

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: July 23, 2001	2. <u>BUREAU AGENDA NO.</u> AUG-2001-TSM-0126*
3. BUREAU: Transportation and Safety	5. <u>PUBLIC MEETING DATE:</u> August 30, 2001 DOCKET OCT 01 2001
4. SECTION(S): MCS&E	
6. APPROVED BY: Director: <i>AM</i> Mahan 7-2496 Supervisor: <i>WZ</i> Zeigler 3-5946	
7. PERSONS IN CHARGE: Ehrhart 3-5945 <i>EE</i>	
8. DOCKET NO.: A-00116219, F.2	

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

DOCUMENT FOLDER

- (a) Application of A. Mastrocco, Jr. Moving & Storage, Inc., a Pennsylvania Corporation, Warminster, Bucks County, for the transfer of the household goods in use rights of Anthony P. Mastrocco, authorized under the certificate issued at A-00089292, subject to the same limitations and conditions.
- (b) The application is unopposed. The applicant has the fitness necessary to provide household goods in use service under the rights to transfer. The intrastate authority is being transferred for the consideration of \$1.00. Approval of the transfer is necessary for the continued accommodation and convenience of the public.
- (c) The Bureau of Transportation and Safety recommends the Commission adopt the proposed order approving the application, and canceling the certificate of the transferor at A-00089292 by supplemental order.

10. **MOTION BY:** Commissioner Chm. Thomas Commissioner Wilson - Yes
 Commissioner Fitzpatrick - Yes
SECONDED: Commissioner Bloom Commissioner

CONTENTS OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 P.O. BOX 3265, HARRISBURG, PA 17105-3265
 September 5, 2001

IN REPLY PLEASE
 REFER TO OUR FILE

A-00116219
 F.2

A MASTROCCO JR MOVING & STORAGE INC
 320 CONSTANCE DRIVE
 WARMINSTER PA 18794

KJR

A. Mastrocco, Jr. Moving & Storage, Inc.,
 a corporation of the Commonwealth of Pennsylvania. . .

DOCKETED
 SEP 14 2001

**DOCUMENT
 FOLDER**

To Whom It May Concern:

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

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with all of the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of August 30, 2001 and dismiss the application without further proceedings.

Very truly yours,
James J. McNulty

James J. McNulty
 Secretary

law
 Enclosure
 Certified Mail
 Tariff Contact Person: Tariff Unit (717) 787-5945
 Modification

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

Public Meeting held August 30, 2001

Commissioners Present:

**Glen R. Thomas, Chairman
Robert K. Bloom, Vice-Chairman
Aaron Wilson, Jr.
Terrance J. Fitzpatrick**

Application of A. Mastrocco, Jr. Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of the operating rights of Anthony P. Mastrocco, authorized under the certificate issued at A-00089292, subject to the same limitations and conditions.

A-00116219
F.2

**DOCUMENT
FOLDER**

ORDER

DOCKETED
SEP 14 2001

BY THE COMMISSION:

This matter comes before the Commission upon an application filed March 4, 2001. Public notice of the application was given in the Pennsylvania Bulletin of May 12, 2001. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS:

The applicant is seeking an additional grant of authority to transport household goods in use service through a transfer of that authority from Anthony P. Mastrocco, which is currently certificated to provide that service.

The transferor has stated it no longer desires to provide the household goods in use service and is selling the intrastate authority for \$1.00. The reason the consideration is \$1.00 is that it is a father to son transfer.

A. Mastrocco, Jr. Moving & Storage, Inc., is presently certificated to transport property, excluding household goods in use, between points in Pennsylvania. It

has been certificated since October 20, 1999. Anthony P. Mastrocco, Jr. is president of the transferee. He has experience working in his fathers moving & storage business. Applicant has provided a balance sheet dated February 28, 2001, reporting total assets of \$403,196.50.00 and total liabilities of \$79,506.54.

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947) Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

After complete review of the record, we find:

1. The applicant has the experience and fitness to provide the proposed service.
2. Approval of the unopposed application for transfer of the authority is necessary for the continued accommodation and convenience of the public;
THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following additional rights:

1. To transport as a common carrier, household goods in use, between points in the City and County of Philadelphia; and
2. To transport as a common carrier, household goods in use, from points in the City and County of Philadelphia, to points within an airline distance of fifty (50) miles of the Philadelphia City Hall.

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held 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 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 authorized by this order until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

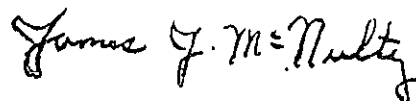
IT IS FURTHER ORDERED: That upon compliance with the requirements herein before set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above described.

IT IS FURTHER ORDERED: That upon compliance with the requirements of this order, the authority granted to Anthony P. Mastrocco, under the certificate issued at A-00089292 shall be canceled and the record be marked closed.

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.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: August 30, 2001

ORDER ENTERED: SEP 05 2001