

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
RALEIGH, NORTH CAROLINA

**◀APPLICATION TO SELL, ASSIGN, PLEDGE, TRANSFER,
LEASE, MERGE, OR ACQUIRE EXISTING CERTIFICATE OF EXEMPTION▶**

Transferee Docket No. _____ Sub _____

Re: Certificate of Exemption No. _____

Transferor Docket No. _____ Sub _____

NOTE: Instructions for the completion and submission of this Application are included herewith as an “Appendix.” You should read the Instructions carefully before proceeding.

APPLICATION OF:

Transferee – Name and Contact Information:

Legal Name of Transferee’s Business (hereafter “Transferee”)	Telephone Number
--	------------------

Physical Address	Street	City	State	Zip Code
------------------	--------	------	-------	----------

Mailing Address	Street or P.O. Box	City	State	Zip Code
-----------------	--------------------	------	-------	----------

Email

Transferee is: A Proprietorship (), Partnership (), or Corporation ().

Transferor – Name and Contact Information:

Legal Name of Transferor’s Business (hereafter “Transferor”)	Telephone Number
--	------------------

Physical Address	Street	City	State	Zip Code
------------------	--------	------	-------	----------

Mailing Address	Street or P.O. Box	City	State	Zip Code
-----------------	--------------------	------	-------	----------

Email

Transferor is: A Proprietorship (), Partnership (), or Corporation ().

The Transferee and Transferor have read the Instructions for this Application and, having done so, do hereby apply for authority to: [check (✓) one] Sell and Transfer (), Assign (), Pledge (), Lease (), Merge (), or Acquire Control by Stock Transfer () Certificate of Exemption No. _____; and to that end shows:

1. That the Transferor [check (✓) one] _____ is _____ is not currently operating under the certificate of exemption that is the subject of this Application. If not currently operating, state below the date of and reasons for having discontinued operations and whether or not the Transferor has disposed of 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 of this Application or for the latest three-month period preceding the date of authorized suspension. Please indicate the period for which the information is being provided.

2. That the total consideration involved in the proposed transaction is: \$ _____, consisting of \$ _____ in money and/or _____ shares of _____ (Name of Company) common stock, valued at \$ _____ per share, and/or preferred stock, valued at \$ _____ per share; the total value of the common and/or preferred stock is \$ _____.

3. That the debts and claims against Transferor, if any, of which Transferor has knowledge or notice, are as follows: [Designate whether debts and claims are: (a) for gross receipts, sales, use, or privilege taxes due or to become due the State of North Carolina, 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/or (f) for interline accounts due other carriers.]

4. That information regarding the Transferee is as follows:

(a) The Transferee, if a corporation, is incorporated under the laws of the State of _____.

(b) The names and addresses of the Transferee's principals are as follows: [Principals are: the sole proprietor for a sole proprietorship; partners for a partnership; directors and officers for a corporation; or member-managers and nonmember-managers for an LLC.]

(c) The Transferee holds Federal authority in Certificate No. _____.
(Complete only if applicable.)

5. That the person representing the Transferee to whom correspondence with respect to this Application should be addressed is as follows:

Full Name of Contact Person	Telephone Number
-----------------------------	------------------

Title and Name of Company, if Attorney, so state

Business Mailing Address of Contact Person

Email

6. That the Transferee has read and understands the following terms and conditions and certifies that Transferee has met or will meet such requirements 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 (DMV), 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 and 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 DMV (or the Commission) the following minimum limits of liability and cargo insurance coverage:

(a) Liability insurance coverage - Form E: \$100,000/\$300,000/\$50,000 for Gross Vehicle Weight (GVW) of 26,000 lbs. or less and \$750,000 for GVW of more than 26,000 lbs.

(b) Cargo insurance coverage - Form H: \$35,000/\$50,000 – i.e., \$35,000 for loss of or damage to household goods carried on any one motor vehicle and \$50,000 for loss of or damage to household goods occurring at any one time and place.

If Forms E and H are not on file with the DMV, Transferee will provide such forms to the Office of the Chief Clerk of the Commission.

In addition to the foregoing, Transferee will also maintain general liability insurance coverage in an amount not less than \$50,000 to compensate for loss or damage, to property of shipper or consignee, not otherwise covered under the requirements of subparagraphs (a) and (b) as set forth immediately above.

