

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held April 9, 1992

Commissioners Present:

David W. Rolka, Chairman
Wendell F. Holland, Commissioner

Pennsylvania Public Utility Commission
v.

PA-00106171C9201
Fs. 1 and 2

T.C. Transport, Inc.
R.D. 5, Box 77H
Bellefonte, PA 16823

O R D E R

BY THE COMMISSION:

On February 6, 1992, this Commission instituted a complaint upon its own motion against T.C. Transport, Inc., respondent, alleging:

"That respondent, on September 16, 1991, at approximately 12:35, at Route 550, Spring Township, Centre County, Pennsylvania, permitted a certain 1988 Mack truck bearing Pennsylvania License No. AA85346, Vehicle Identification No. 1M2AY04Y9JM003935, to be operated. At that time, Enforcement Officer Robert Shutica found said vehicle to be transporting limestone for Bellefonte Lime Company, Inc. for compensation from Pleasant Gap, Spring Township, Centre County, Pennsylvania to Bellefonte Borough, Centre County, Pennsylvania.

DOCUMENT
FOLDER

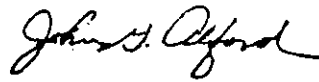
"That respondent, in performing the acts described in Paragraph 4, violated the Public Utility Code, 66 Pa. C.S. §1102(a)(1)(i), by rendering service within the Commonwealth of Pennsylvania for a different shipper than that authorized by its certificate of public convenience."

By answer filed on February 27, 1992, respondent averred that a lease agreement was in effect at the time of the road check to a certificated carrier. Furthermore, it is alleged that the lessee failed to place the placard on the vehicle due to inclement weather.

Upon review of the answer and the lessee's authority, it appears that there was simply a violation of 52 Pa. Code §31.33(b) in that the proper name and address of the motor carrier and the proper number of the certificate of public convenience identification markings were not on the vehicle. This violation was the responsibility of the lessee, rather than the lessor and does not warrant a complaint against respondent.

THEREFORE, IT IS ORDERED: That the Complaint Upon Commission Motion at A-00106171C9201, entered February 14, 1992, is hereby dismissed.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: April 9, 1992

ORDER ENTERED: APR 20 1992