

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: October 19, 2005	2. BUREAU AGENDA NO. NOV-2005-TSM-0292*
3. BUREAU: Transportation and Safety	
4. SECTION(S): MCS&E	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Hoffman 3-3846 Mgr/Spvr: Minder 7-1168 Legal Review: RKS	November 10, 2005
7. PERSONS IN CHARGE: Rudy 3-5179 mjr	9. EFFECTIVE DATE OF FILING: N/A
8. DOCKET NO.: A-00119007, F. 2, Am-B	

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

(a) Application of Williams Moving & Storage, Inc., t/a Park Centre Carriers, *et al.*, Warrendale, Butler County, a corporation of Pennsylvania, for approval of the transfer to applicant of all of the household goods in use rights held by Best Moving & Storage Co., at A-00107776, F. 1, Am-A.

(b) Transferor proposes to transfer all of its household goods in use rights held in Chapter 11 Bankruptcy proceedings for a total consideration of \$5,000.00.

(c) The Bureau of Transportation and Safety recommends that the Commission adopt the proposed order approving the transfer application. The certificate of the transferor to be canceled by Supplemental Order.

**DOCUMENT
FOLDER**

DOCKETED
DEC 01 2005

11. **MOTION BY:** Commissioner Chm. Holland

Commissioner Shane - Yes
Commissioner Pizzingrilli - Yes
Commissioner Fitzpatrick - Yes

SECONDED: Commissioner Cawley

CONTENT OF MOTION: Staff recommendation adopted.



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

November 18, 2005

IN REPLY PLEASE
REFER TO OUR FILE

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REFER TO OUR FILE

A-00119007 F0002 AM-B

HENRY M WICK ESQUIRE
DAVID M O'BOYLE ESQUIRE
1450 TWO CHATHAM CENTER
PITTSBURGH PA 15219

DOCUMENT FOLDER

Application of Williams Moving & Storage, Inc., t/a
Parks-Centre Carriers, Parks Moving & Storage, Fife Moving
& Storage Co. and Werner Donaldson Moving Systems, Inc.

TO WHOM IT MAY CONCERN:

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

The Certificate of Public Convenience evidencing the
Commission's approval of the right to operate will not be issued
until the applicant has complied with the following insurance and
tariff requirements:

- I. Arrange through an insurance agent to have an
insurance company file with the Commission a
FORM E as evidence of minimum public
liability and property damage insurance
coverage as shown on the back of this sheet.
- II. Prepare and file a tariff according to the
enclosed instructions except applicants for
transfer of authority must file a tariff
adoption supplement, which will be forwarded
by separate cover at a later date.

PERSONS

DOCKETED
FEB 24 2006

PASSENGER CARRIERS:

- 15 passengers or less: \$35,000 to cover liability for bodily injury, death or property damage incurred in an accident.
- \$25,000 first party medical benefits, \$10,000 first party wage loss benefits and shall conform to 75 Pa. C.S. §§1701-1798 (relating to Motor Vehicle Financial Responsibility Law).
- First party coverage of the driver of certificated vehicles shall meet the requirements of 75 Pa. C.S. §1711 (relating to required benefits).
- 16 to 28 passengers: \$1,000,000 to cover liability for injury, death or property damage incurred in an accident.
- 29 passengers or more: \$5,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.

PROPERTY CARRIERS:

- Bodily Injury: \$300,000 per accident per vehicle to cover liability for bodily injury, death or property damage incurred in an accident.
- Insurance coverage of motor carriers of property shall meet the requirements of 75 Pa. C.S. §1701-1798 (relating to Motor Vehicle Financial Responsibility Law).
- Cargo: \$5,000 for loss or damage to cargo carried on a motor vehicle.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate of public convenience has been issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Transportation, as a bus or taxi. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

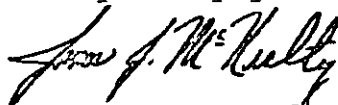
Commission regulations require compliance with all of the requirements within sixty (60) days of this letter. Failure to comply within the sixty- (60) day period will cause the Commission to rescind the action of November 10, 2005 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

INSURANCE FILINGS: Insurance Section
(717) 783-5933

TARIFF FILINGS: Tariff Section
(717) 787-5945

Very truly yours,



James J. McNulty,
Secretary

ljm
Enclosures
Certified Mail
Receipt Requested

See attached list for additional parties of record

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

Public Meeting held November 10, 2005

Commissioners Present:

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

Application of Williams Moving & Storage, Inc., t/a Parks-Centre Carriers, Parks Moving & Storage, Fife Moving & Storage Co. and Werner Donaldson Moving Systems, Inc., for the transfer of all of the operating right(s) under the certificate issued at A-00107776, F. 1, Am-A to Best Moving & Storage Co., subject to the same limitations and conditions.

