

APPLICATION IN PROCEEDINGS UNDER G.S. 62-111 OF THE PUBLIC UTILITIES ACT AND COMMISSION RULE R2-8.1 TO SELL, ASSIGN, PLEDGE, TRANSFER, LEASE, MERGE, OR ACQUIRE CONTROL OF MOTOR CARRIER CERTIFICATE OF EXEMPTION

NORTH CAROLINA UTILITIES COMMISSION
4325 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-4325

I. This is the application of _____
(Full and Correct Name of Transferee)

(State Whether Corporate Entity, Partnership, or Individual)

doing business as _____

business address _____
(Street or Post Office Box) (City) (State) (Zip)

Email Address: _____ Telephone Number: _____

and _____
(Full and Correct Name of Transferor)

(State Whether Corporate Entity, Partnership, or Individual)

doing business as _____

business address _____
(Street or Post Office Box) (City) (State) (Zip)

Email Address: _____ Telephone Number: _____

for authority to (please specify) sell and transfer (), assign (), pledge (), lease (), merge (), or acquire control by stock transfer () Certificate of Exemption No. _____.

II. Is Transferor currently conducting operations under the certificate of exemption sought to be transferred? _____ If no, state the reasons for discontinuance, the date operations last performed, and what disposition has been made of Transferor's operating equipment. If operating, list below the gross operating revenues and total number of miles traveled for the latest three-month period preceding the date of filing the application or for the latest three-month period preceding the date of authorized suspension, if granted by the Commission.

III. The total considerations involved in the proposed transaction is _____ and/ or _____ shares of _____ stock valued at \$_____.
(Name of Company)

IV. That the debts and claims against Transferor, if any, of which such Transferor has any knowledge or notice, are as follows: [designate whether (a) for gross receipts, use or privilege taxes due or to become due the State, as provided in the Revenue Act; (b) for wages due employees of the Transferor, other than salaries of officers; (c) for unremitted c.o.d. collections due shippers; (d) for loss or damage of goods transported or received for transportation; (e) for overcharges on property transported; and (f) for interline accounts due other carriers.]

V. Information regarding the proposed Transferee is as follows:

- (a) That the proposed Transferee is: () an individual/sole proprietor, () a partnership, () a corporation incorporated under the laws of the State of _____, or () a limited liability company organized under the laws of the State of _____.
- (b) That the names and addresses of the Transferee's principals are as follows: [Transferee's principals are: the sole proprietor for a sole proprietorship; partners for a partnership; directors and officers for an Inc.; or member-managers and nonmember-managers for an LLC.]

(c) That Transferee's assets, and its liabilities and net worth are as follows:

<u>Assets</u>		<u>Liabilities & Net Worth</u>	
Real Estate	\$ _____	Liens on Real Estate	\$ _____
Rolling Equipment	_____	Liens on Equipment	_____
Cash on Hand	_____	Judgments	_____
Cash in Bank	_____	Other Liabilities	_____
Other Assets	_____	Net Worth	_____
Total Assets	\$ _____	Total Liabilities & Net Worth	\$ _____

VI. That the proposed Transferee has had the following experience in the transportation of household goods by motor vehicles for-hire over public highways:

VII. That the person to whom correspondence with respect to this application should be addressed is as follows:

(State Full and Correct Name)

(State Title and Name of Company, if Attorney, so State)

(State Business Address of Person to be Addressed)

VIII. That the Transferee has read and understands the terms and conditions attached to the certificate of exemption set forth below and certifies that it has met the terms and conditions prior to being issued a certificate of exemption. Indicate agreement by inserting a checkmark (✓).

() Transferee is fit, willing, and able to properly perform the service of household goods transportation within North Carolina, is familiar with the moving industry, has a reasonable and adequate knowledge of the rules and regulations governing the moving industry, including safety requirements as enforced by the North Carolina Division of Motor Vehicles, and has knowledge of and will abide by the tariff requirements as established by the Commission in Maximum Rate Tariff No. 1.

() Transferee is financially solvent and able to furnish adequate service on a continuing basis by maintaining the required insurance protection, maintaining safe, dependable equipment, and being able to settle any damage claims which may arise.

() Transferee will maintain and has filed, or will soon file, with the Division of Motor Vehicles (or the Commission) the following minimum limits of liability and cargo insurance coverage: liability insurance coverage on Form E (\$100,000/\$300,000/\$50,000 for GVW of 26,000 lbs. or less and \$750,000 for GVW of more than 26,000 lbs.) and cargo insurance coverage on Form H (\$35,000/\$50,000).

() Transferee will maintain and has filed, or will soon file, with the Commission's Operations Division proof of general liability insurance coverage in the minimum amount of \$50,000.

