

1. <u>REPORT DATE:</u>	: 2. <u>BUREAU AGENDA NO.</u>
September 12, 1985	:
3. <u>BUREAU:</u>	: Oct-85-T-1045*
Transportation	:
4. <u>SECTION(S):</u>	: 5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:
6. <u>APPROVED BY:</u>	: October 10, 1985
Director: Ernst 7-2154	:
Supervisor: Bigelow/Marzolf 3-5945	:
7. <u>MONITOR:</u>	:
8. <u>PERSON IN CHARGE:</u>	:
T. Zeigler 3-5946	:
9. <u>DOCKET NO:</u>	:
A-00106091	:

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

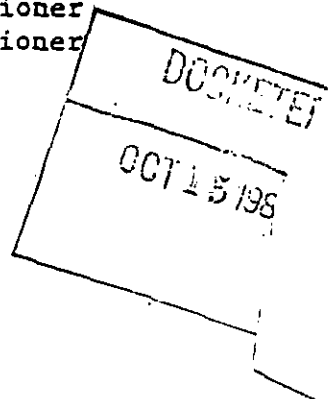
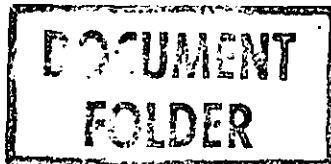
(a) Application of Henry L. Taylor, for the right to begin to transport, as a common carrier, by motor vehicle, logs, pallets, lumber and lumber byproducts, between points in the counties of Adams, York and Fayette, and from points in the said counties to points in Pennsylvania, and vice versa; and property for Knouse Foods, Inc., between points in Adams and Franklin Counties, and from said counties to points in Pennsylvania, and vice versa.

(b) The application was opposed by one carrier which later withdrew when the application was amended to exclude the transportation of property for Tri-State Pallet & Repair, Inc. The applicant seeks to initiate common carrier service. The applicant has the support of eight shippers. Taylor has the equipment, experience and fitness necessary to begin providing service, as amended. The applicant through its eight shippers has provided representative evidence demonstrating that approval of the application, as amended, is necessary for the accommodation and convenience of the public.

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

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

October 16, 1985

IN REPLY PLEASE
REFER TO OUR FILE

A-00106091

David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

Application of Henry L. Taylor

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 insurance 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.

Copy of Order to: Kevin W. Walsh, Esquire, Suite 700, 312 Boulevard of the Allies, Pittsburgh, PA 15222, PROTESTANT

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.

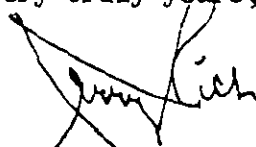
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of October 10, 1985 and dismiss the application without further proceedings.

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

1280 Nawakwa Road

Biglerville, PA 17307

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 10, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Henry L. Taylor, for the right to begin to transport, as a common carrier, by motor vehicle, (1) logs, pallets, lumber and lumber byproducts, between points in the counties of Adams, York and Fayette, and from points in the said counties to points in Pennsylvania, and vice versa; and (2) property for Knouse Foods, Inc., between points in Adams and Franklin Counties, and from said counties to points in Pennsylvania, and vice versa.

A-00106091

FILED
13 1985

David H. Radcliff for Henry L. Taylor.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 6, 1985. Public notice of the application was given in the Pennsylvania Bulletin of March 23, 1985. A protest was filed by Edward R. Rathway, t/d/b/a Edward R. Rathway Trucking was withdrawn predicated upon our acceptance of a restrictive amendment which excludes the right to transport property for Tri-State Pallet & Repair, Inc.

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 the applicant and eight supporting shippers.

After due consideration of the record, we find:

1. The applicant does not now hold authority from the Commission. Taylor does not hold authority from the Interstate Commerce Commission as a common carrier of general commodities.

DOCUMENT

The applicant holds specific ICC authority to transport lumber and wood products as well as food and related products. Under present interstate operations, Taylor provides service to Knouse Foods, Inc. and Mountain Valley Farms & Lumber, two shippers supporting the instant application.

2. Taylor operates from a terminal in Menallen Township, Adams County. The terminal has office space and a garage with six bays. Two telephone lines are installed with a third separate line linked to a computer for traffic orders and dispatching. The applicant owns seven tractors, 13 van trailers and three flatbed trailers. Other equipment can be obtained by lease.

3. Upon approval of the application, Taylor will provide a full range of services to include truckload, truckload with multiple delivery, and less-than-truckload service. The applicant will transport a full range of lumber, pallets, logs and lumber byproducts. Scheduled deliveries will be provided for food and food related products. 4. The applicant's financial capacity to provide the proposed service is demonstrated by its financial statement dated December 31, 1984. Taylor reports total assets of \$792,848.89 with total liabilities of \$333,401.17.

