

Law Offices

VUONO & GRAY, LLC

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

2310 Grant Building
Pittsburgh, PA 15219-2383
097348 (412) 471-1800

Richard R. Wilson
of Counsel

00 FEB 14 AM 10:01

February 11, 2000

RECEIVED
SECRETARY'S BUREAU (412) 471-4477

Re: Gary C. Walk, Jr., t/d/b/a Walks Moving
Docket No. A-00116497

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
FEB 14 11 31 AM '00

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.

Very truly yours,

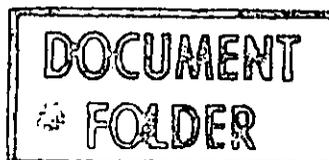
VUONO & GRAY, LLC

William A. Gray

pz/10818

Enclosure

- cc: John F. Siford, Esq. (w/enc.) (By Certified Mail)
- Lytle's Transfer & Storage, Inc.
- Gearharts Moving & Storage, Inc.
- LeCrone Transfer, Inc.
- Park Transfer and Storage Co., Inc.
- Dinges Moving & Storage Company
- Hoy Transfer, Inc.
- Yeagle's Moving Corp. t/d/b/a Sullivan Moving & Storage
- Weleski Transfer, Inc.



43

097351 Before the 00 FEB 14 AM 10:01
PENNSYLVANIA, PUBLIC UTILITY COMMISSION
RECEIVED
SECRETARY'S BUREAU

DOCKET NO. A-00116497

GARY C. WALK, JR., t/d/b/a WALKS MOVING

PROTEST AND REQUEST
FOR ORAL HEARING

DOCKETED

FEB 14 2000

TZ

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.

**DOCUMENT
FOLDER**

2000 FEB 14 PM 3:03

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, and (d) 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.

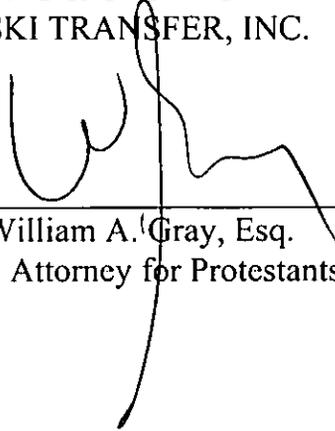
WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein; and applicant be required to make available at the hearing

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

Respectfully submitted,

LYTLE'S TRANSFER & STORAGE, INC.
GEARHARTS MOVING & STORAGE, INC.
LeCRONE TRANSFER, INC.
PARK TRANSFER AND STORAGE CO., INC.
ERNEST L. DINGES t/d/b/a DINGES
MOVING & STORAGE COMPANY
HOY TRANSFER, INC.
YEAGLE'S MOVING CORP. t/d/b/a SULLIVAN
MOVING & STORAGE
WELESKI TRANSFER, INC.

By:



William A. Gray, Esq.
Attorney for Protestants

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

Dated: February 11, 2000

/10818

Re: Gary C. Walk, Jr., t/d/b/a Walks Moving
Docket No. A-00116497

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on January 29, 2000, applicant seeks authority to operate as a common carrier, transporting:

Household goods in use, between points in the city of Altoona, Blair County, and within an airline distance of 30 statute miles of the limits of the city.

INTEREST OF PROTESTANTS:

1. Lytle's Transfer & Storage, Inc., 2309 Union Avenue, Altoona, PA 16602, (814) 943-1139 holds operating authority at Docket No. A-00094302. A copy of the relevant authority of Lytle's Transfer is attached hereto. The relevant grants of authority is paragraph 1.
2. Gearharts Moving & Storage, Inc., 812 - 22 North, 7th Avenue, Altoona, PA 16601, (814) 944-5331 holds operating authority at Docket No. A-00094066. A copy of the relevant authority of Gearharts is attached hereto. The relevant grants of authority are paragraph 3 of the lead docket, F.1, Am-A, and paragraphs 1 and 2 of F.1, Am-B.
3. LeCrone Tansfer, Inc., 2305 Beale Avenue, Altoona, PA 16602, (814) 944-2017 holds operating authority at Docket No. A-00109628. A copy of the relevant authority of LeCrone Transfer is attached hereto. The relevant grants of authority are paragraphs 4 and 6.

4. Park Transfer and Storage Co., Inc., 300 8th Street North, Altoona, PA 16601, (814) 943-1103 holds operating authority at Docket No. A-00100821. A copy of the relevant authority of Park Transfer is attached hereto. The relevant grants of authority are paragraphs 3 and 4.