As proof of compliance with the Commission's three insurance coverage requirements as described above, Transferee has filed, or will soon file, a "certificate of insurance," issued by Transferee's insurance company, with the Office of the Chief Clerk. All insurance documents should be clearly marked/stamped "**CONFIDENTIAL**", by the Transferee or the Transferee's insurance company, prior to providing such information to the Commission.

() 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.

() The following information will be provided to the Office of the Chief Clerk for each Transferee principal [see Item 4(b) above for definition of principal]:

(a) A completed Fingerprint Card with fingerprints that have been taken and imprinted by a law enforcement agency such as a local police department, sheriff's office, or city/county bureau of identification. Fingerprint Cards are to be enclosed unfolded in a separate envelope – do not fold Fingerprint Cards. The Transferee's name and address and the words "FINGERPRINT CARDS" should be typed or printed on the front of the envelope and the front of the envelope should be clearly marked/stamped "**CONFIDENTIAL**".

(b) A completed "Authority for Release of Information" form signed by principal consenting to use of his or her fingerprints for a criminal history records check. The "Authority for Release of Information" form is included in this Application packet as Exhibit D. The form may be copied as needed.

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

NOTE: Transferee principals who are not United States citizens must provide employment authorization documents demonstrating legal authority to work within the United States. Employment authorization documents should be marked/stamped as “**CONFIDENTIAL**” and sent to the Office of the Chief Clerk.

7. That there is attached to and made a part of this Application:
 - (a) Exhibit A, which is a statement of the approximate cost of the property of all kinds (including vehicles, pads, dollies, hand trucks, etc.) which the Transferee proposes to use in the transportation of household goods, including a list of the locations at which the Transferee proposes to establish and maintain terminals, if any, and a list of the year, make, body type, and GVW of the motor vehicles the Transferee proposes to use in the business.
 - (b) Exhibit B, which is a current balance sheet showing in detail the Transferee's assets, liabilities, and net worth. In lieu of the foregoing, a separate balance sheet with the same information may be attached.
 - (c) Exhibit C, which details the Transferee's experience in the moving industry.
 - (d) Exhibit D, which is the “Authority for Release of Information” form. A separate Exhibit D must be completed and submitted for each Transferee principal. Exhibit D may be copied as needed.

TRANSFeree'S ATTORNEY:

Printed Name of Transferee's Attorney: _____

Signature of Transferee's Attorney: _____

Date of Signature of Transferee's Attorney: _____

Address of Transferee's Attorney: _____

Email: _____

TRANSFEROR'S ATTORNEY:

Printed Name of Transferor's Attorney: _____

Signature of Transferor's Attorney: _____

Date of Signature of Transferor's Attorney: _____

Address of Transferor's Attorney: _____

Email: _____

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

TRANSFEEE'S

**VERIFICATION UNDER OATH
REGARDING THE ACCURACY OF THE INFORMATION PROVIDED**

Under the penalty of perjury,

I, _____(Printed Name), the affiant, am a Transferee, Sole Proprietor, Principal, Partner, or Member with respect to the above-referenced company and I state and attest that the information on this Application and the attached information is filed on my behalf and all of the information provided on this Application and attached is true, correct, and complete; and that copies of any documents presented to the Commission as part of this information are genuine. This certification is made under oath and under penalty of perjury. To the best of my knowledge, information, and belief, all of the information contained herein and attached is accurate and true, no material information or fact has been knowingly omitted or misstated. (Note: Providing false information to the Commission is punishable by fine and/or imprisonment pursuant to N.C.G.S. 62-310 and N.C.G.S. 62-326.)

Signature of Person Making Verification (Affiant)

Date Signed

Title of Person Making Verification (Affiant)

Subscribed and sworn before me this the _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

TRANSFEROR'S
VERIFICATION UNDER OATH
REGARDING THE ACCURACY OF THE INFORMATION PROVIDED

Under the penalty of perjury,

I, _____(Printed Name), the affiant, am a Transferor, Sole Proprietor, Principal, Partner, or Member with respect to the above-referenced company and I state and attest that the information on this Application and the attached information is filed on my behalf and all of the information provided on this Application and attached is true, correct, and complete; and that copies of any documents presented to the Commission as part of this information are genuine. This certification is made under oath and under penalty of perjury. To the best of my knowledge, information, and belief, all of the information contained herein and attached is accurate and true, no material information or fact has been knowingly omitted or misstated. (Note: Providing false information to the Commission is punishable by fine and/or imprisonment pursuant to N.C.G.S. 62-310 and N.C.G.S. 62-326.)

