, Inc., Newark, Delaware, a corporation of the State of Delaware, for the approval of the transfer to applicant of all of the common carrier household goods in use rights held by James R. Lafferty, Jr., Trucking Company at A-00116791, F. 1.

(b) Transferor proposes to transfer all of its P.U.C. common carrier household goods in use rights for a total consideration of \$13,000. No assets are involved.

(c) The Bureau of Transportation and Safety recommends that the Commission adopt the proposed order approving the transfer application and that certificate issued to the applicant be amended to include the involved rights herein. The certificate issued to the transferor to be canceled by supplemental order.

<p>10. MOTION BY: Commissioner Chm. Fitzpatrick</p> <p>SECONDED: Commissioner Bloom</p>	<p>Commissioner Thomas - Yes Commissioner Pizzingrilli - Yes Commissioner Holland - Yes</p>
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CONTENT OF MOTION: Staff recommendation adopted.

RJP



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

March 10, 2004

IN REPLY PLEASE
REFER TO OUR FILE

A-00114277F0002 Am-A

JAMES MELIA ESQUIRE
KIRKPATRICK & LOCKHART
PAYNE SHOEMAKER BUILDING
240 NORTH THIRD STREET
HARRISBURG PA 17101-1507

DOCUMENT

Application of Bayshore Transportation Systems, Inc.

DOCKETED

MAR 26 2004

TO WHOM IT MAY CONCERN:

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.

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.

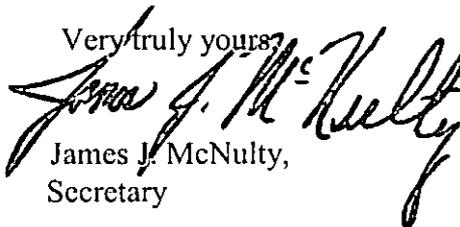
Commission regulations require compliance with all of the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of March 4, 2004 and dismiss the application without further proceedings.

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,
Secretary

rpb
encls.
Cert.Mail
Receipt

BAYSHORE TRANSPORTATION SYSTEMS INC
901 DAWSON DRIVE
NEWARK DE 19713

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held March 4, 2004

Commissioners Present:

Terrance J. Fitzpatrick, Chairman
Robert K. Bloom, Vice-Chairman
Glen R. Thomas
Kim Pizzigrilli
Wendell F. Holland

DOCKETED

MAR 26 2004

Application of Bayshore Transportation Systems, Inc., for the transfer of all of the operating right(s) of James R. Lafferty, Jr. Trucking Company, under the certificate issued at A-00116791, F. 1, subject to the same limitations and conditions.

A-00114277
F. 2
Am-A

DOCUMENT

Kirkpatrick & Lockhart, LLP by James P. Melia and Ciardi, Maschmeyer & Karalis, PC by Aris J. Karalis for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 14, 2003. Public notice of the application was given in the Pennsylvania Bulletin of January 3, 2004 with protests due by January 26, 2004. No protests were filed and no hearings were held. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Bayshore Transportation Systems, Inc. (applicant or Bayshore) seeks to amend its household goods in use certificate by acquiring through transfer, the household goods in use rights held by James R. Lafferty, Jr. Trucking Company. In addition, Bayshore is currently certificated to transport property, excluding household goods in use, between points in Pennsylvania.

Operations will be conducted from 901 Dawson Drive, Newark, Delaware. A large fleet of vehicles is available to provide service. A comprehensive safety and maintenance

program is in effect. Communication will be by telephone, cellular phones and communications with drivers will be by cell phone and/or two-way radios.

The balance sheet of the applicant dated December 31, 2002 shows total current assets of \$2,202,064, total assets of \$3,091,644, total current liabilities of \$1,618,331, total liabilities of \$2,349,764, for a stockholders' equity of \$741,880.

The total consideration for the right(s) is \$13,000.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

Applicant has a Form E, evidence of bodily injury and property damage insurance, and a Form H, evidence of cargo insurance, on file with the Commission to cover its current operations; however, the Commission requires the filing of a new Form E and Form H to cover the grant of authority herein.

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, 270 A.2d 186 (Pa. 1970); Hostetter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 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 certificate issued on June 10, 1998, be amended to include the following right(s):

To transport, as a common carrier, household goods in use:

- (1) between points in the city and county of Philadelphia and within an airline radius of five (5) statute miles of the Philadelphia City Hall in the county of Montgomery;
- (2) between points in the city and county of Philadelphia and within an airline radius of five (5) statute miles of the Philadelphia City Hall in the county of Montgomery, to other points in Pennsylvania within an airline radius of fifty (50) statute miles of the Philadelphia City Hall and vice versa;

- (3) between points in the city and county of Philadelphia;
- (4) from points in the city and county of Philadelphia, to points in Pennsylvania, and vice versa;
- (5) between points in the city of Chester, Delaware County, and within five (5) statute miles of the usually traveled highways of the limits of said city;
- (6) between points in the county of Delaware, and from points in said county, to other points in Pennsylvania, and vice versa; and
- (7) between points in the city of West Chester, Chester county, and within an airline distance of ten (10) statute miles of the limits of said city, and from said area, to 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 right(s) 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 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:

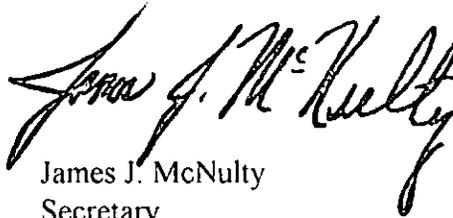
1. Form E, as evidence of Bodily Injury and Property Damage Liability Insurance and a Form H, as evidence of cargo insurance. A new Form E and Form H must be filed to cover the grant of authority herein.
2. A tariff establishing just and reasonable rates.

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 you must demonstrate safety fitness by completing a Safety Fitness Review. You will be contacted by the Commission's Bureau of Transportation and Safety, which will schedule a review to be completed within 180 days of the date your certificate is issued. Failure to submit to a Safety Fitness Review or to attain a satisfactory evaluation will result in cancellation of the certificate.

IT IS FURTHER ORDERED: That upon compliance with this order, the right(s) granted the transferor, James R. Lafferty, Jr. Trucking Company at A-00116791, F. 1 be canceled and the record be marked "closed".

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: March 4, 2004

ORDER ENTERED: MAR 10 2004