5. Ernest L. Dinges t/d/b/a Dinges Moving & Storage Company, 117 Canal Street, Holidaysburg, PA 16648, (814) 695-5485 holds operating authority at Docket No. A-00041649. A copy of the relevant authority of Dinges Moving & Storage is attached hereto. The relevant grants of authority are both paragraphs of F. 3, Am-A.

6. Hoy Transfer, Inc., 2580 Clyde Avenue, State College, PA 16801, (814)-237-7530 holds operating authority at Docket No. A-00085095. A copy of the relevant authority of Hoy Transfer is attached hereto. The first grant of authority at F.2, Am-A is relevant hereto.

7. Yeagle's Moving Corp. t/d/b/a Sullivan's Moving & Storage, 738 Bellefonte Avenue, Lock Haven, PA 17745, (814)-234-7090 holds operating authority at Docket No. A-00109201. A copy of the relevant authority of Yeagle's is attached hereto. The relevant grant of authority is paragraph 5.

8. Weleski Transfer, Inc., 140 West Fourth Avenue, Tarentum, PA 15084 (412-361-3125) holds authority at Docket No. A-00096502. A summary of the relevant authority of Weleski is attached hereto. The relevant grants of authority are paragraphs 2, 3 and 4 of F. 1, Am-F.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 94302

Application of LYTTLE'S TRANSFER & STORAGE, 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 LYTTLE'S TRANSFER & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, dated November 1, 1967, 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 JAMES A. LYTTLE (deceased), trading and doing business as LYTTLE'S TRANSFER AND STORAGE, under report and order issued at A. 59734 on March 24, 1941, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by LYTTLE'S TRANSFER & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class D carrier, property usual to use in a household when a part of such household equipment or supply; furniture, fixtures, equipment and property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment; works of art, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, between points in the City of Altoona, Blair County, and within an airline distance of twenty-five (25) statute miles of the limits of said city and from points in said territory to points in Pennsylvania, and vice versa;

subject to the following conditions:

That no right, power or privilege is granted to transport general commodities, except where the same is purely incidental to and a part of the moving or relocation of a household, store, office, museum, institution, hospital or other establishment.

That no right, power or privilege is granted to render service from or to the Borough of Huntingdon, Huntingdon County, except on hauls of less than forty (40) miles from point of origin to point of destination.

That no right, power or privilege is granted to render service from or to the Borough of Philipsburg, Centre County, except on hauls of less than forty (40) miles from point of origin to point of destination; provided, however, that the certificate holder may render service from said Borough of Philipsburg to the City of Altoona and points within an airline distance of ten (10) statute miles of the limits of said city, and vice versa.

That no right, power or privilege is granted to render service from the Borough of State College, Centre County, and points within twelve (12) miles by the usually traveled highways of the limits of said borough, except to the City of Altoona, Blair County, and points within an airline distance of ten (10) statute miles of the limits of said city.

To transport, as a Class D carrier, new furniture from points in the City of Altoona, Blair County, to points in Pennsylvania, and vice versa;

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 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 water 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 deducted therefrom; that the 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.

A. 94302

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, April 1, 1968, 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 operate 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:

George A. Bloom
Chairman

J. W. ...
Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 94066

Application of GEARHARTS MOVING & STORAGE,
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 GEARHARTS MOVING & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, dated August 23, 1967, 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 WILLIAM GEARHART AND PATRICIA LOUISE GEARHART, copartners, trading and doing business as DINGES TRANSFER, under report and order issued at A. 90079 on May 27, 1963, and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by GEARHARTS MOVING & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights: -

To transport, as a Class B carrier, property between points in the City of Altoona, Blair County.

To transport, as a Class C carrier, property from points in the City of Altoona, Blair County, to other points within ten (10) miles by the usually traveled highways of the limits of said city, and vice versa;

with the right immediately above to be subject to the following condition:

That no right, power or privilege is granted to transport property between points served by The Pennsylvania Railroad Company and/or Rural Motor Express (now Ward Trucking Corporation).

To transport, as a Class D carrier, household goods and office furniture, in use, from points in the City of Altoona and within fifteen (15) miles by the usually traveled highways of the limits of said city to other points in Pennsylvania and vice versa.

