



COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 P.O. BOX 3265, HARRISBURG, PA 17105-3265
 ISSUED: January 19, 1993

KJR

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A-00106208
 F0001, Am-A

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 FOLDER**

KEITH B FICKEL ESQUIRE
 2320 NORTH SECOND STREET
 HARRISBURG PA 17110

TO WHOM IT MAY CONCERN: Application of Towaway Express, Inc.

Enclosed is a copy of the Initial Decision of Administrative Law Judge Robert A. Christianson. This decision is being issued and mailed to all parties on the above specified date.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions MUST BE FILED WITH THE SECRETARY OF THE COMMISSION IN ROOM B-18, NORTH OFFICE BUILDING, NORTH STREET AND COMMONWEALTH AVENUE, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265, within twenty (20) days of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within ten (10) days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

If no exceptions are received within twenty (20) days, the decision of the Administrative Law Judge may become final without further Commission action: You will receive written notification if this occurs.

ALJ CHRISTIANSON, OFFICE OF ALJ, CHAIRMAN, COMMISSIONERS, OSA, LB, S&C,
 TRANS, PIB, NEW FILING, *Very truly yours,* OUR FILE
 kk

Allison K. Turner

Encls.
 Certified Mail
 Receipt Requested

Allison K. Turner
 Chief Administrative Law Judge

RAYMOND A THISTLE JR ESQUIRE
 206B BENSON EAST 100 OLD YORK ROAD
 JENKINTOWN PA 19046
 (COURIER UNLIMITED INC)

WILLIAM H R CASEY ESQUIRE
 99 EAST COURT STREET
 DOYLESTOWN PA 18901
 (HATBORO DELIVERY SERVICE INC)

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of	:	
Towaway Express, Inc.	:	
for the additional right	:	
to transport, as a common	:	Docket No.
carrier, business records,	:	A-00106208, F0001, Am-A
in magnetic form, microfilm	:	
form and paper form, between	:	
points in Pennsylvania	:	

INITIAL DECISION

DOCKETED
JAN 21 1993

Before
Robert A. Christianson
Administrative Law Judge

This application was filed on behalf of Towaway Express, Inc. (Applicant) on February 10, 1992. Protests were filed by Hatboro Delivery Service, Inc. and by Courier Unlimited, Inc. (Protestant). The protest of Hatboro Delivery Service, Inc. was later withdrawn, upon a restrictive amendment to the application. Applicant seeks authority to transport business records, in magnetic form, microfilm form and paper form, between points in Pennsylvania.

Hearings concerning the application were held on July 21, 1992 and August 18, 1992. At the first hearing, Applicant presented 13 witnesses and two exhibits. At the second hearing, Protestant presented one witness and three exhibits. The transcript of the hearings includes 191 numbered pages.

Briefs and reply briefs were filed by both Applicant and Protestant.

SUMMARY OF EVIDENCE

Thomas S. Sheaffer, President and CEO of Applicant, testified as follows.

Applicant is a transportation company operating under Pennsylvania Public Utility Commission and Interstate Commerce Commission authority. Tr. 6. It presently has Pennsylvania authority for the entire state, subject to various commodity and other restrictions. Tr. 6-7. Applicant operates in all counties of Pennsylvania. It picks up and delivers new trailers, used trailers and related items. It uses a central dispatching system. Communications with customers and contractors is through an 800 service. He has been in the transportation business for 22 years. Tr. 8.

He has tried different types of transportation systems. Tr. 8. He intends to use this central dispatch system with the authority now requested. Applicant has approximately 55 power units. Tr. 8-9. It plans to use mobile van type straight trucks and automobiles in the proposed service. It has equipment and could undertake lease arrangements. He would expect to have expenditures for the new operations. Applicant is in excellent financial condition, as indicated by filings with the Commission. Tr. 9-10. It has sufficient credit set up with local banks and

has cash reserves. He had no doubt of Applicant's ability to meet expected financial need. Tr. 10.

At this point, a Commission assessment report, a Commission annual report and a gross receipts tax report were introduced. Tr. 11. The witness stated that Applicant has been operating under Commission authority for six years. The assessment report shows gross operating revenues of \$1,954,657 and Pennsylvania operations of \$27,812. The 1991 annual report shows net operating revenue of \$6,630 for the report year. It shows a loss for the previous year on a larger total operating revenue.

Applicant has maintenance facilities and a full-time mechanic. Tr. 11-12. The witness did not know much about computers but had available expertise to handle magnetic tapes. He was aware that special equipment was needed for magnetic tapes. Some of the vehicles will be required to have special racks and containers to transport this commodity. Applicant has the ability to make these modifications. The witness next proceeded to describe various safety programs. Tr. 12-17. During the previous year, Applicant had terminated three employees for failure to follow rules and regulations. Tr. 16. Applicant had not had any service failures. Tr. 17.

There are several factors which are pertinent to holding statewide authority. Tr. 18. One consideration is that

statewide authority makes the operation more economical. Statewide authority also allows for total service to customers. Tr. 18. Applicant had investigated this situation and had decided that there is a definite need for service. Tr. 19. A lot of the service is being performed by uncertificated carriers. Tr. 19. Applicant is not performing the proposed service in any other state, it would be starting with Pennsylvania. Tr. 19-20. Prior to the filing of this application, Applicant had made investigations concerning this particular area of service. The witness had his director of operations, Karl Mundis, check areas of service. Tr. 20. They had received a flyer from one courier service. They contacted another one locally and proceeded to check out the matter of Commission authority to operate. They were informed that this carrier had no Commission authority. Tr. 20.

On cross-examination, the witness testified as follows.

Concerning the uncertificated carrier, he had asked his lawyer (Mr. Fickel) to find out if that particular courier service had Commission authority. Tr. 21. The lawyer came back and told the witness that the carrier did not. He had not done his own personal investigation and had not seen a copy of the carrier's authority. Tr. 21-22. There were two other non-certificated carriers. One was Argus. He became aware of these carriers because he knows the customers they were serving.

Tr. 22-23. He had checked on the authority through his lawyer. He did not know the last time he had handled a shipment within Erie County. He does not run the operations day-to-day. Tr. 24.

Counsel also asked similar questions relating to other counties. His supporting shippers have a general need, a statewide need. Tr. 27. It is necessary for him to apply for the whole state. Tr. 27. Applicant has equipment on permanent leases. Tr. 29-30. Applicant has plans to purchase 12 units of equipment. It was very difficult to say how much Applicant would lease, in the way of equipment. Tr. 30. He thought that an item of non-carrier property would be land. Tr. 31. These special needs for transporting magnetic tapes would be for his operations people to consider. Tr. 31-32.

On re-direct, the witness testified that Applicant runs several thousand trips within Pennsylvania in a year. Tr. 32. He could not recall the nature of each trip. Tr. 32.

Terry Brode, representing Solution Technologies, testified as follows.

He is working in the data processing operation over in Camp Hill, for Solution Technologies. Tr. 35. He is responsible for sales and marketing for the company. His firm does professional services for various companies throughout Pennsylvania, data processing projects. Tr. 35. He has been in this field for 25 years. His company tries to do the majority of

its work by communications networks. Tr. 36. However, they get into situations where they have various requirements for transportation, to and from the data center, from clients' sites, of magnetic media and disk tapes. His company also sub-contracts for various services. They were working with probably about 45 companies in Pennsylvania. Transportation needs might occur daily or weekly. If they can't retrieve the data by way of some network, they need some kind of transportation service in place. Tr. 36.

For one major contractor, work is being done in four states. Tr. 36. However, the majority of the work is in Pennsylvania. Tr. 36-37. Transportation would go as far west as Altoona, as far as Williamsport and maybe further to the north, east to Allentown, and as far south as York or Baltimore, Maryland. Tr. 36-37. He hopes that this need will be continuing indefinitely. He was working for various large companies and was familiar with many of their needs. A lot of them were trying to sublet their work. He was dealing with a representative of Applicant concerning off-site storage. Tr. 38. He would hope that Applicant would be available with service, when that service is needed. His company's reputation in data processing is quite good and it tries to retain this reputation, through its independent contractors. He was not familiar with Protestant. He had not done much work in researching this matter. Tr. 38-39.

This is just one thing he is responsible for. To move this traffic now, they might send a secretary out or ask a client to have someone come in with a tape, to bring data. Sometimes they wait a day or two to get someone in the area to pick up media. They do not have a facility in place. They just use someone who is available. They may have a person on-site being billed at a high rate and have to take that person off a situation to have that person bring in media to the data center. Tr. 39.

On cross-examination, the witness testified as follows.

His place of employment is Lemoyne. Tr. 39. This is his company's base headquarters. Tr. 40. The great majority of their work is done by communications network. Tr. 40. They had recently signed a contract with a very large company in the area, to do processing for physicians throughout Pennsylvania. Tr. 41. Every county in the state falls within this project. They do not know what will be involved in this project so they need some comfort to make sure they can deliver their services as the contract states. They know what's going to be involved but don't know where the problems will lie. They know that they will have to get software out to hospitals and practicing physicians, in an eight hour timeframe. Solution Technologies will pay for the transportation charges. Tr. 41.

