

APPLICATION FOR APPROVAL OF TRANSFER  
AND EXERCISE OF COMMON CARRIER OR CONTRACT RIGHTS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Berger's Moving & Storage, Inc.  
(Applicant/Transferee-Buyer)

for the approval of the transfer and to exercise the right

as a common carrier, described at  
Docket  
(common - contract)

No. \_\_\_\_\_, Folder No. A-101022  
issued to

Rabel Brothers Moving & Storage Co. Inc.

(Transferor - Seller)

for transportation of household goods in use and  
property

(persons - household goods)

SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. Berger's Moving & Storage, Inc.  
(Full and Correct Name of Applicant/Transferee)

2. \_\_\_\_\_  
Trade Name, If Any

The trade name \_\_\_\_\_ been registered with the Secretary of the  
Commonwealth

(has or has not)

on \_\_\_\_\_ (attach copy of stamped registration form.)  
(Date)

3. 1330 Main Street  
(Business Street Address) (P. O. Box, If Any)

Dickson City PA 18519

(City) (County) (State)

570-877-9100  
(Zip) (Telephone)

4. Applicant's attorney (for this application) is:

Andrew J. Horowitz, Esq. 500 Grant Street, Ste. 5240, Pittsburgh, PA 15219

412-288-2461

(Name) (Address) (Telephone)

Any documents should be mailed to:

Transferee: See above (Name) (Address)

Transferor: Rabel Bros. Moving & Storage Co Inc.

c/o Attorney Dante Cancelli
Suite 401
400 Spruce Street
Scranton, PA 18503

5. Applicant does not hold Pa. P. U. C. authority under Docket Number
A- and operates as a carrier.
(common or contract)

6. Applicant does hold Interstate Commerce Commission authority at
Docket No. DOT 2988732

7. Applicant is (check one):

Individual.

Partnership. Must attach a copy of the partnership agreement (unless a
copy is presently on file with PUC), and list names and addresses of
partners below (use additional sheet if necessary).

(Name) (Address)

Corporation. Organized under the laws of the state of Pennsylvania
and qualified to do business in Pennsylvania by registering with the Secretary of
the Commonwealth on 7/23/2019 (Attach copy of
Certificate of Incorporation or Authority and statement of charter purpose).
Include as an attachment a list of corporate officers and their titles and the
names, addresses and number of shares held by each stockholder.

Berger's Moving & Storage, Inc. is a Pennsylvania business-stock corporation. It is owned by Brian Berger and Sandy Berger, husband and wife, who each own 50% of shares. There are 1500 total shares of stock, with each spouse owning 750. They reside at 628 East Warren Street, Dunmore, PA 18512.

8. If applicant, its stockholder or partnership members are in control of or affiliated with any other carrier, state name of carrier(s), Docket Number(s) and nature of control or affiliation.

9. Applicant proposes to acquire all of the operating rights now held by transferor.  
(all or part)

Attach a sheet describing rights to be transferred to applicant and rights to be retained by transferor, if any. If any rights are to be omitted give reasons.

All PUC authority currently held by transferor (common carrier of household goods in use and common carrier of property) are being transferred to applicant.

10. The reason for the transfer is Transferor has sold his business (including both furniture store and moving company) to transferee

12a. The following must be attached:

- Sales Agreement
- List of equipment to be used to render service. (Summarized by type)
- Operating authority to be transferred/retained.
- Statement of Financial Position
- Statement of unpaid business debts of transferor and how they will be satisfied.
- Statement of Safety Program.
- Statement of transferee's experience.

b. Attach the following, as appropriate (check those attached):

- Partnership Agreement

- Trade Name registration certificate.
- Certificate of Incorporation. (Pa. Corporations only)
- Certificate of Authority. (Foreign (out-of-state) Corporations only).
- Statement of Corporate charter purpose. (Corporations only)
- List of Corporate officers and stockholders. (Corporations only)
- Copy of short form certificate showing date of death of transferor and name of executor/administrator/administratrix.

13. Transferor attests that all General Assessments and fines are paid and agrees to continue to render the service which is to be transferred until this application is approved, whereupon transferor will surrender said certificate or permit for cancellation.

14. Transferee agrees to assume and pay any General Assessments that may be made against transferor as a common carrier for any and all operating periods up to the actual date of the transfer.

