

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
April 17, 1985	:	MAY-85-TNR-532*
3. <u>BUREAU:</u>	:	
Non-Rail Transportation	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	May 10, 1985
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
Commissioner Cawley	:	
8. <u>PERSON IN CHARGE:</u>	:	
G. Travitz 3-5947	:	
9. <u>DOCKET NO:</u>	:	
A-00105992	:	

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

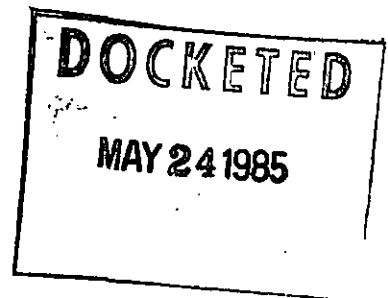
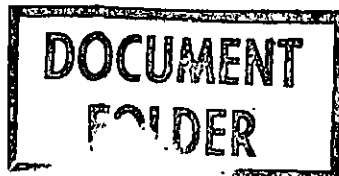
(a) Application of Thomas S. Zimmerman, t/d/b/a Pile's Concrete Products Company, for the right to begin to transport, as a contract carrier, by motor vehicle, lumber, wood products and building materials, for 84 Lumber Company, from the township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

(b) Applicant was granted emergency temporary authority for 30 days; however, he has failed to comply with the insurance requirements. Corresponding applications for temporary and permanent authority were filed concurrently, no protests were filed. As applicant failed to comply with the provisions of the emergency temporary authority, the temporary authority was not processed; with adoption of the instant order, the temporary authority application will be dismissed. The applicant is fit, willing and able to perform the service as a contract carrier.

(c) The Bureau of Non-Rail Transportation recommends that the Commission adopt the proposed order approving the permanent application and dismissing the temporary authority application.

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

CONTENT OF MOTION: Staff recommendation adopted.





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

May 15, 1985

IN REPLY PLEASE
REFER TO OUR FILE
A-00105992

William A. Gray, Esquire
2310 Grant Building
Pittsburgh, PA 15219

Application of Thomas S. Zimmerman, t/d/b/a Pile's Concrete
Products Company

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

A Contract Carrier Permit 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:

1. 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 back of this page.
 - b. A Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than that provided by contract with each shipper. Exemption from the cargo insurance requirement may be secured by having the shipper(s) file the enclosed UCPC-34.
- II. Prepare and file a schedule of minimum rates and charges according to the enclosed instructions.

DOCUMENT
FOLDER

DOCKETED
MAY 28 1985

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

A-00105992

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

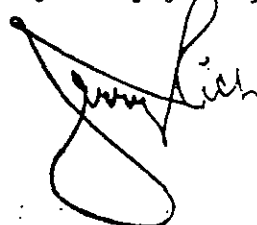
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of May 10, 1985 and dismiss the application without further proceedings.

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 McDevitt-Tariff Section (717)787-5521

Very truly yours,



Jerry Rich, Secretary

fao
Enclosures
Certified Mail
Receipt Requested
cc: Applicant
R.D. #1
Fridens, PA 15541

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 10, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
James H. Cawley
Frank Fischl
Bill Shane

Application of Thomas S. Zimmerman,
t/d/b/a Pile's Concrete Products
Company, for the right to begin to
transport, as a contract carrier,
by motor vehicle, lumber, wood
products and building materials,
for 84 Lumber Company, from the
township of Somerset, Somerset
County, to points in Pennsylvania
and vice versa.

A-00105992

William A. Gray for the applicant.

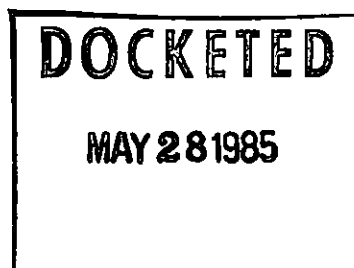
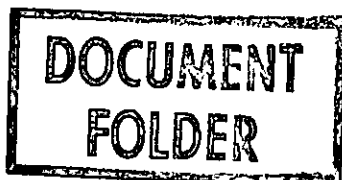
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 28, 1985. Public notice of the application was given in the Pennsylvania Bulletin of February 23, 1985. No protests have been filed and the record is certified to the Commission for its decision without oral hearing. The record consists of a verified statement entered by the applicant.

DISCUSSION AND FINDINGS

Applicant was granted emergency temporary authority adopted at public meeting of February 15, 1985, providing the same service as sought herein. Applicant has failed to comply with the insurance requirements of that order. A corresponding temporary authority application was filed concurrent with the permanent authority application. The temporary authority was not processed as the applicant failed to comply with the provisions of the emergency temporary authority; with the adoption of the instant order, the temporary authority application will be dismissed.



Thomas S. Zimmerman will operate as a sole proprietor under the trade name of Pile's Concrete Products Company. He will conduct business from his residence located at R.D. 1, Friedens, Somerset County. Applicant proposes to initiate contract carrier service for 84 Lumber Company. Zimmerman has been providing service to 84 Lumber without realizing the business was regulated by the Commission. Upon learning the need for authority, the applicant immediately applied for a permit. We find that the service previously performed was provided in good faith.

The evidence of record indicates that the applicant owns three trucks with which to perform the proposed service. The trucks are highly specialized in that they are tilt flatbed vehicles, which permit dumping of the delivered products. This equipment is specially adapted to service for 84 Lumber. Applicant will maintain a comprehensive safety program.

The financial data submitted with the application shows total assets of \$210,000, total liabilities of \$45,000 and a net worth of \$165,000. This data indicates that the applicant is in a financial position to initiate the proposed service.

The applicant has submitted a bilateral contract as required by 66 Pa. C.S. §2506. However, the contract is not in accordance with the Commission's regulations at 52 Pa. Code §31.45 as it fails to state a specified number of shipments during a stated period of time and does not state the authority granted by the instant order. A revised contract must be submitted to this Commission for its review before service may be initiated under the contract carrier authority granted herein.

We find that the applicant is fit, willing and able to render the service as a contract carrier and that approval of the application is in the public interest and will not interfere with the safety and regulation of common carriers; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following right:

To transport, as a contract carrier, lumber, wood products and building materials, for 84 Lumber Company, from the township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

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 of a schedule of minimum rates and charges in accordance with 66 Pa. C.S. §2502, a permit issue evidencing the Commission's approval of the right to operate as above-determined.

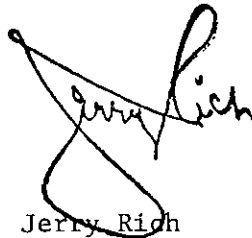
IT IS FURTHER ORDERED: That the issuance of a permit is subject to the applicant filing an acceptable contract with the Commission in accordance with 52 Pa. Code §31.45.

IT IS FURTHER ORDERED: That, with adoption of the instant order, the temporary authority application is hereby dismissed.

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.

IT IS FURTHER ORDERED: That the authority herein granted, 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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large loop at the end of the last name.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1985

ORDER ENTERED: MAY 15 1985

PS Form 3811, July 1993

SENDER: Complete items 1, 2, 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 service(s) requested.

- 1. Show to whom, date and address of delivery.
- Restricted Delivery.

105-992 Compliance Order

3. Article Addressed to:
William A. Gray, Esq.

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	44873

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

5. Signature - Addressee
X

6. Signature - Agent
M. Danaraj
Date of Delivery
5-20-85

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

DOMESTIC RETURN RECEIPT