

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
September 10, 1987	:	OCT-87-T-1141*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	October 2, 1987
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u>	:	
Hoshour 7-5513	:	
9. <u>DOCKET NO.:</u>	:	
A-00106205, F. 1, Am-A	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

DOCKETED

OCT 30 1987

(a) Application of Bulk, Inc., Council Bluffs, Iowa, a corporation of the State of Nebraska, for amendment to its contract carrier permit, to transport, by motor vehicle, property, for Conversion Systems, Inc., between points in Pennsylvania.

(b) The application is unopposed and the applicant has entered a verified statement. The applicant is a currently authorized contract carrier who seeks to expand its service to include transportation for Conversion Systems, Inc., between points in Pennsylvania. The applicant has filed a bilateral contract, however the contract does not meet the specifications as set forth at 52 Pa. Code §31.45. The record indicates that approval of the application will not interfere with the service, safety and regulation of common carriers.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application.

L. J. ...
 PAID

11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
		Commissioner Smith - Yes
<u>SECONDED:</u>	Commissioner Fischl	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

October 9, 1987

IN REPLY PLEASE
REFER TO OUR FILE

A-00106205
F.1, Am-A

William A. Gray, Esquire
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219



Application of Bulk, Inc., a corporation of the State of Nebraska

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

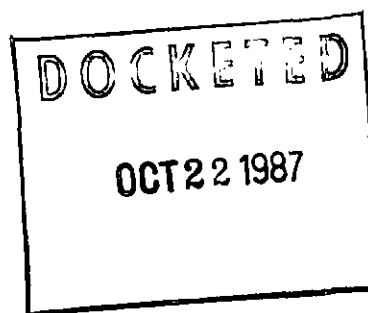
The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of October 2, 1987 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich
Secretary



fao
Enclosure
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
cc: Bulk, Inc.
P.O. BOX 494
Council Bluffs, IA 51502

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 2, 1987

Commissioners Present:

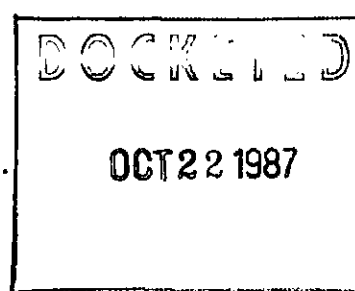
Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith



Application of Bulk, Inc., a corporation of the State of Nebraska, for amendment to its contract carrier permit, to transport, by motor vehicle, property, for Conversion Systems, Inc., between points in Pennsylvania.

A-00106205
F. 1
Am-A

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



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 20, 1987. Public notice of the application was given in the Pennsylvania Bulletin of June 20, 1987. No protests were filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of a verified statement submitted by the applicant.

DISCUSSION AND FINDINGS

Bulk, Inc. (applicant), a corporation of the State of Nebraska, has its principal place of business located at P.O. Box 494, Council Bluffs, Iowa. The applicant is a contract carrier in Pennsylvania intrastate commerce authorized, pursuant to a contract carrier permit issued July 16, 1986, to transport cement for Lehigh Portland Cement Company, from its facilities located in the township of West Manchester, York County, to points in Pennsylvania, and vice versa. The applicant now seeks by the instant application, the additional right to provide service for Conversion Systems, Inc., between points in Pennsylvania.

Bulk, Inc. is a wholly-owned subsidiary of Leasco, Inc., which is a wholly-owned subsidiary of Herman Bros., Inc., which also holds a contract carrier permit from this Commission at A-00100840. The applicant

has a terminal facility in Pennsylvania located in Northampton, Northampton County. This facility is equipped with a central dispatch system with outbound WATS service in addition to normal system and a Telex system.

Bulk, Inc. currently operates 36 tractors and 36 trailers. All of the equipment is owned by Leasco, Inc. and is leased to the applicant. Upon approval of the instant application, the applicant will provide the shipper with sufficient equipment to meet its needs, which is anticipated to be approximately five tractors and five trailers.

The shipper, Conversion Systems, Inc., is not receiving any intrastate service from the applicant at the present time, however the applicant is providing said shipper with interstate service. The applicant is familiar with the needs of the shipper due to the interstate service and anticipates providing specially trained drivers who are familiar with the transporting of the involved shipments, which require transportation in bulk pneumatic tankers. The shipper will be provided with other than normal business hour service, including service on Saturdays, Sundays and holidays.

The record indicates that the applicant is fit, willing and able properly to perform the transportation proposed by the instant application. The applicant submitted a bilateral contract with the application, however the contract does not fulfill the requirements of 52 Pa. Code §31.45, since it fails to contain the scope of authority under which the applicant would provide the proposed service and also fails to contain a specified minimum number of shipments to be tendered the applicant during a specific period of time. It will be necessary before the applicant institutes service that it file a revised bilateral contract.

We find that approval of the application will not interfere with the service, safety and regulation of common carriers, and that approval of the application will be consistent with the policy declared in 66 Pa. C.S.A. §2501; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the contract carrier permit issued to the applicant on May 1, 1987, be amended to include the following right:

To transport, as a contract carrier by motor vehicle, property, for Conversion Systems, Inc., between points in Pennsylvania.

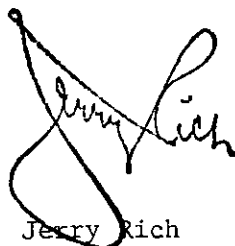
IT IS FURTHER ORDERED: That the applicant shall not be engaged in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a schedule of minimum rates and charges in accordance with 66 Pa. C.S.A. §2502.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have filed a revised contract in accordance with 52 Pa. Code §31.45 with this Commission for its approval.

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

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

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large, sweeping initial "J".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 2, 1987

ORDER ENTERED: OCT 09 1987

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

3. Article Addressed to:

A106205, F.1 AM-A O
William J. Gray, Esq.

4. Article Number

44575

Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X *William J. Gray*

6. Signature of Agent

X

7. Date of Delivery

10-13-87

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- o Complete items 1, 2, 3, and 4 on the reverse.
- o Attach to front of article if space permits, otherwise affix to back of article.
- o Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

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TO



Print Sender's name, address, and ZIP Code in the space below.

Pa. Public Utility Commission

P.O. Box 3265 - Rm B-17

Harrisburg, Pa 17120