

Law Offices

VUONO & GRAY, LLC

John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Christine M. Dolfi
Louise R. Schrage

2310 Grant Building
Pittsburgh, PA 15219-2383

Richard R. Wilson
of Counsel

Telephone
412-471-1800

Facsimile
412-471-4477

*Also Admitted in Florida

February 2, 2007

Re: Canterbury International Incorporated t/d/b/a
Two Men and a Truck
Docket No. A-00121505, F.1, Am-A

Mr. James J. McNulty
Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17105-3265

MAILED WITH U.S. POSTAL SERVICE
CERTIFICATE OF MAILING FORM 3817

Dear Mr. McNulty:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

DOCKETED
FEB 06 2007
LJM

Very truly yours,

VUONO & GRAY, LLC

William A. Gray

RECEIVED

FEB 02 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

MS/51260

Enclosure

cc: Canterbury International Incorporated t/d/b/a
Two Men and a Truck (w/enc) (by Certified Mail)
South Hills Movers, Inc.
Weleski Transfer, Inc.
Central Van & Storage of Charleston, Inc. d/b/a
Central Van & Storage Company, Inc.
Vesely Bros. Moving & Storage, Inc.

**DOCUMENT
FOLDER**

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FEB 02 2007

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. A-00121505, F.1, Am-A

CANTERBURY INTERNATIONAL INCORPORATED t/d/b/a
TWO MEN and a TRUCK

DOCKETED
FEB 06 2007
Lgm

PROTEST AND REQUEST
FOR ORAL HEARING

**DOCUMENT
FOLDER**

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The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.
2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant authority is attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the interest of the protestants.

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, (d) the applicant does not possess the technical and financial ability to provide the proposed service and lacks a propensity to operate safely and legally, and (e) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

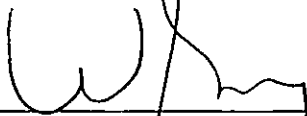
4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence in opposition to the grant of the application unless the application is amended so as to eliminate the interest as set forth in this protest.

WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

SOUTH HILLS MOVERS, INC.
WELESKI TRANSFER, INC.
CENTRAL VAN & STORAGE OF CHARLESTON,
INC. d/b/a CENTRAL VAN & STORAGE
COMPANY, INC.
VESELY BROS. MOVING & STORAGE, INC.
CENTURY III MOVING SYSTEMS, INC. t/d/b/a
CLAIRTON TRANSFER COMPANY AND
PLEASANT HILLS VAN & STORAGE

By: 

William A. Gray, Esq.
Attorney for Protestants

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FEB 02 2007
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

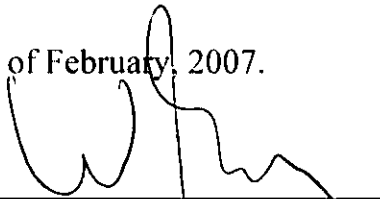
VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219-2383
(412) 471-1800

Dated: February 2, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request an oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, PA, this 2nd day of February, 2007.



William A. Gray

Re: Canterbury International Incorporated t/d/b/a Two Men and a Truck
Docket No. A-00121505, F.1, Am-A

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on January 13, 2007,
applicant seeks authority to operate as a common carrier, transporting:

Household goods in use, from points in the County of
Allegheny, to points in Pennsylvania, and vice versa.

INTEREST OF PROTESTANTS:

1. South Hills Movers, Inc., 3132 Industrial Boulevard, Bethel Park, PA
15102, (412-833-1580) holds authority at Docket No. A-00109506. A copy of the
relevant authority of South Hills Movers, Inc. is attached hereto. South Hills Movers can
provide all of the service sought by this application.

2. Weleski Transfer, Inc., 140 West Fourth Avenue, Tarentum, PA 15084,
holds authority at Docket No. A-00096502. A copy of the relevant authority of Weleski
is attached hereto. Weleski can provide all of the service sought by this application..

3. Central Van & Storage of Charleston, Inc. d/b/a Central Van & Storage
Company, Inc., 301 Jacobson Drive, Poca, WV 25159, (800-753-1898) holds authority
at Docket No. A-00121979. A copy of the relevant authority of Central Van is attached
hereto. Central Van can provide all of the service sought by this application.

4. Vesely Bros. Moving & Storage, Inc., 316 Finley Road, Belle Vernon, PA 15012 (724-930-7676) holds authority at Docket No. A-00102958. A copy of the relevant authority of Vesely Bros. Moving & Storage, Inc. is attached hereto. Vesely Bros. can provide all of the service sought by this application.

5. Century III Moving Systems, Inc. t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage, 316 Finley Road, Belle Vernon, PA 15012 (724-930-7676) holds authority at Docket No. A-00109240. A copy of the relevant authority of Century III Moving Systems is attached hereto. Century III can provide some of the service sought by this application, specifically involving that part of Allegheny County set forth in its authority.

SOUTH HILLS MOVERS, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 21, 1990

Commissioners Present:

William H. Smith, Chairman
Frank Fischl
David W. Rolka
Joseph Rhodes, Jr.

Application of South Hills Movers, Inc.
(NEW), a corporation of the Commonwealth
of Pennsylvania, for the transfer of all
of the operating rights of South Hills
Movers, Inc. (OLD), under the certificate
issued at A-00099073, F. 2, subject to the
same limitations and conditions.