Shipments will originate at the Lemoyne office. Tr. 42. They were hoping to do the work with the communications

network but they get into problems concerning communications. It would be too costly to install the software to receive the programs as such, electronically. They may or may not have the problem or requirement. Tr. 42. They do not yet have a problem but, if they do have a problem, he does not have ten people to make trips. Tr. 43. He does not go out soliciting bids; he does not know what their needs will be. They would also need transportation for documents that require keying, hard copy documents. Tr. 43. They need the physical documents to key it. Tr. 43-44. These are hard copy documents that you must key from. They would have a need to get documents in. He is talking about getting them into Lemoyne. This would be inbound traffic. Tr. 44. His company has roughly 60 clients active today. The client now pays for inbound transportation charges. The clients either use mail service or federal express. Tr. 45. The customer has the right to choose the transportation method on inbound traffic. Tr. 46.

William Dags, representing Computer Results of 3607 Rosemont in Camp Hill, testified as follows.

His company is considerably smaller than the previous witness's company. Tr. 47. His company is primarily a hardware broker, a dealer in used computers if you will. They buy and sell equipment throughout the nation and would use big trucks for transportation. Tr. 47. They do not have an inventory or a

warehouse, they buy and sell by arrangement. Tr. 48. His primary concern right now is with smaller items such as proposal contracts. They use fax machines now to transmit items. He is talking about packages which are smaller than a briefcase and could go from his office to a customer or from a customer to his office or from one site to another, in the case of a purchase of an item from one customer to another. The witness mentioned diskettes, magazines and magnetic media. This sort of transportation is on demand. They did not really have a structure or a schedule for transportation. Concerning territorial scope, he is in eight states plus Canada with equipment. Tr. 48-49. Anything beyond 50 or 100 miles, they use overnight Federal Express. Within 50 miles he uses his own employees and company vehicles to deliver or pick up items. Yesterday they went to Millersburg. The previous week they would have gone to other destinations. Tr. 49.

He did not know the Applicant, he does know Karl Mundis and this person's management service concept. He has talked with Mr. Mundis about the possibility of a courier service. He is interested in this service. The witness has four employees and, depending on the situation, he sends out his employees. He would contract with Mr. Mundis as the situation demands. Tr. 49.

On cross-examination, the witness testified as follows.

He is a broker. Tr. 50. His company buys and sells anything that's computer related. 80 percent of his business is used goods. The paper and the proposals and the contracts are more of a sales effort. Tr. 50. He is a middleman between the buyer and the seller. Tr. 51. The shipping origin would be his office the majority of the time, or his customer's office back to him. Tr. 51-52. In some extreme cases the shipment is from one customer site to another customer site. He is not addressing the shipment of large pieces of equipment. What he sends out from his office is paperwork, contracts, documentation, books, that kind of thing. He is talking about courier-type shipments. The majority of this transportation is from his office to customers. Tr. 52-53. The next category is shipments into his office. His company would probably pay the charges for shipments out of his office. Payment for shipments to his office would depend on the circumstances but the majority of the time his company would also pay for that transportation. He normally uses Federal Express because they are very reliable. Tr. 53. Concerning shipments from one customer to another customer, the receiving customer would pay the charge. Tr. 54.

Outbound transportation from his facility would depend on demand but might be two or three times a week. Tr. 54. Some of the inbound transportation would be of documents which the customer has signed and sent back to him. They also do some

programming work and an error situation might create a problem and cause a shipment into his office. He is talking here about people who do not have communications. Tr. 54. Inbound shipments, again, would be two to three times a week. Tr. 55. He would say that 90 percent of the traffic is within a 50 mile radius, with the exceptions of Baltimore, Allentown and Philadelphia. He has not used the Protestant. The only other courier service he had heard of, which might be able to meet his needs, was Mr. Gopher of Mr. Mundis. He is content to use his own people right now. Tr. 55-56. This is getting to be a strain and his firm is evaluating something else. His use of Applicant would depend on cost. He would also evaluate the timeliness involved. If this authority is not granted, he would probably call someone else or would spend more money with Federal Express. He uses Mr. Mundis because he has known Mr. Mundis for 20 years and he trusts his vendors. He does not have time to be looking around for a lot of other stuff. Tr. 56-57.

Ronald D. Butler, a Harrisburg attorney, testified as follows.

He has been an attorney in Harrisburg for about 22 years. Tr. 57. He was familiar with the authority being sought by this application. Tr. 57-58. His firm is a small professional corporation. He is the only attorney. There are several secretaries and receptionists. He represents several

hundred small businessmen. He has clients in the Philadelphia area, the Lehigh Valley area, Sunbury, Selinsgrove and up in Lock Haven. He has a major client in Altoona. He has clients in Chambersburg. The bulk of his clientele is within a 25 or 30 mile radius of his office. Tr. 58.

He has a need to move legal documents, business documents to his clients, from his clients on occasion and from his office to various filing locations. Tr. 58. He has been handling this traffic in-house as best he can and this is a very, very inefficient method of operation. On occasion, he finds himself being the courier and this is certainly not cost effective at his hourly rate. For a while, he had his son working in his office and that worked out well. His firm is not big enough to hire a messenger. He definitely has a need for courier service and would anticipate that there are times when no other method available today could substitute. Tr. 58-59. Sometimes the actual delivery is needed and neither Federal Express nor fax machines will serve. He would have need for this courier service several times a month, at a minimum. The type of service described by this Applicant and by Mr. Mundis is exactly what he is looking for. He wants somebody trustworthy and reliable. In the legal profession, there is not a lot of room for error. The responsibility ultimately rests with him, if the

delivery is not made. He needs somebody he can trust and he trusts Karl Mundis. Tr. 59.

He works with a lot of attorneys in the area and delivery of documents is crucial. Tr. 60. He deals with several other attorneys who are litigators and they are constantly faced with the problem of filing documents. When you are dealing with a non-local courthouse, next day delivery is often not sufficient. It has to be delivered the day it is sent. Then, you have to use somebody from your office, go yourself or use a courier service. He would tend to operate in the counties where his clients are found plus surrounding counties. He would say that, over 20 years, he has probably had business dealings in most of the counties in Pennsylvania but probably not all of them. Tr. 60.

On cross-examination, the witness testified as follows.

He had become aware that there are existing courier services but had not been aware of this before the day of the hearing. Tr. 61. Sometimes a lawyer just gets too busy to take care of thinking about things like courier services. He had not heard of the Protestant prior to the hearing day. His main practice consists of representing businesses. Tr. 61. He has sent documents for other than filing purposes. Tr. 62. He has used fax machines and various forms of overnight delivery, express delivery, such as Federal Express, UPI and Airborne. He

would discontinue use of other services and use Applicant if that were cost effective. He prefers to have documents hand delivered. For next day delivery, he would prefer a courier service just because of the confidence he has that the document goes where it is supposed to go. He has known Karl Mundis. He has utilized the service that Mundis now has available through the Mr. Gopher business. Tr. 62-63. Mr. Mundis has a business called Mr. Gopher and the witness has come to trust and rely upon this service. He feels very confident with Mr. Mundis. The Mr. Gopher service would do errands or something like that. He has no idea whether this involves a private automobile. Tr. 63. This service might pick up something. Tr. 64. His secretary would be basically the one who deals with specifics. Mr. Gopher had not provided him with service within the last week or two. He once used the service of Mr. Gopher when he needed records photocopied up at Commonwealth Court. Tr. 64-65. He called Mr. Mundis who went up there to the court and had the photocopying done. The copies were then brought to the witness. This is the sort of errand he is talking about. Tr. 65.

Dave Shiner, sales manager for Shiner Insurance Agency, testified as follows.

This business is a family run agency with about ten employees. Tr. 66. He has been in the business for 20 years and he thought that the business had been in operation for 32 years.

They are involved with settlements concerning commercial and residential properties. Banks have recently required original policies when settlements are held. Tr. 66-67. It seems that many institutions will tell the customer on Wednesday that they are settling on Friday. They also have a satellite office up in Mansfield, Tioga County. Currently, if there is something really important to get up there, somebody has to take it up. They had been averaging, he would say, from five to seven such trips a week. Fortunately, the policyholder can pick up a document a lot of the times. In trying to be a service oriented organization, you hope not to rely on the policyholder to do this. This service would help his firm probably about half those times. They would have very few trips to his office. Most of the traffic would be going out and maybe something coming down from the Tioga office. The main office they deal with is Erie Insurance out of Erie, Pennsylvania. Occasionally, things have to go to Erie. Tr. 67-68. They never had a real problem with this in the past but, with modern communications, people expect things to happen yesterday. Its getting to happen more and more prevalently that the original documentation has to be in place. Before, they had time to get the documentation out. Now people want it tomorrow. Tr. 68.

He is familiar with these types of needs throughout his industry. Tr. 68. All the agents have been complaining about

the same thing, all of a sudden its become a total rush operation. It used to be that you could fill out a paper and have weeks to work with it. Now time is short. Right now he is using agents and people in his office for transportation. Unfortunately, you find out how valuable they are. Mr. Mundis had come to him about the insurance agent operation. Tr. 68-69. He talked with Mr. Mundis and realized that they shared a problem. He was not familiar with other such services in the area, other than Federal Express and UPS. Tr. 69.

On cross-examination, the witness testified as follows.

He has not used the services of Mr. Gopher. Tr. 69. The agents at his office have information on the availability of Mr. Gopher. It might be the case that one of them has used Mr. Gopher. Tr. 69. The need for Mr. Gopher was not for transferring documents. Tr. 70. They might have used Mr. Gopher for the taking of pictures. His firm has five employees who are insurance salesmen. He was talking about insurance policies being taken to settlements. Tr. 69-70. Most of the settlements are within a four or five county area around his home office. Tr. 71. They would also be in the Tioga County and Bradford County area. The agent or someone else in the office might deliver a policy to the owner or the owner might come to the office. They are a service organization and they try to make the policyholder do as little as possible. His firm would pay the

transportation charge. It is very rare to have the need for a document arise at the settlement table. Usually there is notice of about two days. Tr. 71-72.

