



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

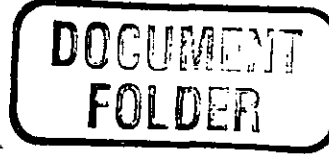
August 4, 1992

IN REPLY PLEASE
REFER TO OUR FILE

A-00106091
F.1, Am-B

DAVID H RADCLIFF ESQUIRE
407 NORTH FRONT STREET
HARRISBURG PA 17101

HLS



Application of Henry L. Taylor

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 requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of July 23, 1992 and dismiss the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

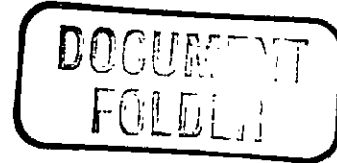
DOCKETED
AUG 24 1992

smk
Encls.
Certified Mail
Receipt Requested
Tariff Contract Person: Joseph Machulsky (717) 787-5521

HENRY L TAYLOR
1280 NAWAKWA ROAD
BIGLERVILLE PA 17307

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



Public Meeting held July 23, 1992

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner

Application of Henry L. Taylor for amendment to his common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property for Anderson Box Company and Cadbury-Schwepps, Inc., between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport household goods in use, commodities in bulk and Class A and B explosives: SO AS TO PERMIT the transportation of property (except household goods in use, commodities in bulk and Classes A and B explosives) for Inland Container Corporation between points in Pennsylvania.

A-00106091
F. 1
Am-B

DOCKETED
AUG 24 1992

David H. Radcliff for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 17, 1992. Public notice of the application was given in the Pennsylvania Bulletin of February 22, 1992. A protest filed by W. H. Johns, Inc., was later withdrawn predicated upon our acceptance of a restrictive amendment which excludes service from the facilities of Inland Container Corporation in Erie County.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by Henry L. Taylor, the applicant, Jeff Miller, warehouse manager for Inland Container Corporation at Biglerville, Adams County, and Donald A. Welch, general manager - distribution, Inland Container Corporation.

DISCUSSION AND FINDINGS

The applicant seeks to amend its common carrier certificate so that it may provide service for Inland Container Corporation transporting property,

with certain exceptions, between points in Pennsylvania. Henry L. Taylor is domiciled in Biglerville, Adams County. He operates a terminal in Menallen Township which includes 600 square feet of office space and a garage area with six service bays. The terminal is located on approximately 10 acres with adequate parking for his equipment. He operates both flatbed trailers and van trailers. This equipment is suitable to provide transportation for Inland Container Corporation. The applicant operates 11 tractors. All equipment is routinely maintained and safety inspected. He conducts quarterly safety meetings with his employees.

Under his current authority issued by the Interstate Commerce Commission, he provides service for the supporting shipper. Approval of the instant application will enable him to provide additional service in Pennsylvania, which the shipper has requested. He will provide truckload and less-than-truckload service, will transport a full range of products manufactured and distributed by the shipper, and will handle truckload traffic for multiple deliveries and coordinate inbound and outbound shipments at the request of Inland Container Corporation.

As evidence of his financial capacity to provide the additional service, the applicant submitted a balance sheet and income statement dated December 31, 1991. The balance sheet reflects liabilities in excess of assets in the amount of \$66,111. The applicant suffered a net loss of \$52,805 from total income of \$1,125,546.

Jeff Miller, warehouse manager for Inland Container Corporation at Biglerville, Adams County, set forth in his verified statement that the company operates a distribution center for corrugated containers at Biglerville. Approximately 52 loads per year or one load per week will be tendered to the applicant. Service is required from the Biglerville production plant to such representative points as Altoona, Berwick, Claysburg, Frederick, Conshohocken, Erie, Liverpool, Hershey, Millersville, Northumberland, New Hope, Port Treverton, Philadelphia, Unionville and Uniontown, among others. In addition to this outbound transportation, the company receives return goods from all of the points to which it ships due to misorders, overstocking and the like. It also receives inbound shipments from Hazleton and Conshohocken.

We advised the applicant through legal counsel that the statement of Jeff Miller did not support a grant of service as requested to permit transportation between points in Pennsylvania. A supplemental statement was supplied by Donald A. Welch, general manager for distribution, Inland Container Corporation. He set forth that the company operates additional facilities at Hazleton and Kingston which were not mentioned in the previous statement. At Hazleton, Luzerne County, Inland Container Corporation has a container plant from which shipments are made to Biglerville and to the customers as outlined in the previous statement. In Kingston, Luzerne County, Inland Container Corporation has a storage warehouse from which its products are shipped to points in Pennsylvania.

It is our determination from the two supporting shipper statements entered that the applicant has provided support for service between the

facilities of Inland Container Corporation at Biglerville, Hazleton and Kingston and from those facilities to points in Pennsylvania and vice versa. A grant of authority in this matter will meet the stated needs of the shipper and is in conformance with the evidence provided. The evidence submitted does not, however, support service between points in Pennsylvania.

We find:

1. The applicant stands ready, willing and able to provide the proposed service, as amended, as further modified.

2. The applicant has the support of the shipper named in the application and that support is representative of service between the shipper's facilities at Biglerville, Hazleton and Kingston, and from those facilities to points in Pennsylvania, and vice versa.

3. Approval of the application, as amended, as further modified, is proper for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, as further modified, be and is hereby approved and that the certificate issued December 13, 1985, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property for Inland Container Corporation, between its facilities at Biglerville, Adams County, Hazleton, Luzerne County and Kingston, Luzerne County, and from said facilities to points in Pennsylvania, and vice versa;

subject to the following conditions:

That no right, power or privilege is granted to transport household goods in use, commodities in bulk and Class A and Class B explosives.

That no right, power or privilege is granted to provide service from the facilities of Inland Container Corporation in the county of Erie.

IT IS FURTHER ORDERED: That the application be and is hereby denied in all other respects for lack of proof of necessity.

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 the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of the

Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

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

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: July 23, 1992

ORDER ENTERED: AUG 4 1992

Is your RETURN ADDRESS completed on the reverse?	SENDER: • Complete items 1 a & 2 for additional services. • Complete items 3, a, b & c. • 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. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: A-0006091, F1, AM-B David H. Radcliff		4a. Article Number C.O.	
5. Signature (Addressee) David H. Radcliff		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		
6. Signature (Agent) [Signature]		7. Date of Delivery 8. Addressee's Address (Only if requested and fee is paid) KJR		
PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530				DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?	SENDER: • Complete items 1 a & 2 for additional services. • Complete items 3, a & 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. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: A-0006091, F1, AM-B Fred Stew		4a. Article Number C.O. 544727	
5. Signature (Addressee) [Signature]		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		
6. Signature (Agent) [Signature]		7. Date of Delivery 8-5-92 8. Addressee's Address (Only if requested and fee is paid)		
PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530				DOMESTIC RETURN RECEIPT

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