

PENNSYLVANIA PUBLIC UTILITIES COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> June 30, 1986	:	2. <u>BUREAU AGENDA NO.</u> JUL-86-T-751*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION(S):</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Marzolf 3-5945	:	July 24, 1986
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> Hawk 7-7703	:	
9. <u>DOCKET NO:</u> A-00106208	:	

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) Application of Towaway Express, Inc., Mechanicsburg, Cumberland County, for the right to begin to transport, as a common carrier, by motor vehicle, (1) trailers (excluding mobile homes), trailer chassis, trailer converter dollies, and containers, and (2) materials, equipment, parts, and supplies used in the manufacture, assembly, servicing, distribution, and sale of the commodities named in (1) above, between points in Pennsylvania.

(b) Applicant seeks to initiate service as a common carrier in Pennsylvania. The application was protested by three carriers. Upon reconsideration the protests were withdrawn with restrictive amendments. We find that the applicant is fit, willing and able to properly provide the service as a common carrier.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application as amended and dismisses the application for temporary authority.

**DOCUMENT
FOLDER**

DOCKETED
AUG 14 1986

11. **MOTION BY:** Commissioner Chm. Taliaferro Commissioner Fischl - Yes.
 Commissioner
SECONDED: Commissioner Shane Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

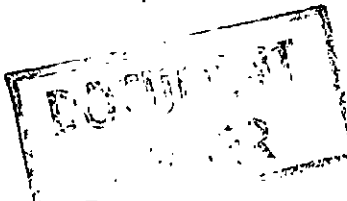


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120
August 1, 1986

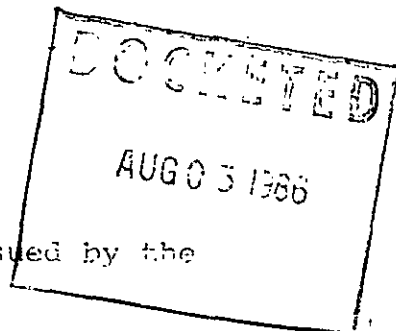
IN REPLY PLEASE
REFER TO OUR FILE

A-00106208

Herbert R. Nurick, Esquire
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166



Application of Towaway Express, Inc., a corporation of
the Commonwealth of Pennsylvania



Dear Sir:

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

A certificate of public convenience evidencing the
Commission's approval of the right to operate will not be
issued until the applicant has complied with the following
insurance and tariff requirements.

- I. Arrange through an insurance agent to have an
insurance company file the following forms
with the Commission.
 - a. A Form E as evidence of minimum public
liability and property damage insurance
coverage as shown on the enclosed sheet.
 - b. A Form UCPC-31 as evidence of cargo in-
surance coverage in an amount not less
than \$2,500 per vehicle. Under certain
circumstances, exemption from the cargo
insurance requirements may be secured by
filing the enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed
instructions.

Similar letter to: See attached list.

Public Liability and Property Damage Insurance
Minimum Limits for Pa. Public Utility Commission Authority

Common Carriers and Contract Carriers

		Limit for Bodily Injuries to or Death Of One Person	Limit for Bodily Injuries to or Death of All Persons in Any One Accident	Limit for Loss or Damage in Any One Accident to Property of Others, Excluding Cargo
Passenger Carriers (seating capacity)	7 or less	\$25,000	\$100,000	\$10,000
	8 to 12	25,000	150,000	10,000
	13 to 20	25,000	200,000	10,000
	21 to 30	25,000	250,000	10,000
	31 or more	25,000	300,000	10,000
Property Carrier		25,000	100,000	10,000

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

No Motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate issued authorizing actual operations. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

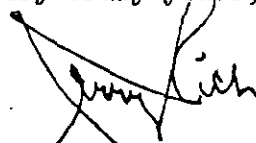
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of July 24, 1986 and dismiss the application without further proceedings.

If you foresee any problems with any of the requirements please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section (717)787-1227

Tariff Filings: Mr. Joseph Machulsky-Tariff Section (717)787-5521

Very truly yours,



Jerry Rich, Secretary

lg

Enclosures
Certified Mail
Receipt Requested
cc:applicant
6780 Carlisle Pike
Mechanicsburg, PA 17055

Towaway Express, Inc.
6780 Carlisle Pike
Mechanicsburg, PA 17055
SELF

Christian V. Graf, Esquire
407 North Front Street
P.O. Box 11848
Harrisburg, PA 17108
MORGAN DRIVE AWAY, INC.