To transport, as a Class D carrier, new uncrated household furniture, office furniture and fixtures from points in the City of Altoona, Blair County, to points in Pennsylvania, and vice versa;

with the right immediately above to be subject to the following condition:

OLD #12 To C

OLD 7

That no right, power or privilege is granted to transport electrical appliances from distributors to retailers between points served by Rural Motor Express (now Ward Trucking Corporation) and Elmer R. Snively (now Ward Trucking Corporation. //

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 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 amount 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, November 13, 1967, 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 operate 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:

John J. ...
Secretary

George A. Bloom
Chairman

PUBLIC UTILITY COMMISSION

Application Docket No. 94066
Folder 1, Am-A

Application GEARHARTS MOVING & STORAGE, INC., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of GEARHARTS MOVING & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, dated March 20, 1969, for modification of the report and order issued under date of November 13, 1967 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby some of the protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, September 29, 1969, IT IS ORDERED: That the third right contained in the report and order issued under date of November 13, 1967 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so that the third right shall now read as follows:

To transport, as a Class D carrier, property usual to use, in a household when a part of such household equipment or supply, in connection with a removal by a householder from one house or dwelling to another; furniture, fixtures, equipment and property usual in a store, office, museum, institution, hospital or other establishment when a part of the stock, equipment or supply of such store, office, museum, institution, hospital or other establishment, in connection with a removal from one location to another; and works of art, displays, exhibits and articles requiring specialized handling and equipment usually employed in moving household goods, from points in the city of Altoona, Blair County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa;

subject to the following condition:

That the service herein authorized is limited to deliveries to the home, establishment or place of business of the consignor where such property shall be uncrated and placed for use or resale.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the application in all other respects, be and is hereby refused for lack of proof of necessity.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

George L. Bloom

Chairman

J. W. ...

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 94066
Folder 1, Am-B

Application of GEARHARTS MOVING & STORAGE, INC., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of GEARHARTS MOVING & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, dated October 19, 1971, for modification of report and order issued under date of November 13, 1967 and the certificate of public convenience issued thereunder, as modified and amended, 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 right which have been held by SAMUEL F. ALBARANO, under report and order issued at A. 85419 on June 30, 1958 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the tariff requirements of the Commission by GEARHARTS MOVING & STORAGE, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, August 29, 1972, IT IS ORDERED: That the report and order issued under date of November 13, 1967 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights:

X To transport, as a Class D carrier, household goods, in use, and furniture and fixtures, in use, between points in the borough of Lilly, Cambria County, and within an airline distance of three (3) statute miles of the limits of the said borough.

To transport, as a Class D carrier, household goods, in use, and furniture and fixtures, in use, from points in the borough of Lilly, Cambria County, and within an airline distance of three (3) statute miles of the limits of the said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of the said borough, and vice versa.

A. 94066
Folder 1, Am-B

To transport, as a Class D carrier, building materials, in bulk in dump trucks, coal, coke and lime between points in the counties of Cambria and Blair, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination. X

subject to the following conditions:

FIRST: 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.

SECOND: 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.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$175, 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.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

Mary L. Bloom
Chairman

Will Fisher
Secretary

SECTION 1
RULES AND REGULATIONS

ITEM 5 - SCOPE OF CARRIER'S OPERATING AUTHORITY

Rates and provisions published in this tariff, or as amended, are limited in their application on Pennsylvania intrastate traffic to the extent of the operating rights set forth below. Unless specifically provided, the provisions are to be interpreted in the same manner as the Commission interprets the Certificate from which the following is quoted.

Certificate No. A-00109628

- (1) To transport, as a Class D carrier, property, for Sears, Roebuck and Company from points in the city of Altoona, Blair County, to points within an airline distance of fifty (50) statute miles of the limits of said city, and the return of items requiring repair or service;
- (2) To transport, as a Class D carrier, property, from the stores of J. C. Penney, Inc., in the township of Logen, Blair County, to points within an airline distance of fifty (50) statute miles of the said store, and the return of items requiring repair or servicing to the point of origin;
- (3) To transport, as a Class B carrier, property, between points in the city of Altoona, Blair County, and within an airline distance of three (3) statute miles of the limits of the said city;
- (4) To transport, as a Class D carrier, household goods and office furniture, in use, from points in the city of Altoona, Blair County, and within an airline distance of ten (10) statute miles of the limits of said city to other points in Pennsylvania, and vice versa, excluding the right to return household goods between points in Pennsylvania for distances of more than forty (40) miles;
- (5) To transport, as a Class D carrier, property, from the railroad station in the city of Altoona, Blair County, to points within an airline distance of ten (10) statute miles of the limits of the said city, and vice versa;
- (6) To transport, as a Class D carrier, household goods and office furniture and fixtures, in use, between points in the city of Altoona, Blair County, and from points in the said city to points in Pennsylvania, and vice versa;

with Rights No. 3, 4, 5 and 6 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles.