His people are not usually at the settlement. Tr. 72. He might deliver a policy to a real estate broker to take to the settlement. It is sometimes easier for them to deliver a policy to the realtor and have the realtor take the policy to the settlement. He had not been advised by Applicant of rates. He had not contacted other courier services. He had never heard of the Protestant. If the Protestant were to be a satisfactory company, he could not see any reason why he would not use Protestant's service. Tr. 74.

Rodney Swank, a major account manager for Sprint Communications Company, testified as follows.

His business address is 214 Summit Avenue, Camp Hill. Tr. 75. He is authorized to require transportation services for his branch. Tr. 75-76. He did not have to get permission from anybody to come to the hearing. He deals primarily with state government in Pennsylvania and the state universities. Contract documents have to be passed back and forth from him to the university or the state government agency. Conversely, documents go back to his office in Camp Hill. Occasionally, delivery of RFP's which are in response to proposals, have deadlines by virtue of state procurement laws. Magnetic media from these same

agencies come back to his office for analysis. Tr. 76-77. He might have a need for transportation maybe two, three or four times a month. It's an on-demand basis. He deals with state universities all over the state. There are 14 main campuses and he deals with them frequently. Tr. 77.

He provides a lot of this service himself. Tr. 77. Sometimes he uses Federal Express or Airborne or one of the other night services. He has found them on occasion to be not reliable. He once lost a \$50,000 bid because overnight service did not deliver the document on a timely basis. He was very sorry for having used them. He might need a receipt and it costs him money if something is not delivered in a timely manner. Approval of authority for Applicant would benefit his business. Tr. 77-78. He had known Mr. Mundis from previous business dealings over the years. More recently, he had known Mr. Mundis in his business of Mr. Gopher. He had not had occasion to use this service but he trusts Mr. Mundis. He has transportation needs both to and from his facility. Tr. 78.

On cross-examination, the witness testified as follows.

His superior is William Sill, the branch manager. Tr. 78. The witness had not asked him about appearing at the hearing. Tr. 78-79. The witness could use this Applicant, or anyone else, for transportation, on an as-needed basis. The Camp Hill office is a remote office and they pretty much meet their

own needs. He would not consult with Mr. Sill about using a carrier. His own office would determine reasonable costs. Tr. 80.

His office also has two other sales representatives. Tr. 81. He has not used the services of Mr. Gopher. He was aware that this service is available. Tr. 81-82. In communicating with the universities and exchanging documents, he generally does it himself or he will use Federal Express or UPS delivery. Tr. 82. A delivery might often not involve an opportunity for any sort of sales presentation. Tr. 83. The witness provided locations of the 14 state campuses, as follows: Edinboro, Slippery Rock, California University in Washington County, Indiana, Clarion County, Mansfield, Shippensburg, Bloomsburg, East Stroudsburg, Chester University, Cheney University, Millersville in Lancaster County and Kutztown which is in Berks County. Tr. 84-86. He also has responsibilities at Penn State, Bucknell, and Dickinson University in Carlisle. He had had conversations with Mr. Mundis when plans were being made for this authority. Tr. 86-87.

Michael J. Cleary, President of Cleary Rehabilitation Services, Inc., testified as follows.

He is in the business, basically, of insurance rehabilitation and consultation. Tr. 88. He employs nurses, vocational job placement people who work from their houses which

are throughout the state. He also has clerical staff in the Mechanicsburg office, which is the sole office. His firm primarily works as independent consultants for insurance carriers who assign workers' compensation claims. His firm is asked to get involved with the injured party, that person's attorney and physician, and any other outside agency which might be involved in the claim process. The goal is to help the people get back to work. They want people to get back to work soon so that the claim can be resolved more quickly, then if his firm had not been involved. Tr. 88.

They receive numerous doctor's reports, occasionally x-rays, and these would be transported to physicians. Tr. 88. They receive a number of legal documents. Tr. 88-89. The people in the field generate quite a bit of paperwork in the form of job notification letters. Other details of paperwork were described. His firm occasionally sets up independent medical exams with physicians. They will write to the physician and send various reports from other physicians. On occasion, the physician will call up and need something else, perhaps an x-ray. His people would have to go to the appropriate doctor and pick up x-rays to bring them to another doctor's office so that they can be reviewed prior to the examination. This could also involve transportation of doctor's reports. Tr. 89-90. Sometimes the doctor wants them at the last minute. Another need, which had

been just demonstrated the previous day, arises when attorneys get off schedule. They had a case where they could have used Mr. Gopher. The witness was out of the office and the attorney said he needed the file materials for a workers' compensation hearing that was coming up, he thought Wednesday or Thursday of that week. This was the first notice of the hearing and his firm had to get all of the documents together. The documents were sent to the attorney who used them in the hearing process. Tr. 90.

The need for transportation, in these instances, would be on an emergency basis. The need could be three times a week and then could be two times in a month. They would only go as far west as the Altoona, Johnstown, Bedford area. Tr. 90. They also go down to northern Maryland and into the Pennsylvania side of New Jersey. They also get up to New York. Their needs are being met now on a rush basis, they are using air overnight express, that type of thing, Airborne Express. Tr. 90-91. They have been in the business since 1976. He has been operating his own company since October 17, 1983. Tr. 91.

On cross-examination, the witness testified as follows.

They do not go to the Pittsburgh area. Tr. 91. He has not used the services of Mr. Gopher. Tr. 92. Mr. Mundis was a former business associate with a very good friend of the witness. They are very good friends professionally. He was told about Mr. Gopher and expressed an interest but had not used Mr. Gopher yet.

He had discussed Mr. Gopher's service with several people. They have not needed Mr. Gopher yet. They would have used this service the day before the hearing but the witness was not involved to authorize the service. Tr. 92-93. He had never considered using the existing courier services. Tr. 93. He really had not known about them. Tr. 93.

Gary Torcaso, the owner of two business partnerships, testified as follows.

He is the owner of two business partnerships, Carpinski Associates Insurance Agency and In-House Framing. Tr. 94. He is in the insurance business. His firm deals with individuals as well as business insurance for life, health, annuities, investments and disability. Tr. 94-95. This business is located at Lancaster. Basically, as insurance agents, they have been bogged down lately. They are getting a lot of reports to and from insurance companies, a lot of documentation to and from clients. It is getting to be too time consuming for an agent to keep on going out after doctor's reports and coming back. A lot of his people are looking for another way out. They did a lot of work with Federal Express but when you start to deal with individual situations it gets expensive, when you are mailing out a lot of one document shipments. He is talking about basically daily frequency. Nine times out of ten you are required to get a doctor's report. You must get the doctor's authorization form

signed and then you have to go see the doctor. When you get done with the report, it can take anywhere from a few days to a few weeks. Tr. 95.

People will call you up and you go to pick the document up by hand and bring it back. Tr. 96. The longer you wait for the doctor's report the more time goes by, which may mean that a person may run out of insurance. Time is of the essence. His requirements involve both receiving, to his office in Lancaster, and shipping out documents from Lancaster. They deal with all of Pennsylvania, every area. At present, the agents themselves have to do all the work and this is time consuming. They are losing a lot of clients and it's just not too cost effective to do this on your own time. Therefore, they are looking at a way of going out and receiving additional help by getting a carrier. Tr. 96. The cost of the transportation would be borne by himself with the other agents in the office. Tr. 96-97. He had known Karl Mundis for a few years. This subject came up when they were going over some insurance needs. His office includes his partner and himself plus seven other agents in the office. He has been in this business for eight years. He has been running into a lot of agents from other companies. Tr. 97.

On cross-examination, the witness testified as follows.

They had shipped to Erie approximately two months prior to the hearing. Tr. 98. They had not shipped to Crawford County

within the last couple of months. Tr. 99. The Erie shipment was for a client. They had not shipped to Mercer in the last two months. The witness had just been in Pittsburgh two days prior to the hearing. If the need arises, he can sell to any part of Pennsylvania. He sees hundreds of clients and gets back contracts. It is too hard for him to run back and forth to get information, especially doctor's reports. Basically, he is trying to find a carrier which he knows can handle these things for him. He can't say that he has been in all 67 counties. Tr. 99-100. He is saying that, because he works on a big referral basis, he could be any place tomorrow. He would have to go back to his records to find out exactly where he has done business. He did not have shipping documents with him. He had used a lot of Federal Express and UPS. He would come pretty close to discontinuing this use, if this application is approved. If he has a few clients in the same vicinity, it is cost effective and a lot easier for the carrier to pick up and transfer everything. Tr. 100. He has had people call him from California but then they realize that he only has a Pennsylvania license and he has to refer them to someone else. Tr. 101. He could not recall any client from McKean County. He could not recall anything in Perry County in the last few months. Tr. 102.