Signature of Person Making Verification (Affiant)

Date Signed

Title of Person Making Verification (Affiant)

Subscribed and sworn before me this the _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

EXHIBIT B

◀ASSETS, LIABILITIES, AND NET WORTH▶

NOTE: If Transferee is a sole proprietorship or partnership, the financial information provided below should be that of the proprietorship or partnership. If Transferee is a corporate entity (i.e., a corporation or LLC) the financial information provided should be that of the corporate entity.

Transferee's assets, liabilities, and net worth are as follows:

<u>ASSETS</u>		<u>LIABILITIES</u>	
Real Estate	\$ _____	Liens of Real Estate	\$ _____
Vehicle Equipment	_____	Liens on All Equipment	_____
Other Equipment	_____	Other Outstanding Loans	_____
Cash on Hand	_____	Judgments	_____
Cash in Bank	_____	Other Liabilities	_____
Other Assets	_____		
TOTAL ASSETS	\$ _____	TOTAL LIABILITIES	\$ _____

NET WORTH (Total Assets – Total Liabilities) \$ _____

EXHIBIT C

◀TRANSFEREE'S EXPERIENCE▶

Please explain the Transferee's experience with respect to the transportation of household goods, including the number of years of experience acquired. For example, please indicate whether you have supervised crews, prepared estimates, loaded and unloaded trucks, and/or prepared bills of lading.

EXHIBIT D

AUTHORITY FOR RELEASE OF INFORMATION

I authorize the North Carolina Department of Justice through the STATE BUREAU OF INVESTIGATION, Special Operations Division, to perform a fingerprint search of the State's criminal history record file and a fingerprint search of the FEDERAL BUREAU OF INVESTIGATION'S files for a national criminal history record check in connection with my Application for certification as a household goods mover with the **NORTH CAROLINA UTILITIES COMMISSION** pursuant to N.C.G.S. 114-19.32 (2012 N.C. Sess. Laws, c.9, s.2).

(Type or Print clearly)

Last Name	First	Middle	Maiden
_____	_____	_____	_____

Social Security Number (Optional*)	Date of Birth	Sex	Race
_____	_____	_____	_____

I understand that the North Carolina State Bureau of Investigation, Special Operations Division, and its officials and employees shall not be held legally accountable in any way for providing this information to the above named agency, and I hereby release said agency and persons from any and all liability which may be incurred as a result of furnishing such information. I further understand that the agency cannot provide a **hard copy** of the results of the state criminal history record to me and that the agency may not provide the national criminal history record to me unless it is used to disqualify me from certification.

*Disclosure of social security number is entirely voluntary and not required. If disclosed, the social security number will be utilized to assist with accurate identification/exclusion of possible criminal history records.

Applicant's/Employee's Signature

Date

This form must be maintained on file with the above named agency for one year. Do not mail this form or a copy of this form to the State Bureau of Investigation.

APPENDIX

◀INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF AN APPLICATION TO SELL, ASSIGN, PLEDGE, TRANSFER, LEASE, MERGE, OR ACQUIRE EXISTING CERTIFICATE OF EXEMPTION▶

(READ CAREFULLY BEFORE COMPLETING THE APPLICATION)

The **original and two copies** of the “*Application to Sell, Assign, Pledge, Transfer, Lease, Merge, or Acquire Existing Certificate of Exemption*” are to be submitted/mailed to:

Office of the Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

1. By Order dated February 22, 2002, in Docket No. T-100, Sub 49, the Commission exempted from regulation the transportation of household goods; and, instead, implemented a requirement that persons, before engaging in such business activity, first obtain a certificate of exemption from the Commission. The February 22, 2002 Order also set forth the procedure that applicants must follow to obtain a certificate of exemption, as well as the terms and conditions that must be met. By Order dated August 29, 2008, in Docket No. T-100, Sub 69, the Commission implemented certain additional terms and conditions. The information requested in the *Application to Sell, Assign, Pledge, Transfer, Lease, Merge, or Acquire Existing Certificate of Exemption* (Application) is intended to provide the Commission with the basic information it needs to assess whether the Transferee and Transferor have met and/or meet the Commission’s requirements and, consequently, whether the Application should be granted. N.C.G.S. 62-111 governs the transfers of franchises, mergers, consolidations, and combinations of public utilities.