Arthur J. Diskin, Esquire
402 Law & Finance Building
Pittsburgh, PA 15219
TRAILER TRANSIT, INC.

Thomas M. Mulroy, Esquire
312 Boulevard of the Allies
Suite 700
Pittsburgh, PA 15222
C. L. FEATHER, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

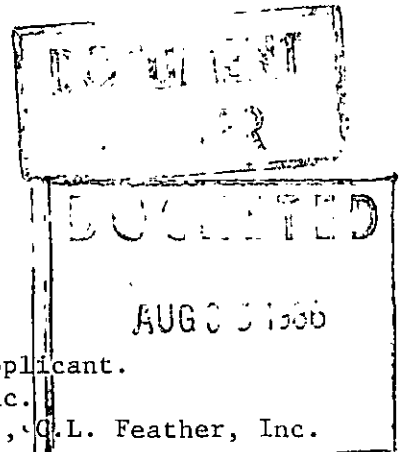
Public Meeting held July 24, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Towaway Express, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for the right to begin
to transport, as a common carrier, by
motor vehicle, (1) trailers (excluding
mobile homes), trailer chassis, trailer
converter dollies, and containers, and
(2) materials, equipment, parts, and
supplies used in the manufacture,
assembly, servicing, distribution,
and sale of the commodities named in
(1) above, between points in Pennsylvania.

A-00106208



McNees, Wallace & Nurick by Herbert R. Nurick for applicant.
Arthur J. Diskin for protestant, Trailer Transit, Inc.
Pillar and Mulroy by Thomas M. Mulroy for protestant, C.L. Feather, Inc.
Graf, Knupp & Andrews, P.C. by Christian V. Graf for protestant,
Morgan Drive Away, Inc.

O R D E R

BY THE COMMISSION:

The instant application comes before the Commission on an application filed April 26, 1985. The application was published in the Pennsylvania Bulletin on May 18, 1985. Three protests were filed by Trailer Transit, Inc., C.L. Feather and Morgan Drive Away, Inc. The protests were withdrawn upon restrictive amendments that no power or privilege is granted to render service to certain companies and restricted areas. Emergency temporary authority was granted by Commission orders of May 22, 1986 and June 12, 1986 for two specific shippers. A temporary authority application was also filed.

This record is certified to the Commission for its decision without oral hearing. The record consists of a verified statement submitted by the applicant and nine supporting shippers.

DISCUSSION AND FINDINGS

The applicant's office and base of operations are located at Silver Springs Township, Cumberland County, Pennsylvania. Applicant has interstate authority at MC-181480. Applicant is not affiliated with any other carrier. Applicant operates 38 tractors on long term leases. A safety director oversees the maintenance and safety program. Applicant shows total assets of \$357,803, total liabilities of \$278,272, and stockholders' equity of \$79,531.

The applicant will offer shippers single-axle tractors as well as tandem-axle tractors as required. For that portion of the operation which is not towaway, the applicant will utilize trailers owned by the shippers or will lease trailers to perform the service. Of course, when the commodities covered by part (2) of the application are sent with trailers, those commodities will be transported on the trailer which is also being transported. With regard to transporting two trailers on one trip, applicant will do so through use of its "jiff lox" equipment.

Applicant will provide prompt service to its customers including prompt pickups and deliveries. Applicant will be able to make pickups within 24 hours of the time of request as well as deliveries within 24 hours from the time of pickup when that service is required. When requested, applicant will make pickups the same days the trailers become available for transportation.

In all, the applicant will provide the shippers with the same type of service it provides to its shippers in interstate commerce except that some trips in interstate commerce cannot be effected in 24 hours due to the distance involved.