A-00109506

John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 24, 1990. Public notice of the application was given in the Pennsylvania Bulletin of October 13, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

The purpose of the instant application is to transfer all of the issued and outstanding authority^{1/} of South Hills Movers, Inc., which is contained under the certificate issued at A-00099073, F. 2, to a newly-formed corporation while retaining the name South Hills Movers, Inc., at A-00109506. This transfer application is being filed to facilitate reorganization of

^{1/} The transferor has two pending application proceedings at A-00099073, F. 2, Am-J and A-00099073, F. 2, Am-I. The transferor has filed Petitions for Substitution of the Applicant in these proceedings.

companies which will result in the stock of two motor carrier operating companies being owned by SHM Holdings, Ltd.

SHM Holdings, Ltd. is a stockholding company in which Robert E. Lee and Gary N. Lee each hold 50 percent of the issued and outstanding common stock. Robert E. Lee and Gary N. Lee also each own 50 percent of the issued and outstanding shares of common stock of the applicant. Robert Lee and his wife Marion Lee own all of the issued and outstanding preferred stock of the transferor. The result of approval of this application will consolidate this family's business under one entity. At a separate proceeding docketed at A-00107868, the stock of LeeLease, Inc., is being transferred to SHM Holdings, Ltd. Robert E. Lee and Gary N. Lee each own 50 percent of LeeLease, Inc.

Upon approval of the applications, SHM Holdings, Ltd., will control through ownership of all of the issued and outstanding stock, South Hills Movers, Inc. (NEW) and LeeLease, Inc. The applicant has also filed with the Interstate Commerce Commission applications to effectuate this reorganization.

The new corporation, South Hills Movers, Inc., has total assets of \$100,000 in cash. Its shareholders' equity is comprised of paid in capital of \$50,000 and common stock with 50,000 shares of par value of \$1.00 issued and outstanding. Officers of the transferor will take positions as officers in the transferee. As such, the newly-formed corporation will have the benefit of their experience.

The total consideration for the rights is \$45,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: the total purchase price of \$45,000 will be paid in cash or by certified or cashier's check on the final closing date. The closing date is a date selected by agreement of the parties within a period of 30 days after the effective date of the final order by the Commission approving the application.

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 public 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:

1. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, including objects of art, furniture, displays, musical instruments and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the counties of Allegheny and Washington and from points in the said counties to other points in Pennsylvania, and vice versa;

right 1 subject to the following conditions:

- FIRST: That the service herein authorized is limited to commodities which, because of their unusual nature or value, require specialized handling and equipment usually employed in the moving of household goods.
- SECOND: That the service herein authorized is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for the purpose of resale.
- THIRD: That no right, power or privilege is granted to transport property requiring the use of carryalls, pole trailers and/or winch trucks or trailers.
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the city of Uniontown, Fayette County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa.
 3. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions,

hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods between points in the county of Fayette and from points in the said county to other points in Pennsylvania, and vice versa;

right 3 subject to the following condition:

That (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale.

4. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, in connection with the removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the county of Greene, and from points in said county, to points in Pennsylvania, and vice versa;

right 4 subject to the following condition:

That no right, power or privilege is granted to transport property, which, because of size or weight requires special handling or the use of special equipment such as winch trucks, or tractors, pole or extendible trailers, or carry-alls or which require a highway permit from the Department of Transportation of the Commonwealth of Pennsylvania.

5. To transport, as a Class D carrier, tabulating machines, calculating machines, digital computers, copying machines, and other electronic equipment, which because of their unusual nature or value, requires specialized handling and equipment usually employed in moving

household goods between points in the counties of Allegheny, Armstrong, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland, and from points in said counties to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport to, from or between points in Beaver County.

6. To transport, as a Class D carrier, (1) household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods; (2) tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith;
 - (a) From the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa;
 - (b) From points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa;

right b subject to the following condition:

That no right, power or privilege is granted to transport household goods or office equipment in use to and from points within the

limits of White Township and the borough of Indiana, Indiana County;

- (c) Between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough;
- (d) From points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa;
- (e) Between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa;
- (f) Between points in the borough of Ellwood City, Lawrence County and from points in said borough to points within fifteen (15) miles by the usually traveled highways of the limits of said borough, and vice versa;
- (g) Between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, and from said area to other points in Pennsylvania, and vice versa;

rights f and g subject to the following condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

subject to the following general conditions:

1. 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 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.
2. That applicant shall not record in its utility accounts any amount representing the rights

herein granted in excess of the actual cost of such rights to the original holder thereof.

3. That the applicant charge to Account 1550, Other Intangible Property, \$45,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. 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.
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 entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).


IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

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, South Hills Movers, Inc. (OLD), at A-00099073, F. 2, be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 21, 1990

ORDER ENTERED: NOV 28 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 2, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Application of South Hills Movers, Inc., a corporation of the Commonwealth of Pennsylvania for the transfer of all of the operating rights of SHM, Inc., a corporation of the Commonwealth of Pennsylvania under the certificate issued at A-00099023, F. 2, subject to the same limitations and conditions.

A-00109506
F. 1
Am-B

William A. Gray for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 1, 1993. Public notice of the application was given in the Pennsylvania Bulletin of August 14, 1993. The unopposed application is certified to the Commission for its decision without an oral hearing.