He had not used the services of Mr. Gopher. Tr. 102. The transportation situation had not become intolerable but he

was losing a lot of time and effort trying to keep up with matters, especially doctor's reports. He might have to drive 50 miles for a report. There are certain documents that will not work with fax machines. He would not use Applicant exclusively. He would continue to do some of his work locally, when he is going to another appointment and can pick up documents himself. Tr. 102-103. He would use the carrier to pick up documents in another town. He would pay for transportation. He would absorb the cost. He hoped that Applicant would be less expensive than UPS. He had not discussed this fully with Applicant, as yet. There are agents who work for his partnership but they are not considered to be employees, they are independent contractors. Tr. 103-104. Their work would be included in his description of the territory being served. Tr. 104.

He had not checked to see whether the Protestant could perform the required service. He had first gotten the idea of carrier service when he heard of Mr. Gopher. Tr. 104. This is how he got into contact with Karl Mundis. He had heard a radio advertisement. Tr. 104-105. The advertisement had indicated that the service was available for any type of gopher services that would need to be performed but that you are too busy to perform. A telephone number was provided, he thought. He heard the advertisement in his car, driving in the Harrisburg area. He had known Mr. Mundis and had known that he was associated with

Mr. Gopher. Tr. 106. He had not heard about the Protestant.
Tr. 106. He not heard about other similar carriers.
Tr. 106-107. He had not checked the telephone book for a courier
service. He has used the telephone book. Tr. 107.

On redirect and recross, the witness testified as follows.

He has many references and referrals from the western part of Pennsylvania. Tr. 108. He was originally from New Kensington and perhaps 20 to 30 percent of his business is in the western part of the state. His family is from there so he has a big clientele in the Pittsburgh area. Tr. 108. People talk to their friends about insurance and then give him a call. Tr. 108.

Martin Lowy, Financial Vice-President of the Lemoyne Sleeper Company, testified as follows.

His firm's corporate offices are in Lemoyne, Pennsylvania. Tr. 109. It has seven other locations, plus the location along with the corporate office. There will be another location very shortly. The other locations are retail establishments selling the Lemoyne Sleeper product. Tr. 109-110. They are at Colonial Park, Harrisburg, York, Lancaster, Lebanon, Carlisle, Chambersburg, Reading and, shortly, Selinsgrove. Tr. 109-110. Lemoyne Sleeper Company is a manufacturer of bedding products, mattresses and related furniture products. They are wholesale dealers throughout the state of Pennsylvania

and they retail at the eight stores mentioned. He was familiar with the nature of the authority being sought, somewhat. His firm needs information from all of its remote stores, in order to manufacture the bedding. When an order is taken at a store, a ten part form is prepared for the order. The actual manufacturing is done from that order. Tr. 110. Right now, the forms come back to the main location once a week, in connection with the outgoing delivery of the product. Tr. 111. Once a week is not enough. One other time during the week, an employee has to drive in with the documentation. Tr. 111.

In addition, they get financing contracts that they turn over to a financing company. Tr. 111. These are brought back once a week with the driver and one other time by using an employee. His firm is very much against using an employee because of insurance exposure through use of the automobile. This, however, is the way that the task has been accomplished, getting the documents back twice a week. They were updating their computer system and going to a bar code system. They are going to need the material coming in from the stores more frequently. They would like to have it every other day. This is the area in which they think the Applicant can help out. They have drivers going out once a week but would like to have incoming deliveries of documents at least two other times a week.

They figure the use of an employee to do this would cost almost \$30,000. Tr. 111-112.

They feel confident that Applicant could provide the service at a lower cost. Tr. 112. Mr. Mundis is a long-time friend of the president of his firm. Mr. Mundis communicated his plans and his people think that this is a way to solve the problem they have. They are working toward doing this every day and maybe Mr. Mundis is the solution. The associated shipping requirements would be just one way, coming in. If someone were going out on a regular basis, they would probably find things to hold and have that person take. Tr. 112. He is talking about paperwork or information about changing prices. Tr. 113. The outgoing traffic had not been on his mind, he had been mainly thinking about traffic coming in. The points of origin are these eight different locations. Tr. 113.

On cross-examination, the witness testified as follows.

He is Financial Vice-President of his firm. Tr. 113. He handles all the finances of the company. He was authorized to appear at the hearing. Tr. 113. The Colonial Park and Lemoyne stores are owned by the corporation. Tr. 114. The others are captive dealers. They place the Lemoyne Sleeper name before the public. These captive dealers sell the Lemoyne Sleeper product exclusively and the factory delivers to them every week. Tr. 114.

His firm will pay for the transportation. Tr. 115. Transportation is now performed twice a week, once with the driver from the main factory going out and bringing things back and then the second time in the week an employee from the store comes in. His company is concerned about liability with the people coming in their personal cars. The employees have no other reason to come in to Lemoyne. Tr. 115-116. They project two and a half trips a week. This would be in addition to the return trip by the driver. He had not discussed the charges with Applicant. They had not really tried other means of getting the orders in. Tr. 116-117. In the past, it would not have done them any good to get the paperwork in more frequently. Now the computer is ready for more frequent deliveries of the paperwork. They had not checked with other existing carriers. They try to pick up new services through personal referrals. Tr. 117-118. They might use a good, local courier service. They had not used the services of Mr. Gopher. The items going into the Lemoyne facility concern completed sales, they would be completed sales orders taken at the stores. Tr. 118.

James O. Bower, Jr., an insurance broker with a work address at Camp Hill, testified as follows.

He has been in this business for 13 years. Tr. 120. The best example he would have of relevant traffic would concern the shipping of homeowners' policies to customers for settlement

purposes. Original documents are required in order to settle on a home and often, because of the late notice, these documents have to be hand delivered. Typically, they have been doing this themselves and have been using overnight carriers when they can be used. They would prefer to subcontract this service to another business. This example would not represent the only need. There are a lot of needs in his business and this is just one example. He would say that a need for service would occur several times a month. Tr. 120.

They are always getting information from clients and from companies that they represent. Tr. 121. There are all kinds of examples: claims information, perhaps court documents that need to get to the office. There might be late payments that are critical with respect to arrival time, in order to continue insurance coverage. There might be photographs associated with claims or photographs of buildings that are being insured. Often there is a distance to travel and he will have the photographs taken and sent to him. He might not be able to buy coverage until the photographs are received. He will frequently ship architecture drawings with proposals. There would be all kinds of paper that needs to be shipped. These would need signatures, would be original documents. He could see a need sometimes for a courier to carry a document out, have it signed by the client and bring it back to the witness's office.

It would be convenient to have somebody other than an agent handle this kind of work. Tr. 121.

There would be transportation requirements both from the office to other points and from other points into the office. Tr. 121. A client might call and ask about the best way to get material into the office and be referred to a carrier. In some cases, the witness would even pay for that carrier. Many times, because of the nature of the coverage he is placing, he is required to get coverage placed on a certain day and would need someone who can promise to deliver on that day. Tr. 122.

He could not think of an exception to the rule that outbound costs would be paid by his office. Shipments from other points into the office might be paid by his firm or by someone else. Tr. 122. He has clients all over the state. The majority of his clients would be within 50 to 75 miles of Harrisburg. Most of his clients would be in Harrisburg, Cumberland County, York, Lancaster and the surrounding suburban areas of those cities. Need for service would be, at the very least, a few times a month. Tr. 123. At the very most, the need might be a few times a week. Tr. 123.

One thing that had impressed him about the Applicant was the integrity of the company. Tr. 123. He is dealing with very serious documents and sometimes with cash. He doesn't want just any carrier representing the business to his client. His

business is very much a reputation business. People don't know anything about him but what they see is on paper and the messenger who represents him. He is willing to spend more money to have someone to represent him in accordance with his standards. Tr. 123. It is the nature of his business that he really spends his commission. Tr. 124. It might cost him more money up front to acquire a piece of business which needs this kind of handling. In subsequent years he would not have to do the same thing. The subsequent years are the profitable years for him. He does not mind overspending for good service in order to get the image that this will project. Tr. 124.

On cross-examination, the witness testified as follows.

His business is called James O. Bower Insurance Inc. Tr. 124. About half of his business would be with individuals for homeowner insurance, automobile insurance and other types of insurance which they buy. Tr. 125. The other half of his business would be primarily institutional related, such as churches. He might use a vehicle to pick up a late payment if the account is worthwhile. It is a common occurrence to have a client call and say that they intend to make payment and want to keep the policy in force. There may be consequences if they do not do this. It would be good to have a service to which he could refer for delivery of items. Tr. 125-126. You can't call everyone who gets a notice of cancellation. He deals with 12

different companies and each company may have a different procedure. Tr. 126.

Sometimes, a late payment can be handled with a phone call. Tr. 126. Other companies are more strict and demand a postmark. Tr. 127. Alternatively, delivery must be to the office. He is willing to arrange for motor carrier delivery when the matter is critical. A client might lose insurance coverage and might not be able to obtain it again at nearly the same cost, if a payment is missed. Tr. 127. People always wait until the last minute. Tr. 128. He would like to put his best foot forward and give clients the opportunity to have a carrier, to get payments in. Tr. 129.

If he is requesting information, usually the client helps him out. Tr. 129. If the client is taking a picture and saving the witness a trip, he would probably pay the transportation cost to have the picture shipped to him. Tr. 129-130. His firm picks up the tab for most of the expenses that involve his business. He has been dealing with Tom Sheaffer over the years and knows the people who work for him. Some of them are his clients and he knows that they are good people. They are the kind of company that he could use to represent his company to clients. He does not insure Applicant. Perhaps four years ago he had the majority of Applicant's business but today he has only a small amount. Applicant is a very small account

for his agency. He does not have any relationship with Mr. Gopher. Tr. 130.