2. The Docket Nos., as provided for on the front page of the Application, will be assigned by the Office of the Chief Clerk at the time of filing. In the event that your Application is found to be incomplete as submitted, you will be notified accordingly; and you will have 120 days from the date your Application is received in the Office of the Chief Clerk to complete it, including submission of all required supporting documentation. There is no Application fee. However, as explained below, there is a \$38.00 charge for each company principal for a criminal history records check. [Company principals are: the sole proprietor for a sole proprietorship; partners for a partnership; directors and officers for a corporation; or member-managers and nonmember-managers for an LLC.]

Please call 919-733-4036 if you should have any questions concerning the Application or related matters.

The Application is to be **typed or printed legibly in ink** (no pencil). If you are an individual planning to provide service under a trade name, the Applicant's **full** name should first appear followed by the trade name, for example: "John Franklin Smith, d/b/a Smith Moving Company." Partnerships must include all partners' full names followed by "d/b/a" and then the "trade name." If an Applicant is a corporation or LLC, please complete the Application using the **exact** same name as that appearing on your corporate charter, as issued by the Office of the Secretary of State.

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

4. If the person signing the Application as Transferor is not the holder of record, with respect to the certificate of exemption, provide a certified copy of the authority relied upon as authorization to act on behalf of the holder of record; for example, a certified copy of a court order appointing the Transferor as a fiduciary.

5. If the Application is for approval of a sale of certificate of exemption, a copy of the proposed purchase/sale 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.

6. If the Application is for approval of a lease of a 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.

7. 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 photocopy or certified copy of its corporate charter must be filed with the Application unless same is already on file with the Commission.

8. Paragraph 6 of the Application lists the terms and conditions with which the Transferee must comply before being issued a certificate of exemption. As indicated, the Transferee must:

- (a) Be fit, willing, and able to provide the transportation of household goods.
- (b) Have the necessary safe and well maintained equipment.
- (c) Be financially solvent in order to maintain the business.
- (d) Have adequate knowledge of the moving industry and statutes, rules and regulations pertaining to the movement of household goods, including safety and tariff requirements.
- (e) Allow only persons possessing a valid driver's license to operate the motor vehicles used for transporting household goods.

(f) Provide to the Commission, for each principal:

(1) A completed Fingerprint Card with fingerprints that have been taken and imprinted by a law enforcement agency such as a local police department, sheriff's office, or city/county bureau of identification. Fingerprint Cards are to be enclosed unfolded in a separate envelope — do not fold Fingerprint Cards. The Applicant's name and address and the words "FINGERPRINT CARDS" should be typed or printed on the front of the envelope and the front of the envelope should be clearly marked/stamped "**CONFIDENTIAL**".

The envelope containing the Fingerprint Cards should then be submitted along with the Application, in addition to any other documentation that may be required, for example, proof of legal authority to work in the United States, if Applicant principal is not a United States citizen. However, if circumstances should require that a Fingerprint Card be submitted/mailed separately, then the envelope containing the Fingerprint Card should be placed unfolded inside of the envelope addressed to the Commission.

(2) A completed "Authority for Release of Information" form signed by principal consenting to use of fingerprints for a criminal history records check. The "Authority for Release of Information" form is included in the Application packet as Exhibit D. The form may be copied as needed.

(3) A money order or cashier's check in the amount due for criminal history records checks (\$38.00 per principal), made payable to the "North Carolina Department of Commerce/Utilities Commission," to cover the Commission's direct cost of obtaining a criminal history records check. Money orders and cashier's checks received by the Commission are nonrefundable.

Principals' Fingerprint Cards and "Authority for Release of Information" forms will be treated in a "**CONFIDENTIAL**" manner upon receipt. The Commission will use the Fingerprint Cards and the "Authority for Release of Information" forms to obtain criminal history records checks from the State and National Repositories of Criminal Histories through the North Carolina Department of Justice.

Pursuant to North Carolina Department of Justice regulations, the Commission may not provide a copy of the state criminal history record to the individual. Any individual wishing to review, correct, complete, or otherwise challenge his/her state criminal history record must avail themselves of the procedures set forth in the Division of Criminal Information (DCI) portion of the North Carolina Administrative Code (12NCAC 04F.0404).

The Commission may provide a copy of the national criminal history record to the individual, if the results of the national record check were used to disqualify the individual from certification.

A 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 in the criminal record to determine if it is relevant to, or would call into question, the Transferee's fitness to possess a certificate of exemption.

(g) For each company principal, certify to the Commission that principal is a United States citizen or, if not a citizen, provide employment authorization documents as proof of principal's legal authority to work within the United States.