The application for transfer is filed as the result of a Commission Opinion and Order upon Remand which approved the transfer of part of the rights authorized D. Pierce Transportation, Inc., at A-00107772, F. 2 to SHM, Inc., formerly South Hills Movers, Inc. (Old). Originally, South Hills Movers, Inc. (Old) filed an application at A-00099073, F. 2, Am-I to acquire part of the rights of D. Pierce Transportation, Inc. The application was denied March 22, 1991. In the January 3, 1992 Opinion and Order of the Commonwealth Court (filed on January 7, 1992), it acted to reverse the Commission's order and to remand the case with the direction that the application be granted to transfer the authority. As a result of the Opinion and Order upon Remand, adopted May 7, 1992, entered May 13, 1992, the applicant has filed the instant application.

The transferor is now SHM, Inc., as South Hills Movers, Inc., (old) was granted permission to change its name to SHM, Inc., by our order at

A-00099073, F. 2, adopted March 25, 1993, entered March 26, 1993. Approval of the transfer here at A-00109506, F. 1, Am-B, will close out all outstanding matters involved with SHM, Inc. and South Hills Movers, Inc. (old). Approval of the instant application will cause SHM, Inc., (formerly South Hills Movers, Inc. (old)) to have no current authority and the certificate at A-00099073, F. 2 may be cancelled.

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 public need, which may be overcome only by evidence to the contrary. In re: Eyerly, 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. That 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, April 18, 1991, as amended, be further amended to include the following right:

To transport, as a Class D carrier, household goods in use between points in the county of Beaver, and from points in said county to other points in Pennsylvania, and vice versa.

subject to the following general conditions:

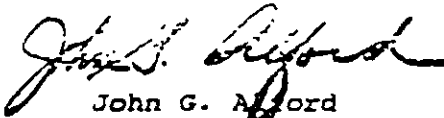
- (1) That approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid 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.
2. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.

3. 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 above.
4. 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.
5. 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 herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of 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.

BY THE COMMISSION,


John G. A. Ford
Secretary

(SEAL)

ORDER ADOPTED: December 2, 1993

ORDER ENTERED: DEC 15 1993

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 19, 1996

Commissioners Present:

John M. Quain, Chairman
Lisa Crutchfield, Vice-Chairman
John Hanger
David W. Rolka
Robert K. Bloom

Application of South Hills Movers, Inc. (NEW),
a corporation of the Commonwealth of Pennsylvania,
for transfer of part of the operating rights of
Leelease, Inc., authorized under the certificate
issued at A-00107868, subject to the same limitations
and conditions.

A-00109506
F.1
Am-C

John A. Vuono for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 16, 1996. Public notice of the application was given in the Pennsylvania Bulletin of November 12, 1996. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Robert E. Lee, the president of South Hills Movers, Inc. (NEW), represents the applicant, setting forth that the company is currently certificated to transport household goods in use between points in Western Pennsylvania as more fully described by its certificate of public convenience. In addition, it was granted the right to transport property, excluding household goods in use, between points in Pennsylvania, by virtue of the Commission's Final Decision at P-00940884, adopted on December 15, 1994, and entered on December 22, 1994.

The purpose of the instant transfer which extracts certain operating territories from the broad territory of Leelease, Inc., is to increase coverage in Western Pennsylvania and permit the reorganization of several commonly held companies.

A concurrent application for the balance of the Leelease, Inc., authority was filed by SHM, Inc. South Hills Movers, Inc. (NEW), SMH, Inc. and Leelease, Inc., are affiliated companies all of which are under the control of the Robert Lee family. The instant application and the application of SMH, Inc., are related to a corporate reorganization of the Lee family companies. Upon transfer of authority to South Hill Movers, Inc. (NEW) and SMH, Inc., Leelease, Inc., will no longer hold operating authority from the Commission.

The authority held by the transferor, Leelease, Inc., consists of two paragraphs, the first being the broad form description of household goods permitting service between points in the city of Pittsburgh, Allegheny County, and points within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the said city. The second paragraph of authority held by Leelease, Inc., authorizes the transportation of tabulating machines, calculating machines, computers, etc., between points in the same territory. This second paragraph of authority is now considered a general property right permitting transportation of property between points in Pennsylvania by virtue of the Commission's Final Decision cited above.

Only transfer of a part of the household goods right is subject in this application since the applicant now holds authority to transport property, excluding household goods in use, between points in Pennsylvania.

The applicant is requesting the territory of Pittsburgh and within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the city, with the exclusion of specific areas described as follows: (a) That no right, power or privilege is granted to provide service to, from or between points in the county of Beaver, (b) That no right, power or privilege is granted to provide service to, from or between points in the counties of Allegheny, Fayette, Greene, Lawrence and Washington, (c) That no right, power or privilege is granted to provide service to, from or between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually travelled highways of the limits of said borough, (d) That no right, power or privilege is granted to provide service to, from, or between points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough (except that service may be provided to, from or between points in White Township and the borough of Indiana, Indiana County, (e) That no right, power or privilege is granted to provide service to, from or between points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough, (f) That no right, power or privilege is granted to provide service between points in the city of Erie, Erie County; from points in the city of Erie, Erie County,

to points within twenty (20) miles by the usually traveled highways of the public square in said city, and vice versa; or from points in the city of Erie, Erie County, and within twenty (20) miles by the usually traveled highways of the limits of said city to points in Pennsylvania within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, or vice versa.