() Transferee will permit only persons possessing a valid driver's license to operate the motor vehicles that will be used for transporting household goods in compliance with the laws of the State of North Carolina.

() All the Transferee's principals (sole proprietor, partners, directors, officers, member-managers, nonmember-managers) will provide certified criminal history record checks for the 10-year period immediately preceding the filing date of this application with the Commission. Criminal history record checks must be fingerprint-based, nationwide, and compiled by the United States Federal Bureau of Investigation (FBI). The FBI criminal history record check should be requested and mailed to (received by) the individual requesting his/her own record and then such individual should forward (mail or hand-deliver) his/her FBI criminal history record check to the Commission's Chief Clerk's Office. The FBI may be contacted at (304) 625-5590 to request information on how to obtain your certified criminal history record check. The Commission's Chief Clerk's Office will mark/stamp all criminal history records checks as CONFIDENTIAL upon receipt. [Transferee will not automatically be denied a certificate of exemption solely on the basis of past criminal activity. The Commission will review and evaluate the information provided to determine if it is relevant to, or would call into question, the Transferee's fitness to possess a certificate of exemption.]

() Transferee's principals (sole proprietor, partners, directors, officers, member-managers, nonmember-managers) are either United States citizens or non-United States citizens. The names and titles of the principals who are United States citizens are as follows:

The names and titles of the principals who are non-United States citizens with employment authorization documents proving legal status to work within the United States are as follows:

Transferee's principals who are not United States citizens will provide employment authorization documents proving legal status to work within the United States. Employment authorization documents should be marked/stamped as CONFIDENTIAL and sent to the Commission's Chief Clerk's Office.

That each person signing this application certifies that the representations appearing in said application and exhibits attached hereto, including any accompanying schedules or statements, are, to the best of his or her knowledge and belief, true, correct, and complete, based on all the information required to be included therein, of which he or she has any knowledge and these representations are made in good faith.

Dated this _____ day of _____, _____.
Month Year

(Transferor Signature)

(Transferee Signature)

BY: _____

BY: _____

STATE OF _____, COUNTY OF _____

Sworn to and subscribed before me by the above-named

_____, this the _____ day of _____, _____.

(Signature of Notary Public) My Commission expires _____
(Date)

(Applications filed on behalf of a corporation shall be signed and filed by an attorney, in accordance with Rule R1-5 of the Commission Rules and Regulations.)

(Signature of Attorney)

(Attorney Address)

INSTRUCTIONS

1. Submit an original and two (2) copies of the completed application to the North Carolina Utilities Commission, Chief Clerk's Office, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. A copy should also be sent to the North Carolina Utilities Commission, Public Staff, Transportation Rates Division, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326. Make a copy of the completed application for your records. You have 120 days to complete your application, including the filing of all associated required documentation, from the initial date of the filing of the application at the Commission.

2. The original application must be signed by both parties (Transferor and Transferee) and sworn to by the parties signing the application. All information required on the application should be accurate and complete.

3. If the person signing the application as Transferor is acting in a fiduciary capacity, attach a certified copy of the court order evidencing the appointment of the fiduciary, or other authority if there is no court order, and a similar order authorizing disposition of the operating authority. If the person signing the application is not the record holder of the operating authority, furnish a certified copy of his/her authority to act.

4. If the application is for approval of a sale of certificate of exemption, a copy of the proposed sales agreement must be filed with the application and must contain the entire agreement between parties, including the purchase price agreed upon, and all the terms and conditions with respect to the payment of same.

5. If the application is for approval of a lease of certificate of exemption, a copy of the proposed lease agreement must be filed with the application and must contain the entire agreement between the parties.

6. If the Transferee is a partnership, a copy of an executed partnership agreement must be filed with the application. If the Transferee is a corporation, a photostatic or certified copy of its corporate charter must be filed with the application unless same is already on file with the Commission. Corporations see important note below.

7. Any questions concerning this application and/or the application process should be directed to the Operations Division of the Commission at 919/733-4035 between the hours of 8:00 a.m. and 5:00 p.m., Monday - Friday. The office is located in the Dobbs Building, Floor 4, at 430 N. Salisbury Street, Raleigh, North Carolina.

PLEASE NOTE: APPLICATIONS FILED ON BEHALF OF A CORPORATION, AN ASSOCIATION, OR AN LLC SHALL BE SIGNED AND FILED BY AN ATTORNEY LICENSED TO PRACTICE IN THE STATE OF NORTH CAROLINA IN ACCORDANCE WITH RULE R1-5 OF THE RULES AND REGULATIONS ADOPTED BY THE NORTH CAROLINA UTILITIES COMMISSION.