9. Transferee is required to have on file, or will soon file, with the North Carolina Division of Motor Vehicles (DMV) (or the Commission) proof of the following minimum limits of liability and cargo insurance coverage:

(a) Liability insurance coverage — Form E: \$100,000/\$300,000/\$50,000 for Gross Vehicle Weight (GVW) of 26,000 lbs. or less and \$750,000 for GVW of more than 26,000 lbs.

(b) Cargo insurance coverage — Form H: \$35,000/\$50,000 — i.e., \$35,000 for loss of or damage to household goods carried on any one motor vehicle and \$50,000 for loss of or damage to household goods occurring at any one time and place.

If Forms E and H are not on file with the DMV, the Transferee must provide such forms to the Office of the Chief Clerk.

In addition to the foregoing, the Transferee must also maintain general liability insurance coverage in an amount not less than \$50,000 to compensate for loss or damage to property of shipper or consignee.

A "certificate of insurance," issued by Transferee's insurance company, must be provided to the Commission as proof of compliance with the Commission's three insurance coverage requirements, as described above. The "certificate of insurance" and Forms E and H — if such forms are not on file with the DMV, may be mailed, with the completed Application or separately, to the above address. They may also be faxed (919-733-7300) or emailed (OCC@ncuc.net) to the Office of the Chief Clerk, by either the Transferee or the Transferee's insurance company. Insurance documents should be clearly marked/stamped "**CONFIDENTIAL**" by the Transferee or the Transferee's insurance company prior to providing such information to the Office of the Chief Clerk.

Submission of the foregoing insurance documents is not required as part of the initial Application process. However, they must be filed prior to the Application being granted. INSURANCE FILINGS AND THE APPLICATION MUST BE IN EXACTLY THE SAME LEGAL NAME OF THE BUSINESS.

10. All parts of the Application must be completed and signed by the Transferee on Page 8 and the Transferor on Page 9 or the Application will be returned. Such signatures must be notarized.

11. All Applications to sell, assign, pledge, transfer, lease, merge, or acquire existing certificate of exemptions will be available for review on the Commission's website (www.ncuc.net); except for the pages and/or sections marked/stamped “**CONFIDENTIAL**”, which will not be available for review. Any party desiring to protest an Application must do so in writing and file same with the Office of the Chief Clerk no later than 15 days from the date the Application is filed. A protest must clearly state the basis of the complaint. A copy of the protest must also be mailed to the Applicant on the same day that it is filed with the Office of the Chief Clerk.

If no protests are received, the certificate of exemption will be issued upon the Transferee and Transferor's having complied with all terms and conditions as discussed herein and as set forth in the Application. However, if one or more protests are filed, the Application will be scheduled for public hearing. Additionally, if the Commission should have any question or concern with regard to the Application, the Commission may request additional information or schedule a public hearing to afford the Applicant an opportunity to be heard, before taking any further action on the Application.

12. Following the receipt and processing of an appropriately completed Application and the Commission's having determined that the Applicants have complied with all Commission requirements, as set forth in the Application and/or as discussed herein, and provided (a) that no protests are filed or, if filed, are not sustained by the Commission and (b) that the transferee's criminal history does not preclude approval, an Order will be issued approving the request (Order); and the transferee, by such Order, will be authorized to transport household goods between all points and places within North Carolina. Within a few days following issuance of the Order, a certificate of exemption will be issued, which will include a certificate number (C-#). Such number will have been assigned and set forth in the Order. The C-# must be included in all forms of advertising. [Under N.C.G.S. 62.280.1, it is unlawful for a person not issued a certificate of exemption to represent or imply that the person holds a certificate of exemption or is otherwise authorized to operate as a carrier of household goods in the State of North Carolina.]

Additionally, the transferee will receive a copy of the Maximum Rate Tariff (MRT), which defines operating procedures as well as the maximum charges for all intrastate moves and related services. **All household goods movers (movers) are required to abide by the provisions of the MRT.** All movers are required to attend a Commission-sponsored MRT training seminar (Seminar) prior to or within three months of the issuance date of the Order approving the Application to Sell, Assign, Pledge, Transfer, Lease, Merge, or Acquire Existing Certificate of Exemption. The schedule for upcoming Seminars is posted on the Commission's website. However, for information regarding Seminar schedules or other mover-related matters, you may contact the Commission at 919-733-4036 or the Public Staff – North Carolina Utilities Commission at 919-733-7766.

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