The conditions made part of the authority to transfer have been placed on the authority to eliminate duplications with the balance of authority to transfer to SHM, Inc. Our review of the authority and conditions confirms that no duplications will occur.

The total consideration for the operating rights is \$1,000.00 which will be paid in full upon approval of the transfer.

As of December 31, 1995, the applicant reports assets of \$2,380,034 with liabilities of \$2,159,599. Total current assets of \$1,604,054 exceed current liabilities of \$927,457. For calendar year 1995, total revenue of \$9,546,616 provided a net income of \$14,510 after expenses and taxes. The applicant reports retained earnings of \$170,475 at the end of the year.

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, 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 certificate issued April 18, 1991, as amended, be further amended granting the following rights:

To transport, as a Class D Carrier, household goods in use, between points in the city of Pittsburgh, Allegheny County, and points within one hundred twenty-five (125) miles by the usually travelled highways of the limits of said city;

subject to the following conditions:

(a) That no right, power or privilege is granted to provide service to, from or between points in the county of Beaver;

(b) That no right, power or privilege is granted to provide service to, from or between points in the counties of Allegheny, Fayette, Greene, Lawrence and Washington;

(c) That no right, power or privilege is granted to provide service to, from or between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually travelled highways of the limits of said borough;

(d) That no right, power or privilege is granted to provide service to, from, or between points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough (except that service may be provided to, from or between points in White Township and the borough of Indiana, Indiana County;

(e) That no right, power or privilege is granted to provide service to, from or between points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough;

(f) That no right, power or privilege is granted to provide service between points in the city of Erie, Erie County; from points in the city of Erie, Erie County, to points within twenty (20) miles by the usually traveled highways of the public square in said city, and vice versa; or from points in the city of Erie, Erie County, and within twenty (20) miles by the usually traveled highways of the limits of said city to points in Pennsylvania within one hundred twenty-five (125) miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, or 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 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.

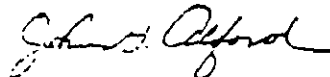
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates for the transportation of household goods in use.

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, Leelease, Inc., under the certificate issued at A-00107868 be and are hereby cancelled and the record shall be marked closed.

BY THE COMMISSION



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 19, 1996

ORDER ENTERED: DEC 23 1996

WELESKI TRANSFER, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 96502

Application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, dated February 16, 1971, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by ANDY L. WELESKI (deceased) and ANTHONY L. WELESKI, copartners, trading and doing business as WELESKI TRANSFER, under report and order issued at A. 84519, Folder 1 on August 19, 1957 and the certificate of public convenience issued thereunder, as modified and amended, and under report and order issued at A. 84519, Folder 2 on August 19, 1957 and the certificate of public convenience issued thereunder, which certificates will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by WELESKI TRANSFER, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class B carrier, property between points in the borough of Tarentum, Allegheny County. (Formerly A. 84519, Folder 1)
2. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the borough of Tarentum and within an airline distance of three (3) statute miles of the limits of said borough to points within an airline distance of forth (40) statute miles of point of origin, and vice versa. (Formerly A. 84519, Folder 1)
3. To transport, as a Class B carrier, property between points in the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)
4. To transport, as a Class B carrier, household goods and equipment, in use, between points in the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 1)

5. To transport, as a Class D carrier, household goods and equipment, in use, from the borough of New Kensington, Westmoreland County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa. (Formerly A. 84519, Folder 1)
6. To transport, as a Class D carrier, electrical household equipment for the Keller Electric Company from Ochiltree Electric Company in the city of Pittsburgh, Allegheny County, to the borough of New Kensington, Westmoreland County. (Formerly A. 84519, Folder 1)
7. To transport, as a Class D carrier, property for Montgomery Ward & Company and M. Rom & Sons Company from points in the borough of New Kensington to points in a westerly, northerly and easterly direction within thirty (30) miles by the usually traveled highways of the limits of said borough and to points in a southerly direction within twelve (12) miles by the usually traveled highways of the limits of said borough and vice versa. (Formerly A. 84519, Folder 1)
8. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the city of Pittsburgh, Allegheny County, and within thirty (30) miles by the usually traveled highways of the limits of said city. (Formerly A. 84519, Folder 1)
9. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the county of Allegheny. (Formerly A. 84519, Folder 1)
10. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the county of Allegheny to other points in Pennsylvania, and vice versa. (Formerly A. 84519, F.1)
11. To transport, as a Class D carrier, amiesite, stone, limestone, wire tools, sawed and planed lumber, coal, building materials and building construction materials, such as are usually transported in dump trucks, between points in the borough of Apollo, Armstrong County, and within twenty (20) miles by the usually traveled highways of the limits of said borough; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination. (Formerly A. 84519, Folder 1)

- 12. To transport, as a Class D carrier, mine machinery and supplies from the freight station in the borough of Apollo, Armstrong County, to mines within twenty (20) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
- 13. To transport, as a Class D carrier, household goods, in use, between points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough. (Formerly A. 84519, Folder 2)
- 14. To transport, as a Class D carrier, household goods in use, from points in the borough of Apollo, Armstrong County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (Formerly A. 84519, Folder 2)

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

SECOND: 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.