5. Support for part 2 of the application relative to property for Knouse Foods, Inc., is in the form of a verified statement entered by Robert Kluck, traffic manager of Knouse Foods Co-Op, Inc. The witness points out as a preliminary matter that the correct name of the shipper is Knouse Foods Co-Op, Inc. Any authority to issue will be so corrected. Knouse is a major producer of canned food products requiring the transportation of agricultural products to and from storage facilities. It is expected the applicant would be used to transport three truckloads of canned fruit outbound each month with 20 truckloads of supplies inbound on a yearly basis. Outbound transportation originates at four facilities in Adams County and one facility in Franklin County. Inbound shipments come from points of supply nearly statewide.

6. Part 1 of the application relative to logs, pallets, lumber and lumber byproducts is supported by seven shippers which ship from or to the counties of Adams, York and Fayette. R. P. Phillips, Jr., manager of transportation for Coastal Lumber Company, Uniontown, Fayette County, indicates the shipper will tender the applicant one truckload of pallets each month. Taylor will be used for three to five shipments of lumber each year. Alan McIlvain, Jr., president of McIlvain Lumber Company, will use the applicant for the transportation of three shipments of rough lumber per month from points in Fayette County

to the company's facilities at Marcus Hook, Delaware County. One shipment of semi-finished lumber per week will be tendered for transportation to York County. George P. Geiges, president of Treen Box and Pallet Corporation, Bensalem, Bucks County, set forth that Taylor will be used for transportation of lumber from the Uniontown, Fayette County area to Treen facilities in the counties of Juniata and Bucks.

7. Additional support for part 1 of the application was entered by Kenneth R. Taylor, president of Mountain Valley Farms and Lumber Products, Inc. Mountain Valley has facilities in Menallen Township, Adams County. It sells and ships lumber, pallets, mulch, wood chips, wood flakes, pulpwood and firewood, from this facility to points nearly statewide. The applicant will be used on a daily basis for one to five shipments. Bruce R. Yelland, president of J. F. Rohrbaugh & Co., Inc., Hanover, York County, supports the applicant for the transportation of wood pallets and skids, wood chips, sawdust and shavings from Hanover to points in Pennsylvania, and vice versa. Howard N. Rorbaugh, assistant secretary of York Building Products Company, Inc., would use the applicant to transport pallets to the company's facilities in Spring Garden Township and Jackson Township, York County, and Harrisburg and Lower Swatara Township, in Dauphin County. Pallets originate in the counties of Adams and York. Melvin Miller, senior purchasing agent for York Casket Company, will use the applicant for the transportation of select hardwoods from points of supply to the York Casket facility near York, York County.

8. The support entered is representative of a need for the proposed service for the commodities and territory requested by the instant application. The applicant has submitted sufficient evidence to establish that approval of the application is necessary for the accommodation and convenience of the public.

9. The applicant has the necessary fitness, equipment and experience to provide the proposed service; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved granting the following rights:

To transport, as a Class D carrier, logs, pallets, lumber and lumber byproducts, between points in the counties of Adams, York and Fayette, and from points in the said counties to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to transport property for Tri-State Pallet & Repair, Inc.

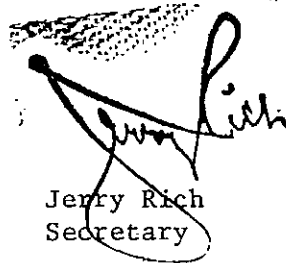
To transport, as a Class D carrier, property for Knouse Foods Co-Op, Inc., between points in the counties of Adams and Franklin, and from points in the said counties to points in Pennsylvania, and vice versa.

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 Public Utility Code and the rules and regulations of the Commission relative 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 the applicant has not complied with the requirements hereinbefore set forth on or before sixty (60) days from the date the order is entered, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 10, 1985

ORDER ENTERED: **OCT 16 1985**

PS Form 3811, July 1983 447-845

SENDER: Complete this card.
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 service(s) requested.

1. Show to whom, date and address of delivery.

Restricted Delivery. *order*

3. Article Addressed to:
David H. Radcliff, Ely

4. Type of Service:
 Registered Insured
 Certified COD
 Express Mail

Article Number
44082

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

6. Signature - Agent
X Reid

7. Date of Delivery
10-17-85

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

DOMESTIC RETURN RECEIPT

PS Form 3811, July 1983 447-845

SENDER: Complete this card.
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 service(s) requested.

1. Show to whom, date and address of delivery.

Restricted Delivery. *order*

3. Article Addressed to:
Kevin W. Walsh, Ely

4. Type of Service:
 Registered Insured
 Certified COD
 Express Mail

Article Number
44083

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

6. Signature - Agent
X Karen Rogerson

7. Date of Delivery
10-21-85

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

DOMESTIC RETURN RECEIPT