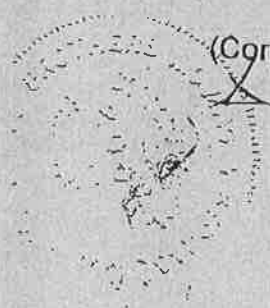
WHEREFORE, Transferee and Transferor request that the Commission grant the Transfer.

Transferee sign here: *[Signature]* *[Signature]* 12/12/18  
 (Each Partner Must Sign) (Date)

(Corporate Seal) *Seal*

Transferor sign here: *[Signature]*

(Corporate Seal) *[Signature]*



APPLICATION VERIFICATION

I/We hereby state that the statements made in the application are true and correct to the best of my/our knowledge, information and belief.

The undersigned understand(s) that false statements herein are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to Unsworn Falsification o Authorities.

TRANSFEROR (SELLER)

Edward W. Rabel, Jr. *PRÉSIDENT* *Edward W Rabel President* 12-10-19  
(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

TRANSFeree (BUYER)

BRIAN BERGER *Brian Berger* 12-12-19  
(Print Name) (Signature) (Date)

SANDRA BERGER *Sandra Berger* 12/12/19  
(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

If the Applicant is a sole proprietor, he/she must complete and sign the Application Verification form. If the application is for a partnership, all partners to the partnership agreement must sign this form. If the Applicant is incorporated, the President or Secretary must sign this form.

## VERIFIED STATEMENT OF APPLICANT

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE APPLICANT'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

**Berger's Moving & Storage, Inc.**

Legal Name of Applicant

Trade Name, if any

1330 Main St, Dickson City, PA 18519

Street Address (principal place of business)

City or Municipality

State

Zip

Code

The Verified Statement of the Applicant is more or less a business plan, or your proposal for providing the transportation service for which you are making application. Prior to deciding to make application for operating authority from the Public Utility Commission, you likely gave much consideration to the manner in which you would operate the business in order that you could provide satisfactory service to your customers and so that you could make a reasonable profit. As part of the application process, you must provide the Commission with your proposal to provide the transportation service.

At minimum, the Verified Statement of the Applicant should include a discussion of the numbered items listed below and on the following pages. You are encouraged to provide as much information as possible about the particular subject as is necessary to fully explain your plan. If you fail to provide sufficient information about the subjects listed below, it may cause the review of your application to be delayed until you provide the necessary information. If you need more space to provide your explanation, please attach additional pages that list the appropriate item by number.

1. Identify the person making the Verified Statement on behalf of the applicant. If the applicant is a sole proprietor making the statement, this will be the same information as provided above. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number, and indicate that the applicant's directors/owners/partners/etc. have authorized the witness to speak for the business.

**Brian Berger, Shareholder, 628 East Warren Street, Dunmore, PA 18512. Mr. Berger and his wife, Sandy Berger, jointly own the business and Mr. Berger is authorized to speak for the business.**

2. List the applicant's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.

Not applicable.

3. Describe your business experience, particularly any experience relating to the operation of a transportation service. You may also include an explanation of education or training that you believe may be relevant.

The Bergers have been in the furniture business for over twenty-five years and have experience in all areas of the business, including retail, business-to-business sales, warehouse management, and deliveries. Upon purchasing the inventory of Ed Rabel's furniture business, the Bergers felt it logical to also purchase his moving business, thereby allowing their furniture delivery trucks and employees to also perform household goods moves.

Additionally, Ed Rabel (the Transferor), who operated Rabel Bros. Moving and Storage for many years, has agreed to serve as a consultant to the Bergers to train them to operate the company in compliance with the PUC's regulations.

4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to include the office area, office machines that will be utilized, and the facility to house vehicles. Household goods in use carriers should include a description of their storage facilities, if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers. Finally, please state your intended business hours.

Mr. Berger has purchased the business from transferor, including an office, furniture store, and storage warehouse located at 1332 Main St, Dickson City, PA 18519. The office will be equipped with telephone systems. Drivers will carry cell phones that they can use to communicate with managers and customers. The company will maintain driver records according to FMCSA/DOT requirements, including truck binders, driver files, hours of service, and e-logs.

5. Please state the number of employees you intend to use, along with a description of their duties. Please explain why that number of employees is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. (Do not address drivers in your explanation about this item; drivers are addressed separately in item # 6).

Applicants intend to have a total of 3-4 employees including drivers but excluding themselves. The employees will also perform work relating to Applicants' furniture store, including taking deliveries of furniture, moving furniture around on the shop floor, and making deliveries. We believe this number is appropriate given that this will (at least initially) be a small moving company focusing on local moves.

6. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the geographical territory you will be serving. In addition, please explain:
- Your hiring standards for drivers;
  - Your system to ensure prospective drivers will be subject to a criminal background check;
  - Your driver training program;
  - Your system for ensuring that your drivers are properly licensed at all times;
  - Your system to ensure that all drivers will be subject to a criminal background check every two years;
  - Your policies regarding alcohol and drug use by your drivers.

Applicants have two drivers who have been inherited from Transferor. If/when it becomes necessary to expand or replace these drivers, Applicants will use insurance-cost minimization criteria (driving record, age, as well as drug tests, criminal background checks, and driving experience) to hire drivers and

conduct criminal background checks, driver's license, and drug tests through a third party vendor. Applicants also intend to contract with a third party training company such as Thomason Moving Training to train movers. Applicants will conduct random drug and alcohol testing and have a zero tolerance policy in that regard.

7. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below. Taxicabs and limousines may not be used if the vehicle's age is greater than eight model years.

**Applicants do not presently have a vehicle but are in the process of purchasing a 20' box truck.**

8. Describe your vehicle safety program. Please include the following in your explanation:
- Your periodic vehicle maintenance plan;
  - Your system for ensuring your vehicles will continuously comply with Pennsylvania's equipment standards (67 Pa. Code, Chapter 175) that are applicable to the type of vehicles used in your business;
  - Your system for ensuring your vehicles will comply with the requirements of 49 CFR Parts 393 and 396, as adopted by the PUC at 52 Pa. Code, Chapter 37 (applicable to HHG applicants).

**Applicants will instruct their movers to perform a daily visual inspection of the vehicle: check for leaks, tire pressure, lights/turn signals, horn, and presence of dashboard indicators such as check engine light. Applicants will also track the manufacturer-recommended maintenance schedules for vehicles and perform all indicated maintenance.**

9. Please explain what steps you have taken to determine if you can obtain and pay the premiums to maintain insurance coverage for the proposed number of vehicles for your business.

**Applicants have consulted with insurance carriers who have quoted reasonable premiums for the policies required to maintain the authority sought.**

10. Please describe your customer service standards. Within your description, please explain:
- Your plan to inform customers of the procedures for filing complaints with the PUC;
  - Your intended customer complaint resolution procedure.

**All customers will be provided with a copy of the PUC's "Information for Shippers" and a signed copy of the same will be maintained in the customer's file. Applicants pride themselves on treating their customers fairly and will make every effort to listen to customer complaints and respond in a timely manner.**

11. Criminal Record. Have you, any members (if LLC or LLP), shareholders, or officers (corporations) been convicted of a misdemeanor or felony for which you remain subject to supervision by a court or correctional institution?

YES  NO

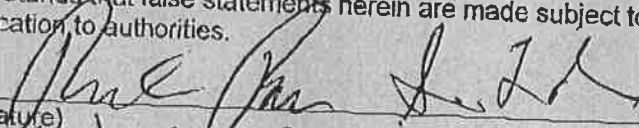
12. Financial Data. In addition to demonstrating your technical fitness, you must also demonstrate that you possess the financial fitness to provide the proposed transportation service. Therefore, you must complete both parts of the "Statement of Financial Position", which follows this page. The first part is the Balance Sheet. You need only provide the applicable information. The second part of the Statement of Financial Position is the Projected Income Statement. The projection is your estimation of expected revenues and specific expenses for one year. You should use the projected information, along with the financial data reported on your balance sheet to help you determine if the proposed business can be feasible. Please feel free to also provide clarification information with your "Statement of Financial Position", which explains why you believe you have sufficient funds to ensure your transportation business can provide reliable service to the public in a safe manner.



## Verification of Statement

The undersigned deposes and says that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief. The undersigned understands that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

(Signature)

  
\_\_\_\_\_  
President - Brian Berger

(Name and Title, printed or typed)

Vice President - SANDRA L BERGER

12-12-19  
\_\_\_\_\_  
(Date)

**STATEMENT OF UNPAID BUSINESS DEBTS OF TRANSFEROR**

The Transferor, Rabel Brothers Moving & Storage Co Inc., has no unpaid business debts.