THIRD: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof;

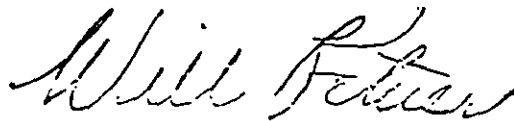
FOURTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, May 17, 1971, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operæ as above determined.

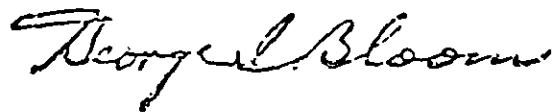
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:



Secretary



Chairman

CENTRAL VAN & STORAGE OF CHARLESTON, INC.
t/d/b/a CENTRAL VAN & STORAGE COMPANY, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held May 4, 2006

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Bill Shane
Kim Pizzingrilli
Terrance J. Fitzpatrick

Application of Central Van & Storage of Charleston, Inc.
t/d/b/a Central Van & Storage Company, Inc., for the transfer
of all of the household goods in use, operating rights of
Anderson Transfer, Inc., under the Certificate issued at
A-00109593, subject to the same limitations and conditions

A-00121979

OPINION AND ORDER

BY THE COMMISSION:

Before the Commission for consideration and disposition is a Petition for Reconsideration of Commission Order (Petition)¹ filed by Central Van & Storage of Charleston, Inc. t/d/b/a Central Van & Storage (Central Van) on November 2, 2005, and also the Petition for Reconsideration filed by Central Van on November 14, 2005, relative to the above-captioned proceeding. The Order to which the Petition refers was issued on October 28, 2005. No Response to the Petitions has been filed.

¹ Central Van styled its Petition as a "Letter-Petition to Issue a Corrected Order."

History of Proceeding

On August 3, 2005, Central Van filed the above-captioned Application which sought to transfer to Central Van all of the household goods authority issued to Anderson Transfer, Inc. (Anderson Transfer), at Docket No. A-00109593. Corresponding applications for emergency temporary and temporary authority were filed on August 2, 2005. Public notice of the permanent and temporary authority Applications was given in the *Pennsylvania Bulletin* of August 20, 2005, with Protests due by September 12, 2005. The Applications for permanent and temporary authority were unopposed and no hearings were held. The unopposed Applications were then certified to the Commission for its decision without oral hearing.

In the Commission Order entered herein on October 28, 2005, we granted Central Van the authority to commence providing household goods, in use, service by acquiring through transfer the household goods, in use, rights held by Anderson Transfer.

Central Van filed the instant Petition seeking modifications to its authority, as above noted. In its Petition for Reconsideration filed on November 14, 2005, Central Van noted that it was filing the second Petition "out of an abundance of caution," and that the second Petition involves the same issues raised in its initial Petition. Additionally, Central Van filed a Verified Statement of Barbara E. Moore in support of the instant Petition on November 23, 2005. Barbara E. Moore is the President and sole shareholder of Anderson Transfer, Inc., which is the transferor of the authority acquired by Central Van.

While the Petition for Reconsideration was pending at the Commission, Central Van filed a Petition for Review with Commonwealth Court, thus removing jurisdiction from the Commission. On February 10, 2006, the Commission's Law Bureau

filed an Application with Commonwealth Court to remand this matter to the Commission for disposition. On February 13, 2006, at Docket No. 2353 C.D. 2005, Commonwealth Court, granted the Application and relinquished jurisdiction in this matter, remanding it to the Commission. Accordingly, we may now consider Central Van's Petition for Reconsideration.

Discussion

The Code establishes a party's right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g) of the Code, 66 Pa. C.S. § 703(f) and (g), relating to rehearings, rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572(b) of our Regulations, 52 Pa. Code § 5.572(b), relating to petitions for relief following the issuance of a final decision. The standards for a petition for relief following the issuance of a final decision were addressed in *Duick v. PG&W*, 56 Pa. PUC 553 (1982) (*Duick*).

Duick held that a petition for rehearing under Subsection 703(f) of the Code must allege newly-discovered evidence not discoverable through the exercise of due diligence prior to the close of the record. *Duick* at 558. A petition for reconsideration under Subsection 703(g), however, may properly raise any matter designed to convince us that we should exercise our discretion to amend or rescind a prior Order, in whole or in part. Furthermore, such petitions are likely to succeed only when they raise "new and novel arguments" not previously heard or considerations which appear to have been overlooked or not addressed by us. *Duick* at 559.

We note that, pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 5.572, our power to modify or rescind final orders is limited to certain circumstances. A petition to modify or rescind a final Commission order may only be granted judiciously and under appropriate circumstances, because such an order will result in the disturbance of final

orders. *City of Pittsburgh v. Pennsylvania Department of Transportation*, 490 Pa. 264, 416 A.2d 461 (1980); *City of Philadelphia v. Pa. PUC*, 720 A.2d 845 (Pa. Cmwlth. 1998); and *West Penn Power Company v. Pa. PUC*, 659 A.2d 1055 (Pa. Cmwlth. 1995).