A-00119007
F.2
Am-B

Wick, Streiff, Meyer, O'Boyle & Szeligo, P.C., David M. Boyle, for applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 31, 2005. Public notice of the application was given in the *Pennsylvania Bulletin* of September 17, 2005, with protests due by October 11, 2005. No protests were filed and no hearings were held. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Williams Moving & Storage, Inc., t/a Park Centre Carriers, *et al.* (applicant, transferee or Williams) seeks to acquire all the household goods in use rights from Best Moving & Storage Co., at Docket No. A-00107776, F. 1, Am-A. Applicant is currently certificated to transport property, excluding household goods in use, between points in Pennsylvania, and household goods in use. Transferee will operate from facilities located at 740 Commonwealth Drive, Warrendale, Butler County, Pennsylvania. Communications will be by regular telephone. Williams will utilize five (5) tractors, three (3) straight trucks, and seven (7) trailers. A comprehensive safety and maintenance program in effect.

Williams was granted a certificate of public convenience by the Commission on July 15, 2002, which authorized the transportation of property, between points in Pennsylvania. Since that time, Williams has operated pursuant to this grant of authority and pursuant to a grant of household goods authority from Beaver County to points in Pennsylvania, and vice versa, issued by the Commission at Docket No. A-00119007, F. 2, on or about October 10, 2002. Williams has almost three years of experience in the household goods industry.

Barton B. Williams is the sole stockholder and president of the company. Dan Dominick is the Secretary/Treasurer. Mr. Williams' family has been providing transportation service by motor vehicles since about 1919. Mr. Williams has over 35 years of experience in the household goods industry, including day-to-day managerial responsibilities, marketing, sales, acquisition of equipment, employee relations and virtually every aspect of a moving company's operations. Mr. Williams has employees involved in supervision, sales and safety, and has equipment dedicated to providing service in the transportation of household goods in use.

The purchase price for the rights is \$5,000.00.

Applicant's most current balance sheet as of December 31, 2004 shows total current assets of \$157,606, total assets of \$159,606, total liabilities of \$82,008 and an owners' equity of \$77,598.

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

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 270 A.2d 186 (Pa. 1970); Hostetter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

A review of the record before us indicates that the applicant possesses the requisite vehicles, technical expertise, experience, equipment, facilities, sufficient capital and other resources necessary to provide the proposed service.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. By Order dated May 4, 2005, the Bankruptcy Court approved the sale to Parks Moving & Storage, Inc. ("Parks") of various assets of Transferor, including the PUC operating rights involved in this transfer application. Williams accepts liability of purchasing Best Moving & Storage subject to Chapter 11 bankruptcy proceedings.

3. 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 application, as amended, be further amended, to include the following rights:

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

(1) from points in the county of Allegheny to other points in Pennsylvania and vice versa;

(2) between points in the county of Allegheny; and

(3) from points in the county of Allegheny to points within an airline distance of twenty-five (25) statute miles of the City-County Building, in the city of Pittsburgh, Allegheny County, which is to be a transfer of all the rights authorized under the certificate issued to Best Moving & Storage, Inc., at A-00107776, F. 1, Am-A, subject to the same limitations and conditions.

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 new Form E, as evidence of bodily injury and property damage liability insurance.

2. A tariff establishing just and reasonable rates.

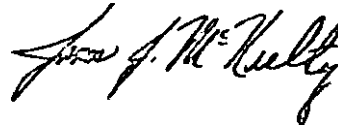
IT IS FURTHER ORDERED: That the transfer application be and is hereby authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of entry of this Order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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

IT IS FURTHER ORDERED: That upon compliance with this Order, the right(s) granted the transferor, Best Moving & Storage Co. at A-00107776, F. 1, Am-A, be canceled and the record be marked closed.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: November 10, 2005

ORDER ENTERED: . NOV 18 2005