**Statement of Financial Position (Balance Sheet)  
As of (date) 11/27/19**

ASSETS

Current Assets			
Cash		\$100.00	
Accounts Receivable			
Notes Receivable			
Other Current Assets (specify)			
Total Current Assets			<u>\$100.00</u>
Tangible Assets			
Motor Vehicle Equipment			
Less: Accumulated Depreciation			
-			=
Building and Structures			
Less: Accumulated Depreciation	-		=
Office Equipment			
Less: Accumulated Depreciation	-		=
Land			
Investments and Funds (specify)			
Intangible Assets			
Other Assets (advances and idle equipment – specify)			
	TOTAL ASSETS		<u>\$100.00</u>

LIABILITIES

Current Liabilities (Due within one year of date)			
Accounts Payable			
Notes Payable			
Equipment Obligations			
Other Liabilities (Attach schedule)			
Total Current Liabilities			<u>\$0.00</u>
Long Term Liabilities (Due after one year of date)			
Accounts Payable			
Notes Payable			
Equipment Obligations			
Other Liabilities (Attach Schedule)			
Total Long-Term Liabilities			<u>\$0.00</u>
	TOTAL LIABILITIES		<u>\$0.00</u>

NET WORTH (Partnerships and individuals, only)

OWNER'S EQUITY (Corporations only)

Capital Stock		100	
Additional Paid-in Capital			
Retained Earnings			
Less: Treasury Stock	-		=
Total Owner's Equity			<u>100</u>

TOTAL LIABILITIES & OWNER'S EQUITY \$100.00

**STATEMENT OF FINANCIAL POSITION**  
**One Year Projected Income Statement**

REVENUE and GAINS

Operating Revenue	\$60,000.00
Net Revenue from non-carrier operations	_____
Dividend and interest revenues	_____
Other non-operating revenue	_____
Gains	_____
<b>Total Revenue and Gains</b>	<b><u>\$60,000.00</u></b>

EXPENSES

Equipment Maintenance and Garage Expense	\$3000.00
Insurance Expense	\$1600.00
Employee Salaries	_____
Supervisory Salaries	_____
Officer Salaries	_____
Fuel Expense	\$500.00
Purchased Transportation (Lease Expense)	\$3700.00
Materials and Supplies Expense	\$1100.00
General Office Expense	\$200.00
Advertising Expense	\$600.00
Telephone Expense	_____
Accounting Expense	\$2400.00
Legal Expense	_____
Uncollectible Revenue	_____
Depreciation Expense	_____
Amortization	_____
Operating Taxes and Licenses	\$20,200.00
Rent Expense	\$4200.00
Loss	_____
<b>Total Operating Expenses and Losses</b>	<b><u>\$37500.00</u></b>
<u>Net Income Before Taxes</u>	<b><u>\$22500.00</u></b>
<b>Provision for Income Taxes</b>	_____
<u>Net Income (Loss)</u>	<b><u>\$22500.00</u></b>

**AGREEMENT FOR TRANSFER OF PUC OPERATING AUTHORITY**

Rabel Brothers Moving & Storage Co Inc. ("Rabel's") has agreed to transfer its Pennsylvania PUC Operating Authority to Berger's Moving & Storage, Inc. ("Berger's"). (Rabel's and Berger's shall be collectively referred to as "The Parties"). The Parties have entered into this Agreement to memorialize the terms of this transfer:

WHEREAS, Rabel's owner, Edward W. Rabel, Jr. ("Mr. Rabel"), has sold the inventory of his furniture business to Brian and Sandy Berger, owners of Berger's;

WHEREAS, the Parties have a long-standing personal friendship;

WHEREAS, Mr. Rabel seeks to retire from the moving and storage business;

WHEREAS, Mr. and Mrs. Berger believe that moving and storage services would be a profitable addition to their furniture business and wish to acquire Rabel's authority for the same; and

NOW THEREFORE, for good and valuable consideration, the Parties agree and intend to be legally bound as follows:

1. **Transfer of Authority.** Rabel's agrees to take all reasonable and necessary steps to effect the transfer of its operating authority with the Pennsylvania PUC for Common Carrier of Household Goods in Use and Common Carrier of Property to Berger's. The Parties stipulate and agree that Berger's purchase of the inventory of Rabel's furniture business is good, valuable, and sufficient consideration for this Agreement. Rabel does not guarantee that the license transfer will be approved and if Berger does not effectuate this transfer by April 1, 2020, then this Agreement shall expire unless both Parties enter into a written agreement extending this deadline.
2. **Consulting.** Rabel's agrees to perform consulting services for Berger's in order to train and assist Berger's to operate a moving and storage company in a manner compliant with the PUC's regulations. The Parties anticipate that this arrangement will last no longer than one year. This consulting arrangement may be terminated by either Party at any time for any reason. Berger's shall compensate Rabel's \$100/hour for this consulting arrangement.
3. **Other Provisions.** Berger's shall pay all costs for this transfer, including but not limited to transfer fees, taxes, and any other associated costs except Berger shall pay Rabel's attorney \$500 for his involvement in this transfer unless agreed to in writing.