In its Petition, Central Van contends that the Commission Order entered on October 28, 2005, omits two of the grants of household goods authority sought to be transferred by the Application. Central Van requests that the two grants be included in the Ordering Paragraphs of the instant Opinion and Order so as to constitute a complete grant of authority. (Petition at 1-2).

In our consideration of the merits of the Petition, we find that it meets the evidentiary standards outlined in *Duick*, in that it has raised considerations which were previously overlooked by us. We will, therefore, grant the Petition and modify our previous Order at the instant Docket Number, so as to include the authority omitted from our previous Order.

Accordingly, for the above-outlined reasons, the instant Petition will be granted and the appropriate modifications to our October 28 Order will be made;

THEREFORE,

IT IS ORDERED:

1. That the Petition for Reconsideration of Commission Order entered herein on October 28, 2005, filed by Central Van & Storage of Charleston, Inc. t/d/b/a Central Van & Storage, is granted.
2. That the authority granted in our Order entered on October 28, 2005, herein be modified to read as follows:

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, household goods in use:

(1) From points in the city of Washington and within fifteen (15) miles by the usually traveled highways of the limits of said city, to other points in Pennsylvania, and vice versa;

(2) Between points in the city of Washington, Washington County, and within fifteen (15) miles by the usually traveled highways of the limits of said city;

With right No. 2 above subject to the following condition:

(a) That no right is granted is transport property to points more than five (5) miles from Washington which are served by the Pittway Corporation.

(3) From points in the county of Allegheny, to points in Pennsylvania, and vice versa;

With right No. 3 above subject to the following condition:

(a) that no right, power or privilege is granted to provide transportation from the borough of Millersburg, Dauphin County, the city of Harrisburg, Dauphin County, and points in the counties of Dauphin and Cumberland within ten (10) miles by the usually traveled highways of the limits of the city of Harrisburg;

(4) Between points in the county of Allegheny;

(5) Between points in the borough of Waynesburg, Greene County, and within five (5) miles by the usually traveled highways of the limits of the said borough; and

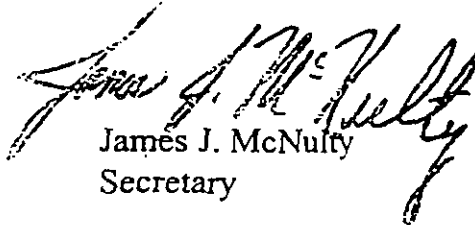
(6) From points in the borough of Waynesburg, Greene County, and within five (5) miles by the usually traveled

highways of the limits of said borough, 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 therefore, 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.
3. That in all other respects not inconsistent herewith, our Order entered herein on October 28, 2005 shall remain in full force and effect.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: May 4, 2006

ORDER ENTERED: MAY 05 2006

579619v1

VESELY BROS. MOVING & STORAGE, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 8, 1981

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Vesely Bros. Moving
& Storage, Inc., for approval of the
transfer to it of all of the
operating rights held by A & L
Transfer, Inc., at A-00100125.

A-00102958

O R D E R

BY THE COMMISSION:

By application docketed March 3, 1981, Vesely Bros. Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to A & L Transfer, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00100125.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by A & L Transfer, Inc., at A-00100125 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, household goods and office furnishings in use between points in the county of Allegheny.
2. To transport, as a Class D carrier, household goods and office furnishings in use from points in the county of Allegheny to other points in Pennsylvania and vice versa;

subject to the following conditions:

1. 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 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.

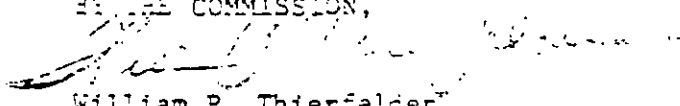
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$14,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
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 entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and 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 upon compliance with this order, the rights granted the transferor A & L Transfer, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00100125 be cancelled and the record be marked closed.

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

CENTURY III MOVING SYSTEMS, INC. t/d/b/a
CLAIRTON TRANSFER COMPANY AND
PLEASANT HILLS VAN & STORAGE

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 10, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

Application of Century III Moving Systems, Inc., t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage, a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Century III Services, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00106464, F. 1 and F. 2, subject to the same limitations and conditions.

A-00109240

William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 19, 1990. Public notice of the application was given in the Pennsylvania Bulletin of April 14, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant seeks to begin providing service in Pennsylvania through acquisition of all of the operating rights of Century III Services, Inc.

The applicant is a Pennsylvania corporation domiciled at 301 Wide Drive, McKeesport, Allegheny County. The stockholders of the applicant, Peter J. Vesely and Joseph Vesely, are experienced in the household goods transportation industry by virtue of their position as officers, directors and shareholders of Vesely Bros. Moving & Storage, Inc. which holds authority

in Pennsylvania at A-00102958. The applicant is purchasing vehicles and equipment from the transferor with which to provide service. The applicant reports total assets of \$118,000 with liabilities of \$117,000.

The total consideration for the rights and other assets including motor vehicles, office equipment and warehouse equipment is \$117,000. The rights have been assigned a value of \$30,000 with other assets \$87,000. The sales agreement requires that the full purchase price will be paid in cash or by certified or cashiers check on the final closing date.