Allen Bloom, owner and chief executive officer of MCI Packaging Company of Harrisburg, testified as follows.

His business is basically a military business, the MCI stands for Military Commercial and Industrial Packagers. Tr. 131. He would say that 90 percent of the work is with the military. Tr. 131-132. They basically package for people who sell to the United States government. They interpret military packaging codes and pack the product to be shipped to government installations, basically for machine shops, distributors, manufacturers and so forth. He has been in this business for 26 years. They are the end item to the people they serve. They are the last people between the customer and government. They run into situations where they get parts in and find damage in transportation to their facility. They notify the contractor that, if he wants these things to ship, something has to be done. They essentially have one inspection day a week, every Wednesday. They have a government quality assurance representative in the plant. Tr. 132.

If the customer wants to meet a deadline, his company will ask if the customer wants to replace a part. Tr. 132-133. They will also ask how fast the customer wants to act to replace the part. Sometimes it's a matter of going on a four hour trip

to Pittsburgh and coming back, in order to bring back what is needed. This occurs with loads of transistors. He will find one of the leads has broken off and will call a contractor to find out if they want to send it by Federal Express or whether they want to wait and miss the inspection date. Tr. 133.

These activities are basically concerning government contracts. Tr. 133. Occasionally, he will deal with Reading. At times, he is not allowed to fax documentation, because they want the authentic signature in their hands or they will not execute on the matter. He would be dealing with documents that his company receives when they receive the product. They do not have the contracts in hand until the product is received. They would scrutinize the contract and find any mistakes with it and contact the contractor or the Mechanicsburg facility, the issuing agency. They would find out what corrections the people want to make or what they want to do with the matter. Tr. 133-134.

A person has to know the condition of the item. Tr. 134. Normally, the item has to be new and has to be the type and kind that the government has ordered. Normally, a contractor sends a certificate of conformance. His company might not see this once in six months and then sometimes you see it five times in one day. It depends on the flow of work. Up until the beginning of July they were getting an average of 15 contracts every other day. Tr. 134.

They have basically been handling the transportation with people at their facility. Tr. 134-135. They do not find this to be efficient. He had known Mr. Sheaffer. The witness might have complained to Mr. Sheaffer about some conditions relating to next day air service with UPS. UPS cost was \$48 and they shipped late. He got credit for it but it took about two weeks until they finally credited the account. UPS delivered the shipment late and the witness heard about it from the government. The cost of transportation would basically depend on who was at fault. Most of the time, it is going to end up that the government pays. If it's a contractor at fault, then he is going to take the responsibility. If the contractor does not want to send the part or whatever to the witness, the witness will send somebody to the contractor if that is what he requires. However, the contractor is going to pay for it. He very seldom has transportation needs for which he will pay. Basically, the transportation is the contractor's responsibility unless it is a government bill of lading. With a government bill of lading, the government pays. It is his responsibility to arrange transportation and the government specified carriers of that type. Tr. 136.

On cross-examination, the witness testified as follows.

The government specifies the carrier on a government bill of lading. Tr. 136. Sometimes the contractor designates.

Tr. 136-137. Really, he never himself pays the freight, not if he can help it. Extra transportation is always an additional cost to the contractor. Tr. 137. Transportation charges will be segregated out when they are incurred. Tr. 138. With both defective parts and paperwork, the basic responsibility is with the contractor. Tr. 138-139. Transportation is up to the contractor. Tr. 139.

Thomas Rimbey, an insurance agent and the owner of the Thomas B. Rimbey Agency of Beaver Falls, testified as follows.

Beaver Falls is just north of Pittsburgh. Tr. 140. He has been employed in this manner for 20 years. Tr. 141. He has personal lines and a commercial agency, with clients as far east as Oreysburg. Probably 50 percent of his business is commercial. He is like the other agents in having a growing problem with getting physical policies into the lienholder's hands. They used to take binders and they could be mailed. With closings, they usually give a one or two day notice and they want the physical policy at the closing. This presents a problem of getting the policy to the appropriate location. A person from the office will take a trip and do that, depending on the situation. Tr. 141-142. This proposed service is very advantageous to him because his time is worth more than just delivering policies. There are times, with commercial accounts, when he needs facts to be brought back to him to bind the policy. He then has to

deliver the policy. He also has to deliver no-fault cards. They then will use the carrier service to deliver this material personally to the customer. Tr. 142.

There is not a great need for records and other items of this nature to be delivered to his business location. Tr. 142. The greater need is for traffic coming out of his office. The courier service would definitely work to his advantage. Tr. 142. The need for this service is somewhat sporadic. Tr. 143. It could be every day and it could be six to eight times a month. At the present time, he either does this himself or has one of the people in his office do the work. This is very uneconomical. Oreysburg is just south of Pottstown. It's about a six hour drive, a five and a half hour drive. It would be economical to have a courier service pick up and deliver this material. Tr. 143.

He knows Tom Sheaffer. Tr. 144. They have talked back and forth and Mr. Sheaffer has called to ask if Mr. Sheaffer's service would be advantageous to the witness. The witness informed him that it would be. Ninety percent of the time the cost would be paid for by the witness. This is information that he requested for the delivering of policies. His company is a service oriented business and so it would bear the cost. Tr. 144.

On cross-examination, the witness testified that he is not familiar at all with the services of Mr. Gopher. Tr. 144.

Karl Mundis testified as follows.

He runs a company called Mr. Gopher. Tr. 145. Mr. Gopher does two things. Tr. 146. On one side, it is in the business of doing an errand service. They do clerical work for clients, legal real estate, accounting, medical professional work of all types. The other side is a division named Insurance Billing Associates. They provide assistance to medical professionals and to private citizens concerning health insurance claim problems. Tr. 146. He continued with further descriptions of services he provides. Tr. 146-147. They call Mr. Gopher a value-added errand service. Mr. Gopher does clerical work to free up professionals to do the more expensive things they were trained to do. A Mr. Gopher employee might install lock boxes and sale signs for real estate agents. They also take pictures of properties. They will do mini-appraisals, using the pictures. They do all manner of clerical work for all sorts of companies and professionals. Tr. 147-148. They go to courthouses to get copies of deeds and property descriptions. They gather settlement packages where they will need to go. They will get copies of tax receipts, make machine copies of tax returns or make copies of tax receipts, sewer bills and other matters. They

will get machine copies to provide for people who have settlements. Tr. 148.

They do not operate under Commission authority. When he set up this business, which was incorporated the previous year, he called the Commission and described the proposed operation. Tr. 148-149. The Commission person responded that this was clerical work and the service was not really the providing of transportation. The conclusion was that the work was incidental and that there would not be a need for Commission authority to do the work. The Harrisburg newspaper had done a feature article about his company. He had investigated, on his own, concerning Commission involvement. Tr. 149. He called the Commission on several occasions to find out what the Commission position would be and to stay in the proper lines. Tr. 149-150.

He is also associated with the Applicant. Tr. 150. He will be individually overseeing day-to-day operations, in conjunction with Mr. Sheaffer. He will primarily handle marketing duties. Tr. 150.

The operation proposed would have a couple of aspects. Tr. 151. The first is the courier aspect, the standard legal courier work he has been talking about concerning business materials, contracts, bids and so forth. Tr. 151. There would also be similar courier work. On the other side, there would be the transportation and eventually the storage of magnetic media.

They would transport and provide storage facilities for back-up tapes and other magnetic media for computer centers. He had 25 to 30 years of experience concerning computers. The last three or four years of this experience, he was vice-president of Information Processing for Pennsylvania Blue Shield. Tr. 151.

His work was involved with the transportation of back-up tapes to off-site storage. Tr. 151-152. He was also responsible for the transportation and safe storage of paper records and microfilm. His experience led him to believe that there was a market out there. There were not a lot of people in the business. There were certainly not a lot of people with the expertise his company could bring from a standpoint of the systems and record management. Tr. 152.

In connection with Mr. Gopher, it had become crystal clear that there is a need for simple courier work to be done by licensed carriers. Tr. 152. They feel that a number of clients need to do record transportation. This would run from bulk records for a contractor to a filing at the courthouse. It was this thinking that led him to meet with Mr. Sheaffer who he had known for more than five years, to talk about the idea and to develop it from there. Tr. 152. The last part of this testimony was allowed as to motivation but was not given any weight on the issue of need. Tr. 153.

He was familiar with the transportation of magnetic tape. Tr. 153-154. The magnetic tapes take two forms, cartridges and reels. Tr. 154. There are special carriers for each kind of tape. There are environmental protections built into them. The vans which carry them are also equipped, in many cases, with environmental protection devices, Halone systems and thermal protection. In some cases, they are even refrigerated. There are a number of things that these vans ought to have and the vans they propose will have. In his employment with Blue Shield, he became familiar with this type of service. Tr. 154. He knows how to prepare vehicles for this type of work. Tr. 155.

He had been the one responsible, basically, for doing the groundwork on this application. Tr. 155. He had checked on the two prime transporters of magnetic tapes in Pennsylvania, known to him from his prior position. Evidently, neither of these carriers is licensed in Pennsylvania. He has a relationship with Hitachi. Hitachi Data Systems had approached him concerning a business partnership for the transportation and storage of magnetic media. Hitachi Data Systems is a major worldwide computer vendor with a client base in the East of some 25,000 companies. Tr. 155. It is a manufacturer of computer hardware and software of all types, primarily the large end installations. Tr. 156. There had been discussions of Hitachi

becoming a business partner, after this Applicant had acquired the requested authority. Tr. 156.

