



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

June 30, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00106208
F0001, Am-A

KEITH B FICKEL ESQUIRE
2320 NORTH SECOND STREET
HARRISBURG PA 17110

DOCUMENT
FOLDER

Application of Towaway Express, Inc.

Dear Sir:

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

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

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

Commission regulations require compliance with the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of June 24, 1993 and dismiss the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

DOCKETED
JUL 13 1993

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LIDA

smk
Encls.
Cert.Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
Copy of Opinion and Order to: See Initial Decision Letter dated 1/19/93.
cc:applicant
500 Mulberry Drive PO Box 444, Mechanicsburg PA 17058
MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

Public Meeting held June 24, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield, Abstaining
John Hanger

DOCKETED
JUL 13 1993

Application of Towaway Express, Inc.

A-00106208,
F. 0001, Am-A

OPINION AND ORDER

BY THE COMMISSION:

Before the Commission for disposition are the Exceptions of Protestant Courier Unlimited, Inc. ("Protestant") filed on February 5, 1993 to the Initial Decision ("I.D.") herein. The I.D., by Administrative Law Judge ("ALJ") Robert A. Christianson, was issued on January 19, 1993. Protestant's Exceptions were filed on February 5, 1993.

On February 17, 1993, Applicant Towaway Express, Inc. ("Applicant") filed a Reply to Exceptions of Protestant.

History of Proceedings

1. This application was filed on behalf of 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 sought authority to transport business records, in magnetic form, microfilm form and paper form, between points in Pennsylvania.

2. 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.

3. The I.D. herein was issued on January 19, 1993. Exceptions and Reply Exceptions to the I.D. were received as noted above.

Discussion

The ALJ discussed the positions of the parties on pages 46-50 of his I.D.

On pages 50-67 of his I.D., the ALJ presented his "Discussion and Findings".

The ALJ's Conclusion, found on page 67, was as follows:

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;

Based on his discussion and his conclusion, the ALJ recommended that we order as follows:

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

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