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 public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. F.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 B carrier, property, between points in the city of Clairton, Allegheny County.
2. To transport, as a Class C carrier, property, from points in the city of Clairton, Allegheny County, to points within twenty-five miles, by the usually traveled highways, of the limits of said city and vice versa.
3. To transport as a Class D carrier, household goods and office furnishings in use between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, and from points in said territory to other points in Pennsylvania, and vice versa; provided however, that no right, power or privilege is granted to render such service between points in the city of Pittsburgh or from points in said city of Pittsburgh to other points in

Pennsylvania except Clairton and points within fifteen (15) miles of the limits of Clairton not located in Pittsburgh.

4. To transport, as a Class D carrier, building and construction materials in bulk in dump trucks between points in the county of Allegheny, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.
5. To transport, as a Class D carrier, household goods and office furnishings in use from points in the city of Clairton, Allegheny County and within fifteen (15) miles by the usually traveled highways of the limits of said city, excluding the city of Pittsburgh, Allegheny County to points within 100 miles by the usually traveled highways of the limits of the city of Clairton and vice versa.
6. To transport, as a Class D carrier, property for Sears, Roebuck and Company from its store in the Duquesne Village Shopping Center in the borough of West Mifflin, Allegheny County, to the homes or places of business of its customers in the said borough and within an airline distance of twenty (20) statute miles of the limits thereof, and the return of refused or rejected property to the said store.
7. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, in connection with a removal by a householder, from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of the said city and from points in said territory to other points in Pennsylvania, and vice versa;

with right no. 7 subject to the following conditions:

- (a) That no right, power or privilege is granted to render said service between points in the city of Pittsburgh or from points in said city of Pittsburgh

to other points in Pennsylvania, except Clairton and points within fifteen (15) miles by the usually traveled highways of the limits of Clairton not located in Pittsburgh.

(b) That (except as presently authorized) the authority granted is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for resale.

(c) That no right, power or privilege is granted to transport new pianos.

8. To transport, as a Class D carrier, property, for Bell Telephone Company and Western Electric Company, Inc., between points in the county of Allegheny, and from points in said county to points within an airline distance of fifty (50) statute miles of the limits thereof, and vice versa;

with right no. 8 subject to the following condition:

That no right, power or privilege is granted to provide transportation in bulk in dump vehicles.

9. To transport, as a Class B carrier, household goods in use between points in the city of Pittsburgh, Allegheny County.
10. To transport, as a Class D carrier, household goods in use from points in the city of Pittsburgh, Allegheny County, to points within five (5) miles, by the usually traveled highways, of the limits of said city, and vice versa.
11. To transport, as a Class D carrier, personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the city of Pittsburgh, Allegheny County, and from points in the city of Pittsburgh, Allegheny County, to points within

five (5) miles by the usually traveled highways of the limits of the said city, and vice versa;

with right no. 11 subject to the following conditions:

- (a) That (except as presently authorized) the authority granted is limited to deliveries to the home, establishment or place of business of the ultimate user thereof, where such property shall be uncrated and placed for use and not for resale.
 - (b) That no right, power or privilege is granted to transport new pianos.
12. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the city of Clairton, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa.
 13. To transport, as a Class D carrier, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment, which because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, and parts, materials and supplies used in connection therewith, between points in the city of Pittsburgh, Allegheny County, and from points in said city to points within five (5) miles by the usually traveled highways of the limits of said city, and vice versa.
 14. To transport, as a Class D carrier, property for A.T. & T. Technologies, Inc. (formerly known as Western Electric), and Bell of Pennsylvania, between points in Pennsylvania;

with right no. 14 subject to the following condition:

No right, power or privilege is granted to transport commodities in bulk.

subject to the following general conditions:

1. 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 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.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$30,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. 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.
6. That the certificate/permit holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

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 the temporary authority application be dismissed.

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 Century III Services, Inc., at A-00106464, F. 1 and F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1990

ORDER ENTERED: May 11, 1990

Law Offices

VUONO & GRAY, LLC

*John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Christine M. Dolfi
Louise R. Schrage*

2310 Grant Building
Pittsburgh, PA 15219-2383

*Richard R. Wilson
of Counsel*

*Telephone
412-471-1800*

*Facsimile
412-471-4477*

**Also Admitted in Florida*

March 5, 2007

Re: Canterbury International Incorporated t/d/b/a
Two Men and A Truck
Docket No. A-00121505, F. 1, Am-A

Mr. James McNulty
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

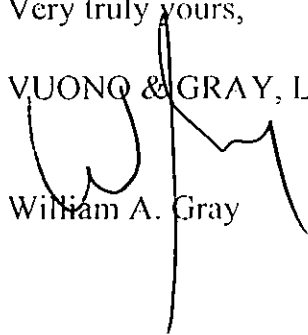
Dear Mr. McNulty:

We enclose for filing a Certificate of Service of Interrogatories Directed to Applicant in connection with the above-captioned application proceeding. The original and two (2) copies of Interrogatories Directed to Applicant were served upon the applicant by certified mail on February 23, 2007.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC


William A. Gray

pz/52402

Enclosure

cc: Canterbury International Incorporated
t/d/b/a Two Men and A Truck (w/enc.)
South Hills Movers, Inc.
Weleski Transfer, Inc.
Central Van & Storage of Charleston, Inc. d/b/a
Central Van & Storage Company, Inc.
Vesely Bros. Moving & Storage, Inc.