On cross-examination, the witness testified as follows.

To his knowledge, the Applicant has not been cited by the Commission for any violations. Tr. 159. The Mr. Gopher operations had not been cited by the Commission and the Commission had not questioned possible violations. Tr. 159. He had some flyers for Mr. Gopher, remaining from a direct mail campaign. Tr. 161. He also had the transcript of a radio advertisement concerning Mr. Gopher. Tr. 161.

Paul D. Steffes, a regional manager for Protestant, testified as follows.

He has been employed by Protestant for two and a half years. Tr. 170. He provided an exhibit concerning Protestant's authority and explained certain details. Tr. 171-172. Protestant has, effectively, authority between points in Pennsylvania, subject to certain restrictions. Tr. 172. The commodity description is for a small package-type authority, 100 pounds or less. Tr. 173. Protestant is operating under this authority. It owns and operates certain motor vehicles. Tr. 173. It has a total of 19 pieces of equipment. Tr. 174. Details were provided. It leases 44 pieces of equipment, 18 vans, 23 automobiles, three light duty trucks and one straight-body truck. These leases are for 120 days or more.

Tr. 174. The witness provided an exhibit concerning personnel.
Tr. 175.

Protestant has terminals at Pittsburgh, Harrisburg, Williamsport, Oaks, Allentown and Pittston. Tr. 176. Approximately 35 percent of the couriers are located in Oaks. Perhaps another 30 to 35 percent are located in Harrisburg. The remainder would be evenly distributed between the other three terminals. The motor vehicle equipment is not being used to full capacity. Tr. 177. Presently, it is utilized at approximately 65 to 70 percent of capacity. Protestant is able to handle additional traffic with its present equipment. Protestant conducts routine route training for all new employees and has training for existing drivers. They also provide a road test under the guidelines of the American Trucking Association. Tr. 177-178. They have a drug testing program and conduct routine and periodic safety training seminars. This is an ongoing and continuing program. Protestant is in compliance with safety rules and regulations. It is also in compliance with requirements concerning insurance filings and tariff filings. Tr. 178.

He is familiar with the daily operations of Protestant. Tr. 178. Protestant can serve all needs covered by the application, with some limited exceptions. Tr. 179. Upon review of the supporting testimony, he did not read any request for

service which the Protestant would be unable to meet. The Protestant now faces numerous competitors. Tr. 179-180. Some of these competitors would be United Parcel Service, Roadway Package Service, Quick Courier, Inc., United States Cargo and Courier Service, Way Messenger Service, ASAP Courier, ADP Courier, Courier Express, First Courier, Dash Delivery, Capital Messenger, Valley Forge Courier Service and Falcon Express. There are others which he had not mentioned. Tr. 180.

Protestant holds ICC authority. Tr. 180-181. The granting of this application, along with the granting of other applications as they come before the Commission, would have a cumulative effect which would adversely impact Protestant. This, in turn, has an adverse impact on the public. Protestant feels that there is no need for additional authority, as sought by Applicant. The authority duplicates authority held by Protestant. Protestant provides service within the scope of its authority, meeting the public need. Tr. 181. On balance, approval of the application would have an adverse impact on the public. Tr. 182.

On cross-examination, the witness testified as follows.

Jeffersonville is in Montgomery County. Tr. 183. Protestant has a director of sales. It also has five sales managers. Tr. 183. He himself is in the Oaks office. Tr. 184. Protestant has a total of ten management positions (details were

provided). Tr. 184. These people do the interstate work as well. Protestant operates in Maryland, New York, Delaware, New Jersey and even, on occasion, as far away as California. Tr. 184-185.

POSITIONS OF THE PARTIES

Applicant, in its Main Brief, starts off its argument with references to subsections 52 Pa. Code §41.14(a)(b). It proceeds to make detailed factual references which relate to the issue of fitness. It then, commencing at page 14 of its Main Brief, proceeds to refer to supporting testimony of shipper-witnesses. It argues that the needs demonstrated by the witnesses are representative of needs relating to all similar businesses throughout the state. It states that need has not been shown for every square mile of Pennsylvania but argues that such a showing is not required by law. It refers to particular testimony of various witnesses. It states that Mr. Brode has shown need in every county. It also refers to testimony of Mr. Bower (relating to service for the middle and eastern part of Pennsylvania), Mr. Cleary (concerning service for all of eastern and middle Pennsylvania) and Mr. Remby (concerning need for all of middle and western Pennsylvania). It states that other supporting shippers testified concerning similar needs. Applicant argues that this testimony clearly establishes the public demand and need for the services offered by Applicant.

Applicant closes its argument with references to testimony provided by Protestant. It argues that the existence of various carriers in the field does not mean that the requested authority should be denied. It observes that the law does not guarantee any carrier freedom from competition. It mentions that Protestant operates beyond Pennsylvania and that Protestant's workforce tends to be located in southeastern Pennsylvania. Applicant argues that Protestant could not meet the needs described in this record.

Protestant, in its Main Brief, presents a rather detailed review of the testimony. Commencing at page 18 of its Main Brief, Protestant argues that the Commission should continue to regulate motor carrier competition and protect existing carriers. It refers to various other industries, including cable television, the airlines, the banks, intrastate trucking and telephone communications, in arguing for continuing limitations on competition. It does not provide detailed arguments relating to the "fitness" issue. It does, commencing at page 19 of its Main Brief, present a detailed review of testimony provided by the 11 supporting shipper-witnesses.

It first argues that the testimony of Mr. Cleary should be given no weight because of his lack of authorization to use Applicant. Protestant also argues that the testimony of Mr. Bloom should be given no weight because he does not pay freight

charges or control freight. Protestant also argues that the other witnesses did not testify about need for transportation between points in Pennsylvania. Protestant submits that even the cumulative effect of all the testimony does not warrant a general "between points" grant of authority. Protestant argues, further, that none of the supporting witnesses (except for Mr. Mundis, who is associated with Applicant) testified concerning transportation involving specialized vehicles or skills. Rather, the testimony was generally concerning business records in paper form.

Protestant proceeds to refer to the testimony of the various other witnesses. It observes that Mr. Shiner had not provided a specific location of his home office. Protestant proceeds to provide additional details about other witnesses. At pages 22-23 of its Main Brief, Protestant provides a compilation of points from which shipments are made and to which shipments are made, by the supporting witnesses. It then proceeds to argue that there is no support for business records other than in paper form, that there is no support for general authority between points in Pennsylvania and, more generally, that the testimony is insufficient to support a broad grant of authority. Protestant then proceeds to provide additional detailed arguments relating to the nature of the testimony. It singles out the testimony of Mr. Swank as providing the best quality of support. It observes, however, that the needs of his shipper could be satisfied by

authority to serve Sprint Communications Company from its facilities at Camp Hill to and from the various universities it serves in Pennsylvania. Protestant closes by arguing that any grant of authority should be limited to the proof offered in support of the application.

Applicant, in its Reply Brief, states that the Protestant has mischaracterized or misinterpreted the testimony, in numerous instances. Applicant first touches on some fitness issues and then proceeds to discuss the testimony of the supporting shipper-witnesses. It argues, for instance, that Mr. Butler is well qualified to speak on behalf of sole practitioners who are similarly situated throughout Pennsylvania. Concerning need to transport magnetic tapes, Applicant refers to the testimony of Mr. Brode and Mr. Swank. Applicant continues with various responses to the arguments of Protestant. Applicant argues that approval of the application will not adversely impact Protestant. It also argues that the cumulative impact of the testimony demonstrates a need for transportation between points in Pennsylvania.

Applicant asserts that Protestant did not indicate that it has equipment or vehicles designed for transportation of magnetic tape and microfilm. It argues that, as to magnetic tape and microfilm, the application must be viewed as an unprotested application. It also argues that the only matter at issue is the

scope of authority for the transportation of business records in paper form.

Protestant, in its Reply Brief, asserts that Applicant has not demonstrated need for businesses generally throughout Pennsylvania. It also argues, generally, that the Applicant has not provided sufficient details to support its application, as filed and amended. Protestant would, at most, limit any authority to specific shippers and specific points. More generally, Protestant argues that the record does not support a general authority within Pennsylvania.

DISCUSSION AND FINDINGS

The fundamental test for Commission action on applications for public utility authority is found at 66 Pa. C.S. §1103(a). However, this standard is very general and the Commission had adopted more specific evidentiary criteria for motor common carrier applications. These criteria, found at 52 Pa. Code §41.14, follow:

- "(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.
- "(b) An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service, and, in addition, authority may be

withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

"(c) The Commission will grant motor common carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest."

Useful precedent concerning the "fitness" standard of §41.14(b) may be found at Re William O'Connor, 54 Pa. P.U.C. 547 (1980). Details concerning the "need" standard of §41.14(a) and the "adverse impact" standard of §41.14(c) had been found at Re Richard L. Kinard, Inc., 58 Pa. P.U.C. 548 (1984). However, Kinard has been overruled by the Commission Order at Blue Bird Coach Lines, Inc., 72 Pa. P.U.C. 262 (1990). In Blue Bird, the Commission clarified its interpretation of the transportation regulatory policy stated at 52 Pa. Code §41.14(a). Blue Bird states that the applicant has sustained its 41.14(a) burden of proof when, through relevant, probative, competent and credible evidence, it has shown that the proposed service will satisfy witnesses' asserted transportation demand or need. A representative sampling of the public is expected and the scope of authority granted should correspond with identified origin and destination points. The particular circumstances of a case will

determine what constitutes sufficient evidence to meet the §41.14(a) burden.