Abbreviations and reference marks are explained on last page of tariff.

IT IS ORDERED: That the application for approval of the transfer of rights held by William R. Elden, t/a Park Transfer and Storage, at A. 88284 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class B carrier, property between points in the city of Altoona, Blair County.
2. To transport, as a Class D carrier, property, from points in the city of Altoona, Blair County, to points within ten (10) miles by the usually traveled highways of the limits of said city, and vice versa, excluding transportation between any two points served by the Penn Central Railroad Company.
3. To transport, as a Class D carrier, uncrated household goods and office furniture, from points in the city of Altoona, Blair County, and within fifty (50) miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa, excluding the city of Johnstown, Cambria County, and the borough of State College, Centre County.
4. To transport, as a Class D carrier, crated household goods and office furniture, from points in the city of Altoona, Blair County, and within fifty (50) miles by the usually traveled highways of the limits of the said city to other points in Pennsylvania, and vice versa, excluding the city of Johnstown, Cambria County, and the borough of State College, Centre County.

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 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.

CERTIFICATE NO. A.41649, F.3, Am-A

SUPPLEMENT NO. 1
to
FREIGHT PA. P.U.C. NO. 1ERNEST L. DINGES
t/d/b/a
DINGES MOVING AND STORAGE COMPANYTARIFF
of
RATES AND RULES
governing
the right

TO TRANSPORT, AS A CLASS D CARRIER; HOUSEHOLD GOODS and OFFICE FURNITURE, in use, from points in the City of Altoona, Blair County, and within fifteen (15) miles by the usually traveled highways of the limits of the said city to other points in Pennsylvania, and vice versa.

TO TRANSPORT, AS A CLASS D CARRIER, UNCRATED HOUSEHOLD GOODS AND OFFICE EQUIPMENT from points in the City of Altoona, Blair County, and within fifty (50) miles by the usually traveled highways of the limits of the said city to points within one hundred (100) miles by the usually traveled highways of the limits of the said city, excluding the City of Johnstown, Cambria County, and the Borough of State College, Centre County.

The right immediately above subject to the following conditions:

1. That any transportation of uncrated household goods and office equipment from the Borough of Indiana and the Township of White, Indiana County, is limited and restricted to transportation to points in the City of Altoona, Blair County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said city.
2. That any transportation of uncrated household goods and office equipment from points within fifteen (15) miles by the usually traveled highways of the limits of the Borough of Clearfield, Clearfield County, is limited and restricted to transportation to points in the City of Altoona, Blair County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said city.

ISSUED: August 18, 1959

EFFECTIVE: August 19, 1959

Issued under authority of Tariff Rule 2 (C) of the Pennsylvania Public Utility Commission.

ISSUED BY: E. L. Dinges, Owner

600 Fourth Avenue, Juniata

Altoona, Pennsylvania

SECTION 1
RULES AND REGULATIONS

ITEM 5 - SCOPE OF CARRIER'S OPERATING AUTHORITY

Rates and provisions named in this tariff, or as amended, are limited in their application on Pennsylvania intrastate traffic to the extent of the operating rights set forth below. Unless specifically provided, the provisions are to be interpreted in the same manner as the Pennsylvania Public Utility Commission interprets the Certificate from which the following is quoted.

Certificate No. A-00085095 Folder 2, Am-A

- (1) To transport, as a Class D carrier, 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, when in connection with a removal from one location to another; 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; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, 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 county of Centre, and from points in said county to points in Pennsylvania, and vice versa;

- (2) To transport, as a Class D carrier, 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, when in connection with a removal from one location to another; 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; and tabulating machines, calculating machines, copying machines, computers, and other electronic equipment and business machines, 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, for Avtex Fibers Lewistown, Inc., Lewistown Hospital, Geisinger Medical Group and the Central Pennsylvania Conference of the United Methodist Church, between points in the county of Mifflin, and from points in said county, to points in Pennsylvania, and vice versa.

Abbreviations and reference marks are explained on last page of tariff.