FOR RABEL BROTHERS MOVING & STORAGE CO INC:

BY: *Edward W. Rabel, Jr.*  
EDWARD W. RABEL, JR., PRESIDENT  
Rabel Brothers Moving & Storage Co Inc.

12-10-19  
DATED


FOR BERGER'S MOVING & STORAGE INC:

BY: *[Signature]*

ITS: PRESIDENT

DATED: 12-12-19.

**PENNSYLVANIA DEPARTMENT OF STATE  
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS**

<input type="checkbox"/> Return document by mail to: Return per instructions on the expedite counter form. Name _____ Address _____ City _____ State _____ Zip Code _____	<p>Articles of Incorporation - For Profit DSCB:15-1306/2102/2303/2702/2903/3101/3303/7102 (rev. 2/2017)</p>  <p>TCO190723JD0804</p>
<input type="checkbox"/> Return document by email to: _____	

Read all instructions prior to completing. This form may be submitted online at <https://www.corporations.pa.gov/>.

Fee: \$125

I qualify for a veteran/reservist-owned small business fee exemption (see instructions)

Check only one:  Business-stock (§ 1306)       Management (§ 2703)       Benefit (§ 3303)  
 Business-nonstock (§ 2102)       Professional (§ 2903)       Cooperative (§ 7102)  
 Business-statutory close (§ 2303)       Insurance (§ 3101)

In compliance with the requirements of the applicable provisions (relating to corporations and unincorporated associations), the undersigned, desiring to incorporate a corporation for profit, hereby states that:

1. The name of the corporation (*corporate designator required, i.e., "corporation," "incorporated," "limited," "company," or any abbreviation thereof. "Professional corporation" or "P.C." permitted for professional corporations*):  
Berger's Moving & Storage, Inc.

2. Complete part (a) or (b) – not both:

(a) The address of this corporation's proposed registered office in this Commonwealth is:  
(*post office box alone is not acceptable*)

628 East Warren Street	Dunmore	PA	18512	Lackawanna
Number and Street	City	State	Zip	County

(b) The name of this corporation's commercial registered office provider and the county of venue is:  
c/o: \_\_\_\_\_  
Name of Commercial Registered Office Provider \_\_\_\_\_ County \_\_\_\_\_

3. The corporation is incorporated under the provisions of the Business Corporation Law of 1988.

4. Check and complete one:

The corporation is organized on a nonstock basis.  
 The corporation is organized on a stock share basis and the aggregate number of shares authorized is:  
\_\_\_\_\_ 1,500 shares \_\_\_\_\_

5. The name and address, including number and street, if any, of each incorporator (*all incorporators must sign below*):

Name	Address
Sandy Berger	628 East Warren Street, Dunmore, PA 18512

6. The specified future effective date, if any: \_\_\_\_\_ Upon filing \_\_\_\_\_  
month/day/year hour, if any

7. Additional provisions of the articles, if any, attach an 8½ by 11 sheet.

8. *Statutory close corporation only*: Neither the corporation nor any shareholder shall make an offering of any of its shares of any class that would constitute a "public offering" within the meaning of the Securities Act of 1933 (15 U.S.C. § 77a et seq.)

9. *For Cooperative Corporation Only.*  
*Check and complete one:*  
 The corporation is a cooperative corporation and the common bond of membership among its members is: \_\_\_\_\_  
 The corporation is a cooperative corporation and the common bond of membership among its shareholders is: \_\_\_\_\_

10. *Benefit corporations only*: This corporation shall have the purpose of creating general public benefit.  
 Strike out if inapplicable: This corporation shall have the purpose of creating the enumerated specific public benefit(s): \_\_\_\_\_  
 \_\_\_\_\_

IN TESTIMONY WHEREOF, the incorporator(s) has/have signed these Articles of Incorporation this  
 \_\_\_\_\_ 22nd day of \_\_\_\_\_ July \_\_\_\_\_, 2019 \_\_\_\_\_  
 \_\_\_\_\_  
 /s/ Sandy Berger  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Signature