Under the Blue Bird interpretation of §41.14(a), public support is sufficient to satisfy the applicant's burden. The applicant need not demonstrate either the inadequacy of existing services or Kinard alternatives to inadequacy. Thus, Blue Bird stands for the proposition that public support testimony is enough to justify a grant of authority, even if there is no demonstrated advantage arising from the applicant's proposed service, as compared to any service already available from other carriers. Moreover, Blue Bird states that the Kinard alternatives to inadequacy (such as efficiency, lower rates or backup service) are not sufficient support for an application. The Commission, rather, seeks proof of public demand or need for the proposed service within the proposed service territory.

The amount of competition which will benefit the public interest is a matter which has been entrusted to Commission discretion. Subsection 41.14(c) emphasizes competition and, according to Blue Bird, a protestant must carry a heavy burden to show that the entry (or expansion) of a carrier into the relevant market will be contrary to the public interest.

Protestant raises some questions concerning fitness. However, I have no difficulty in concluding that Applicant has satisfied the requirements of §41.14(b).

Applicant is now providing service which is unlike the service being proposed by this application. Applicant has, however, made appropriate preparations for initiation of the service being proposed. Applicant has provided testimony by Mr. Sheaffer, its president, and Mr. Mundis, who will be overseeing day-to-day operations and will primarily handle marketing duties. Applicant has investigated methods of providing the service it proposes and has the financial ability to extend its operations to include courier service.

At hearing, there was some close questioning concerning a business being run by Mr. Mundis, called Mr. Gopher. There had been some indications that Mr. Gopher is providing illegal transportation service. However, the testimony indicates that Mr. Mundis had checked carefully with Commission employees when he initiated this service and that the Commission considered this service to be beyond the Commission's regulatory jurisdiction, being incidental to non-transportation services. The record further indicates that neither Applicant nor the Mr. Gopher operation had been cited by the Commission for violations of the Public Utility Code or Commission regulations.

Protestant provided its own witness and addressed the criteria associated with §41.14(c). I conclude, however, that the Commission should not take steps to withhold authority because of considerations of competition and adverse impact.

Testimony for Protestant indicates that there is already considerable competition in this field and that Protestant is successfully meeting the competition. Protestant asserts that, on balance, approval of the application would have an adverse impact on the public. Protestant does not, however, provide details concerning particular problems or weaknesses in its finances or operations. In fact, Protestant has not, in my opinion, made more than a token attempt to meet the burden of §41.14(c). I find no reasonable basis for a conclusion that entry of this new carrier into the courier field would endanger or impair the operations of existing carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest.

The main focus for this proceeding has been on issues relating to §41.14(a), to public demand or need. Applicant has provided several witnesses. However, Protestant argues that the evidence does not support a state-wide grant of authority but, at most, supports authority which is limited to the particular needs of the supporting shippers. I will proceed to focus, therefore, on the evidence which Applicant has provided relating to §41.14(a).

Protestant has, essentially, raised two issues relating to the scope of the authority to be granted. It challenges both the territorial scope of authority to be granted and the scope of

the commodity description proposed. Protestant asserts that the testimony simply does not support anything like a state-wide grant of authority. It also asserts that the testimony relates mainly to transportation of papers and does not support a grant of authority to transport business records in magnetic form or microfilm form. Protestant does not so much challenge Applicant's ability to transport the broader commodity description. Rather, Protestant challenges the "need" support for the broader description.

Rather than review the arguments in detail, I will, in accordance with the Blue Bird directives, review the evidence, as that evidence relates to territorial scope and commodity description of the authority to be granted. In doing so, I have employed the list provided by Protestant at pages 22-23 of its Main Brief. I have, however, conducted my own review of the testimony. I am not accepting all of the assertions made by Protestant. For instance, I am giving weight to the testimony of Mr. Cleary, President of Cleary Rehabilitation Services, Inc. Protestant argues that this witness lacks authorization to use the services of Applicant. This witness is president of his company and I see no problem with authorization to use a carrier he seeks to use.

I agree with Protestant that Mr. Bloom, of MCI Packaging Company, never himself pays the freight, if he can help

it. I do not agree, however, that his testimony should be given no weight. Rather, his degree of control over the traffic should go to the importance placed on his testimony. The testimony should not be excluded entirely. More generally, I will not exclude testimony because the witness does not himself pay the freight charges. Rather, I will look to the realities of control and to testimony concerning need for service. If a particular firm has need for service, and has a strong element of control over that service, I will give weight to the testimony involved. Of course, some concern should be given to the problem of excluding hearsay testimony.

I tend to agree with Protestant that most of the witnesses testified to rather particular needs, often with one end of the transportation at a particular headquarters location. However, a review of Applicant's entire presentation should be made before decisions concerning scope are reached. At the same time as territory is considered, the commodity description can also be considered.

I will first review the testimony of the various supporting witnesses, concentrating on the essential elements of the support. I will concentrate on (1) the main base or bases, (2) other points of service, (3) the traffic pattern, (4) frequency of need, (5) special needs, (6) existing transportation

arrangements, (7) control of traffic and (8) the commodity description.

Brode

1. Lemoyne
2. As far as Altoona, Williamsport, Allentown, York; every county potential
3. 45 to 60 customers; outbound traffic and inbound traffic
4. Daily
5. Good quality
6. Private carriage
7. Yes - on outbound
8. Papers; some need for magnetic media and tapes

Dags

1. Camp Hill, mostly
2. Mostly within 50 miles
3. Outbound and some inbound
4. On demand, 2 to 3 times per week
5. Timeliness
6. Federal Express
7. Yes
8. Papers, maybe more

Butler

1. Harrisburg
2. Philadelphia, Lehigh Valley, Sunbury, Lock Haven, Altoona, Chambersburg; mostly within 25 miles of Harrisburg; most Pennsylvania counties
3. Inbound and outbound, several hundred clients
4. Several times a month
5. Definite need; need for trust
6. Private carriage, Federal Express and others
7. Yes
8. Papers

Shiner

1. Main base near Harrisburg (see transcript 71, not well established); Mansfield
2. Various, including Erie; 4 or 5 counties near Harrisburg; Tioga County, Bradford County
3. Various
4. About 6 times a week
5. Emerging need
6. Private carriage
7. Yes
8. Papers

Swank

1. Camp Hill
2. 14 or more stated university locations

3. Inbound and outbound
4. About 3 times per month
5. Timely deliveries
6. Private carriage, Federal Express and others
7. Yes
8. Magnetic media (inbound only, for analysis; Tr. 76-77); papers

Cleary

1. Mechanicsburg office
2. Altoona area, north, south and east
3. Various; to and from doctor's offices
4. Maybe every week
5. Some emergency need
6. Airborne Express and such
7. Yes, apparently
8. Papers, x-rays

Torcaso

1. Lancaster
2. All of Pennsylvania; Erie; Crawford County; Pittsburgh area; many clients
3. Incoming and outgoing
4. Daily
5. Quick response time
6. Federal Express; UPS; private carriage

7. The witness and his agents
8. Papers

Lowy

1. Lemoyne
2. Eight stores at Colonial Park, Harrisburg, York, Lancaster, Lebanon, Carlisle, Chambersburg, Reading and Selinsgrove
3. Incoming
4. About two times a week
5. Regular schedule
6. Private carriage
7. His firm
8. Papers

Bower

1. Camp Hill
2. Mostly within 75 miles of Harrisburg; Harrisburg, Cumberland County, York, Lancaster
3. Incoming and outgoing
4. Several times a month
5. Same day delivery
6. Private carriage; overnight services
7. His firm
8. Papers

Bloom

1. Harrisburg
2. Mechanicsburg; Reading
3. From other firms to Mechanicsburg and Reading
4. Varies
5. Good response
6. Private carriage; UPS; other
7. Usually government or another firm pays; witness arranges; government can specify a carrier
8. Papers

Rimbey

1. Beaver Falls
2. As far east as Oreysburg (near Pottstown)
3. Mainly outgoing; some incoming
4. Varies; several times a month
5. Good response
6. Private carriage
7. His firm, mostly
8. Papers

Upon review of the evidence, I initially conclude that state-wide authority should be granted to transport papers. I realize that Applicant proposes to transport a broader category of property. However, the record support relates mainly to papers. I do not find the support for state-wide authority to be

overwhelming but, upon reflection, I conclude that the support is substantial and that a full state-wide grant (subject to the restrictive amendment) has been made out.

Most of the support is from shippers in the Harrisburg area. This would correspond to the location of the hearing and the location of Applicant's main area of activity. However, other points (such as Lancaster and Beaver Falls) are included. Many destination points, substantially throughout Pennsylvania, were mentioned. Both outgoing and incoming authority is needed by several witnesses. Much of the traffic has one end or the other end in the Harrisburg area. However, a restriction to the Harrisburg area (probably to a four county area) would unduly limit Applicant's operations. State-wide authority would tend to increase Applicant's efficiency and better serve the public.

The Blue Bird decision states that need may be proven through witnesses comprising a representative sampling of the public that would use the Applicant's proposed service, within the territory contemplated. Blue Bird also provides that the supporting witnesses must identify origin and destination points between which they require transportation. Those points must correspond with the scope of the operating territory to be specified. Blue Bird also provides that the particular circumstances of the case determine what constitutes sufficient evidence of a public demand or need for the proposed service.