ITEM 10 - SCOPE OF CARRIER'S OPERATING AUTHORITY

Rates and provisions named in this tariff, or as amended, are limited in their application on intrastate commerce to the extent of the operating rights set forth below

Certificate No. A. 00109201

1. To transport, as a Class D carrier, new and used furniture from the store of Bridge S Smith, now Smith Furniture Company, in the city of Lock Haven, Clinton County, to points within one hundred (100) miles by the usually traveled highways of the limits of said city, and vice versa.

2. To transport, as a Class D carrier, household goods in use between points in the city of Lock Haven, Clinton County, and within ten (10) miles by the usually traveled highways of the limits of said city.

with the above rights subject to the following condition:

That no right, power or privilege is granted to transport raw silk materials, and finished products of the silk (both artificial and natural) industry.

3. To transport, as a Class D carrier, unpadded or unboxed new furniture and new furniture parts from the plant or the factory of the R. K. Griffin Company in the city of Lock Haven, Clinton County, to points in Pennsylvania, and the return of damaged or refused items of furniture and furniture parts, unpadded or unboxed, from points in Pennsylvania to the plant or factory of the R. K. Griffin Company in the city of Lock Haven, Clinton County.

4. To transport, as a Class D carrier, household goods in use from points in the city of Lock Haven, Clinton County, and within ten (10) miles by the usually traveled highways of the limits of said city, and from the borough of Jersey Shore, Lycoming County, to points in Pennsylvania, and vice versa, excluding the city of Williamsport, Lycoming County, as a point of origin.

5. To transport, as a Class D carrier, household goods in use between points in the township of Karthaus, Clearfield County, and within twenty-five (25) miles of the limits of said township and from points in said territory to other points in Pennsylvania, and vice versa; excluding the right to transport household goods in use to or from the borough of Clearfield, Clearfield County, and within fifteen (15) miles of the limits of said borough, except as presently authorized.

For explanation of Abbreviations and Reference Marks not explained on this page, see concluding page(s) of this tariff.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 24, 1995

Commissioners Present:

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

Application of Weleski Transfer, Inc., for
the transfer of all of the operating rights
of John Paul Burton, Sr., and
Katherine Burton, Copartners, t/d/b/a
Burton Moving & Storage Co., under the
certificate issued at A-00095974, subject
to the same limitations and conditions.

A-00096502
F. 1
Am-F

Vuono, Lavelle & Gray by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 17, 1994. Public notice of the application was given in the Pennsylvania Bulletin of November 5, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Weleski Transfer, Inc. (transferee, applicant or Weleski), seeks to amend its common carrier rights by acquiring the rights involved in this transfer proceeding. Applicant and its predecessors have been continuously in business for more than 80 years. Weleski has held authority from this Commission since 1971 and throughout its history, has specialized in the transportation of household goods and office furnishings. It is also engaged in the transportation of other types of property pursuant to various grants of authority. Applicant's personnel are familiar with all aspects of the household goods moving business and are well qualified to assume the operations of the transferor which has provided a similar type service to the public in south central Pennsylvania. Applicant operates various pieces of equipment and is qualified to provide the transportation of household goods. Applicant has a comprehensive safety and maintenance program in effect at this time.

The balance sheet of the applicant as of December 31, 1993 shows total current assets of \$1,000,759.42, total assets of \$3,043,001.93, total

current liabilities of \$563,988.86, total liabilities of \$1,922,510.32 and total capital of \$1,120,491.61. The statement of income shows gross revenue of \$6,529,310.53, less cost of operations of \$3,947,911.31 resulting in a gross profit of \$2,581,399.22 less other expenses of \$2,099,058.99, resulting in an operating profit before interest and depreciation of \$482,340.23, a profit before income of \$220,889.17 was realized. A net income of \$130,645.17 was reported.

The total consideration for the rights is seven thousand (\$7,000) dollars.

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

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

DISCUSSION AND FINDINGS

Due to recently enacted Federal legislation, on January 1, 1995, the Pennsylvania Public Utility Commission no longer has jurisdiction over the rates, routes and service provided by property carriers, except for the transportation provided by household goods movers including office equipment in use. This application was received prior to the law being enacted and therefore, applicant applied for the transfer of all rights which include property along with specific rights to transport household goods and office equipment in use and new pianos. Due to the Federal legislation, the property rights will not be transferred. The only rights to be transferred in this proceeding are those involving office equipment in use and household goods in use.

Applicant currently operates pursuant to emergency temporary authority approved at Public Meeting of July 21, 1994. As we are processing the permanent application, the temporary authority application shall be dismissed herein.