RECEIVED
2007 MAR -8 AM 8:53
P.P.U.C.
SECRETARY'S BUREAU


Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2007 MAR 8 AM 8:53
PA.P.U.C.
SECRETARY'S BUREAU

IN RE:)
)
Application of) Docket No. A-00121505, F.1, Am-A
CANTERBURY INTERNATIONAL)
INCORPORATED t/d/b/a TWO MEN)
and a TRUCK)

CERTIFICATE OF SERVICE

William A. Gray, attorney for Protestants, South Hills Movers, Inc., Weleski Transfer, Inc., Central Van & Storage of Charleston, Inc. d/b/a Central Van & Storage Company, Inc., Vesely Bros. Moving & Storage, Inc. and Century III Moving & Storage, Inc. t/d/b/a Clairton Transfer Company and Pleasant Hills Van & Storage, hereby certifies that on the 23rd day of February, 2007 he did serve the original and two (2) true and correct copies of Interrogatories Directed to the Applicant upon Canterbury International Incorporated t/d/b/a Two Men and a Truck, 3555 Valley Drive, Pittsburgh, PA 15234, by certified mail, postage prepaid.



William A. Gray
VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219

Kenneth A. Olsen
Attorney at Law
33 Philhower Road
Lebanon, New Jersey 08833

ORIGINAL

March 12, 2007

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dear Sir:

Re: Application of Canterbury International Incorporated t/d/b/a
Two Men And A Truck
No. A-00121505, F. 1, Am-A

Please be advised I have just been retained to represent Applicant in the above referred to application proceeding. My Pennsylvania Supreme Court Identification Number is 29681.

Attached hereto, for filing with your Commission, find original and three copies of Notice of Appearance pursuant to 52 Pa. Code 1.25.

Kindly acknowledge receipt on the duplicate of this letter and extra copy of Notice Appearance attached, showing thereon said notice was duly filed. A self-addressed stamped envelope is enclosed for your convenience.

If you have any questions relative to any of the above or attached, or require additional information, do not hesitate to contact me. Your courtesies and considerations are appreciated.

Respectfully yours,


Kenneth A. Olsen

KAO:amo

Enc.

cc with enc.: William A Gray, Esq.

Canterbury International Incorporated t/d/b/a Two Men And A Truck

RECEIVED
2007 MAR 14 AM 9:12
SECRETARY'S BUREAU

DOCUMENT
FOLDER

RJP

ORIGINAL

RECEIVED
2007 MAR 14 AM 9:12
PENNSYLVANIA BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF:
APPLICATION OF
CANTERBURY INTERNATIONAL INCORPORATED d/b/a
TWO MEN AND A TRUCK
NUMBER A-00121505, F. 1, Am-A

NOTICE OF APPEARANCE
ON BEHALF OF APPLICANT

**DOCUMENT
FOLDER**

Please enter my appearance on behalf of Applicant in the above captioned matter. I am authorized to accept service on behalf of the Applicant in this matter.

On the basis of this notice, I hereby request a copy of each document hereafter issued by the Commission and all other parties of record in this matter.

Dated: March 12, 2007

By: 

Kenneth A. Olsen
Attorney for Applicant
33 Philhower Road
Lcbanon, New Jersey 08833
Phone (908) 832-9207
Fax (908) 832-5403
Pennsylvania Attorney ID No. 29681

DOCKETED
MAR 14 2007



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 12, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: A-00121505F0001AMA

(SEE ATTACHED LIST)

Application of Canterbury International, Inc.
d/b/a Two Men and a Truck,
A corporation of the Commonwealth of Pennsylvania,

For the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in the county of Allegheny; which is to be a transfer of all the right authorized under the certificate issued at A-00110323 to John Finnegan, t/d/b/a A-1 Moving, subject to the same limitations and conditions.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial Hearing
Date: Wednesday, May 2, 2007
Time: 10:00 a.m.
Location: 11th Floor Hearing Room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

DOCUMENT
FOLDER

RJP

DOCKETED
MAR 13 2007

Presiding: **Administrative Law Judge Fred R. Nene**
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: 412.565.3550
Fax: 412.565.5692

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Nemec
Dawn Reitenbach
Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 14, 2007

5
IN REPLY PLEASE
REFER TO OUR FILE

In Re: A-00121505F0001AMA

(SEE LETTER DATED 3/12/07)

Application of Canterbury International, Inc.
d/b/a Two Men and a Truck,
A corporation of the Commonwealth of Pennsylvania,

For the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in the county of Allegheny; which is to be a transfer of all the right authorized under the certificate issued at A-00110323 to John Finnegan, t/d/b/a A-1 Moving, subject to the same limitations and conditions.

CORRECTED Hearing Notice

This is to inform you that the notice dated March 12, 2007 on the above-captioned case contained incorrect information. The purpose of this notice is to correct that information. All corrections will be double underlined.

Type: Initial Hearing
Date: Wednesday, May 2, 2007
Time: 10:00 a.m.
Location: 11th floor hearing room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

DOCUMENT
FOLDER

BTL

Presiding: Administrative Law Judge Michael A. Nemec
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: 412.565.3550
Fax: 412.565.5692

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pc: Judge Nemec
Dawn Reitenbach
Beth Plantz
Docket Section
Calendar File