The number of witnesses that will comprise an appropriate cross section of the public will vary with the circumstances of each case. The breadth of authority, the population density in the operating area and the scope of the application may be considered. The Blue Bird statement at 72 Pa. P.U.C. pgs. 274-275, deals mainly with territorial scope. However, it clearly indicates that the scope of the commodity description is also to be considered. In this instance, the commodity description is quite narrow and the proposed operation is specialized. Under the circumstances, I find appropriate support for a state-wide grant of authority.

The scope of the commodity description remains to be determined. I have discussed the "need" record and have found that authority should be granted to carry papers. Applicant also seeks authority to carry records in magnetic form and microfilm form. There is some support for the broader authority. Two shipper-witnesses went beyond "papers" and included magnetic media. Moreover, Mr. Mundis (as outlined above, at pages 40-42) provided details about Applicant's plans for magnetic media.

Applicant provides the following argument, at pages 11-12 of its Reply Brief:

Applicant has requested authority to transport magnetic tape and microfilm as well as business records in paper form. Protestant's attempts to argue that no evidence has been presented regarding magnetic and microfilm form. To the

contrary, however, two (2) witnesses directly testified as to such need. Further, Protestant has not in any way indicated that transportation of this form of property in any way infringes upon its authority. Protestant did not contradict in any way the specialized manner in which this type of property needs to be transported. Protestant did not indicate that it had equipment or vehicles which could transport this property. Protestant did not testify as to any current transportation of this type of property. As such, the Applicant's request for this type of authority must proceed pursuant to 52 Pa. Code §3.381. The application as to magnetic and microfilm transportation must be viewed as an application where no protests have been filed. Since Protestant did not challenge Applicant's request for authority to transport this type of property, but merely presented testimony regarding the transportation of business records in paper form, Applicant must be granted authority for points within Pennsylvania for this type of property.

I do not agree that an unopposed application must be granted and I do not find any substantial record support for carriage of microfilm. I do find record support for magnetic media. This support is not strong or broad. However, I am including magnetic media (business records in magnetic form) in my commodity description.

Applicant seeks to carry papers and other commodities which carry information. It has chosen to state its request as a request to carry business records, in magnetic form, microfilm form and paper form. Most of the support refers to papers but the same information which is carried in paper form can also be

sent in magnetic or microfilm form. I am excluding microfilm because it is hardly more than mentioned in the record. I am including magnetic form because there is substantial support for this commodity. The territorial scope of magnetic form authority must still be determined.

The "magnetic form" authority could be severely limited to conform to the record support, as Protestant would even do for paper. I conclude, however, that the "paper form" support should carry over to "magnetic form" and that statewide authority should be granted. I view the magnetic form as an alternative to paper form, an alternative which should be made available to Applicant's expected customers.

Even this broader commodity description is still quite narrow. Under the circumstances, I view a limitation to "paper" (or narrow "magnetic" authority) as too niggardly an approach. I find that statewide "magnetic" authority is appropriate.

A rather detailed amendment was made to eliminate the protest of Hatboro Delivery Service, Inc. I am not fond of these detailed amendments but I understand that they are generally accepted by the Commission. I am willing to accept this amendment as a reasonable method of eliminating the protest and reducing the scope of litigation. Moreover, the amendment should not significantly impact on Applicant's scope of service while the shippers covered by the amendment are, presumably, receiving

service from existing carriers. The amendment, as stated in an August 21, 1992 letter of Mr. Fickel, counsel for Applicant, follows:

1. No transportation of property between points within the Borough of Hatboro, Montgomery County, and no transportation of property where the origination point or destination point is within the Borough of Hatboro, Montgomery County.

2. No transportation of property from retail or service establishments between points within Cheltenham Township, Abbington Township, or Jenkintown, Montgomery County, and no transportation of property where the origination point or destination point is within the townships of Cheltenham or Abbington or the Borough of Jenkintown.

3. No transportation of property for the Philadelphia National Bank.

4. No transportation of property for Vicks Healthcare Division, a division of Richardson/Vicks, U.S.A.

5. No transportation of property, as a Class B carrier, excluding household goods in use, between points within the Boroughs of Norristown, Bridgeport and Conshohocken, Montgomery County.

6. No transportation of property, as a Class D carrier, excluding furniture in use and household goods in use, between points within the Borough of Ambler, Montgomery County.

7. No transportation of property, as a Class B carrier, between points within the Borough of Sellersville, Bucks County.

8. No transportation of property, as a Class D carrier, for CRC Chemicals, U.S.A., from its facility in the Township of

Warminster, Bucks County, to points in Pennsylvania, and vice versa.

9. No transportation, as a Class D carrier, of checks, deposit tickets, notes, money orders, drafts, traveler's checks, commercial papers, documents, written instruments and office supplies from the facilities of the Bank of Old York Road, Fox Chase Federal Savings and Loan Association, Fidelity Bank, Union National Bank, Independence Bancorp., (including Bucks County Bank, Independence International, Freedom Valley Bank, Lehigh Valley Bank and Cheltenham Bank) located in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and the City of Allentown, Lehigh County, to points in the said Counties and City and vice versa.

I have somewhat re-written the restrictive amendment, in formulating the grant of authority contained in the ordering paragraphs. I have sought to avoid any substantial variation to the amendment.

CONCLUSION

1. The Commission has jurisdiction over the subject matter and the parties.

2. Approval of the application, as amended and subject to further limitation, is necessary or proper for the service, accommodation, convenience or safety of the public;

THEREFORE, IT IS ORDERED:

1. That the application of Towaway Express, Inc. at A-00106208, F0001, Am-A, as amended and subject to further limitation, is approved and that the certificate issued to

Applicant at A-00106208, F0001 be amended to include the following authority:

To transport, as a Class D carrier, business records, in magnetic form and paper form, between points in Pennsylvania.

Subject to the following restrictions:

No right, power or privilege is granted to transport property between points within the Borough of Hatboro, Montgomery County or to transport property where the origination point or destination point is within the Borough of Hatboro, Montgomery County.

No right, power or privilege is granted to transport property from retail or service establishments between points within Cheltenham Township, Abbington Township, or Jenkintown, Montgomery County, or to transport property where the origination point or destination point is within the Townships of Cheltenham or Abbington or the Borough of Jenkintown.

No right, power or privilege is granted to transport property for the Philadelphia National Bank.

No right, power or privilege is granted to transport property for Vicks Healthcare Division, a division of Richardson/Vicks, U.S.A.

No right, power or privilege is granted to transport property, excluding household goods in use, between points within the Boroughs of Norristown, Bridgeport and Conshohocken, Montgomery County.

No right, power or privilege is granted to transport property, excluding furniture in use and household goods in use, between points within the Borough of Ambler, Montgomery County.

No right, power or privilege is granted to transport property between points within the Borough of Sellersville, Bucks County.

No right, power or privilege is granted to transport property for CRC Chemicals, U.S.A., from its facility in the Township of Warminster, Bucks County, to points in Pennsylvania, and vice versa.

No right, power or privilege is granted to transport checks, deposit tickets, notes, money orders, drafts, traveler's checks, commercial papers, documents, written instruments and office supplies from the facilities of the Bank of Old York Road, Fox Chase Federal Savings and Loan Association, Fidelity Bank, Union National Bank, Independence Bancorp., (including Bucks County Bank, Independence International, Freedom Valley Bank, Lehigh Valley Bank and Cheltenham Bank) located in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and the City of Allentown, Lehigh County, to points in said Counties and City and vice versa.

2. That the Applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

3. That the 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.

4. That, in the event the Applicant has not, on or before sixty (60) days from the final date of service of this Order, complied with the requirements set forth herein, the Application may be dismissed without further proceeding.

Robert A. Christianson
ROBERT A. CHRISTIANSON
Administrative Law Judge

Dated: _____

1/8/93

RECEIVED

JAN 08 1993

**Office of A. L. J.
Public Utility Commission**

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and & b.
- Print your name and on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

IO

A-0010 6208
FOOO1 Am-A

4a. Article Number ~~6208~~ 7

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

William H. R. Casey Esq.

5. Signature (Addressee)

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

UNITED STATES POSTAL SERVICE



Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

PA PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG PA 17105-3265

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a. & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee)

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

IO A-00106208
 F0001 Am-A
 Towaway Express Inc
 Keith B. Fickel Esq.

4a. Article Number

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

1-20-93

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

[Handwritten Signature]

Thank you for using Return Receipt Service.

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USE TO AVOID PAYMENT
OF POSTAGE, \$300



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PO BOX 3265
HARRISBURG PA 17105-3265

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered, and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

IO A-00106208
F0001 Am-A

4a. Article Number

449 422 5

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

JAN 21 1993

5. Signature (Addressee)

Raymond A. Thistle Jr. ESg
Raymond A. Thistle Jr.

8. Addressee's Address (Only if requested and fee is paid)

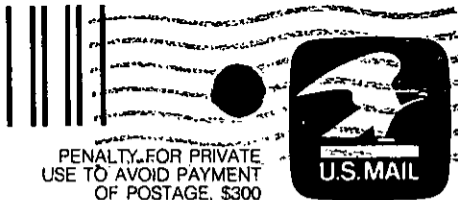
K. R. R.

6. Signature (Agent)

Thank you for using Return Receipt Service.

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HARRISBURG, PA 17105-3265