We find:

1. The property authority amendment is dismissed as moot.
2. The applicant is fit, willing and able to provide the service proposed.
3. Transfer of the authority, as modified, 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, as modified, and that the certificate issued on July 15, 1971, as amended, be further amended to include the following rights:

To transport, as a Class D carrier:

1. office equipment in use and new pianos from points in the city of Johnstown, Cambria County, and within five (5) miles by the usually travelled highways of the limits of said city to other points in Pennsylvania, and vice versa;
2. household goods in use between points in the county of Cambria and in other counties within fifteen (15) miles, by the usually travelled highways of the limits of the city of Johnstown;
3. household goods in use from points in the county of Cambria and in other counties within fifteen (15) miles by the usually travelled highways of the limits of the city of Johnstown to other points in Pennsylvania, and vice versa;

with rights number 1, 2, & 3 immediately above subject to the following condition:

That no right is granted to transport household goods in use from the borough of Windber, Somerset County.

4. household goods in use from points in the borough of Benson, Somerset County, and within fifteen (15) miles by the usually travelled highways of the limits of said borough to other 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 rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to

any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the 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 2 above.
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 property authority amendment is dismissed as moot.

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:

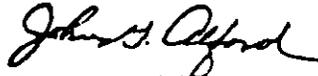
1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the temporary authority application filed in this proceeding be and is hereby 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, John Paul Burton, Sr., and Katherine Burton, Copartners, t/d/b/a Burton Moving & Storage Co. at A-00095974 be and are hereby cancelled.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: February 24, 1995

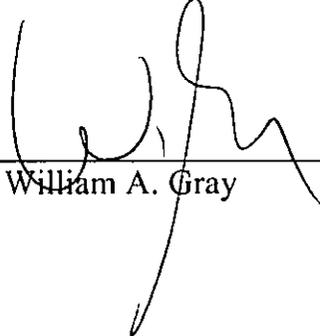
ORDER ENTERED: **MAR 3 1995**

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 11th day of February, 2000.

RECEIVED
SECRETARY'S BUREAU



William A. Gray

Law Offices

VUONO & GRAY, LLC

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

2310 Grant Building
Pittsburgh, PA 15219-2383
20027
(412) 471-1800

Richard R. Wilson
of Counsel

00 MAR -8 AM 8:12

RECEIVED
SECRETARY'S BUREAU
Facsimile
(412) 471-4477

March 6, 2000

Re: Gary C. Walk, Jr., t/d/b/a Walks Moving
Docket No. A-00116497

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

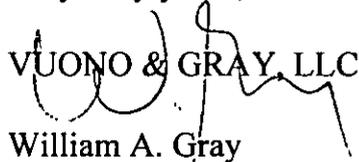
DOCUMENT
FOLDER

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 the Interrogatories were served upon Applicant today by certified mail.

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/10993

Enclosure

cc: John F. Siford, Esq. (w/enc.)(by certified mail)

EEF

2009
Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

00 MAR -8 AM 8:12

RECEIVED
SECRETARY'S BUREAU

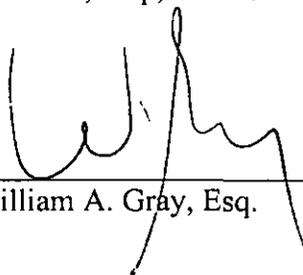
IN RE:)
)
Application of) Docket No. A-00116497
GARY C. WALK, JR. t/d/b/a)
WALKS MOVING)

CERTIFICATE OF SERVICE OF INTERROGATORIES
DIRECTED TO THE APPLICANT

DOCUMENT
FOLDER

William A. Gray, attorney for Protestants, Lytle's Transfer & Storage, Inc., Gearharts Moving & Storage, Inc., LeCrone Transfer, Inc., Park Transfer and Storage Co., Inc., Dinges Moving & Storage Company, Hoy Transfer, Inc., Yeagle's Moving Corp. t/d/b/a Sullivan Moving & Storage and Weleski Transfer, Inc., hereby certifies that on the 6th day of March, 2000, he did serve the original and two (2) true and correct copies of the foregoing Interrogatories upon applicant's representative, John F. Siford, Esq., 2006 Sixth Avenue, Altoona, PA 16602, by certified mail, postage prepaid.

DOCKETED



William A. Gray, Esq.

VUONO & GRAY, PLLC
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
MAR 09 2000