The following nine supporting shippers; (1) Leon T. Milnor, corporate traffic manager of Strick Corp.; (2) James K. Brown, director, traffic and transportation, of Fruehauf Corporation; (3) Timothy William Rhoads, branch manager of Great Dane Lancaster, Inc.; (4) Frank W. Springer, manager of traffic of Thayco Trailer Corp.; (5) David Shinn, fleet scheduling supervisor of Hertz-Penske Truck Leasing, Inc.; (6) Edward E. Paulin, general manager of West Point Trailer Supply; (7) Tanya Rogers, plant accountant of The Heil Co.; (8) Kenneth W. Haben, of Cobra Mfg. Inc.; and (9) Leonard W. Miller, sales coordinator of Dorsey Trailers, Inc. are now serviced by the applicant with interstate service. The shipper's wish to include intrastate service so the applicant may offer with its existing operations, local and two-way moves to create lower empty miles within points of Pennsylvania.

Our action on the permanent authority application renders any further action on the temporary authority application unnecessary. The temporary authority application is being dismissed by the instant order.

We find that:

1. Applicant has the equipment, experience and fitness necessary to render the proposed service as amended.

2. The supporting shipper has demonstrated a need for the proposed service as amended.

3. Applicant has established that approval of the application, as amended is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application as amended be and is hereby approved as follows:

To transport (1) trailers (excluding mobile homes, travel trailers, and office trailers), trailer chassis, trailer converter dollies, and containers, and (2) materials, equipment, parts, and supplies used in the manufacture, assembly, servicing, distribution, and sale of the commodities named in (1) above, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to render service for Morgan Corp. from its facilities;
2. That no right, power or privilege is granted to render service from the facilities of Boyertown Auto Body;
3. That no right, power or privilege is granted to render service for Cliff Industries, Gelco Space; Guest Trailer Rentals, Inc.; or Sauer Industries, t/d/b/a Central Equipment;
4. That no right, power or privilege is granted to render service for Mellon Stuart Company or Sargent Electric Company, between points in that part of Pennsylvania lying in and west of the counties of Bedford, Blair, Clearfield, Elk and McKean;
5. That no right, power or privilege is granted to transport storage trailers for Ruthrauff, Inc., between points in Pennsylvania located on and west of U.S. Highway Route 15; and
6. That no right, power or privilege is granted to transport wrecked or disabled vehicles, or trailers, and replacement vehicles, or trailers; when the origin or destination point is other

than the scene of an accident or breakdown; with the use of flatbed and lowboy trailers; between points in the borough of Hollidaysburg, Blair County, and within an airline distance of one hundred fifty (150) statute miles of the limits of said borough.

IT IS FURTHER ORDERED: That the application for temporary authority be and is hereby dismissed.

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

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relating to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 24, 1986

ORDER ENTERED: **AUG 01 1986**

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

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

3. Article Addressed to:

Christian V. Graf, Esq.
1984

4. Article Number

44127

Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

unsigned

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

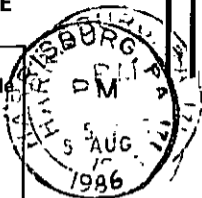
A-106-108 order

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



PENALTY FOR PRIVATE
USE, \$300

**RETURN
TO**



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

Pa. Public Utility Commission

P.O. Box 3265 - Rm B-17

Harrisburg, Pa 17120

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

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

3. Article Addressed to:

Thomas M. Murray,
Eg

4. Article Number **44128**

Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature - Agent

X Karen Rogerson

7. Date of Delivery

AUG 4 1986

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

A-106208 order

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



PENALTY FOR PRIVATE
USE, \$300

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TO



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

3. Article Addressed to:

Arthur J. Siskin,
By

4. Article Number

44129

Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

AUG 4 1986

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

A-106208 order

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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PENALTY FOR PRIVATE
USE. \$300

RETURN
TO



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Pa. Public Utility Commission

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Harrisburg, Pa 17120

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

3. Article Addressed to:

Herbert R. Furick, Esq

4. Article Number

41130

Type of Service:

- Registered
 Certified
 Express Mail

- Insured
 COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature— Addressee

X *[Signature]*

6. Signature— Agent

X *[Signature]*

7. Date of Delivery

AUG 4 1995

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

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE, \$300

SENDER INSTRUCTIONS

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

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permits, otherwise affix to back of
article.
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RETURN
TO



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