**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17105-3265**

**Public Meeting held July 16, 2013**

**Commissioners Present:**

**Robert F. Powelson, Chairman**

**John F. Coleman, Jr., Vice Chairman**

**Wayne E. Gardner**

**James H. Cawley**

**Pamela A. Witmer**

Application of Kirk Livery, Inc., for amendment A-00109668

to its common carrier certificate which grants A-2012-2334206

the right, to transport as a common carrier, by

motor vehicle, persons in Group and Party service,

in vehicles seating 11-15 passengers, including the driver,

between points in the counties of Armstrong, Beaver, Butler,

Fayette, Lawrence, Washington and Westmoreland, and

from points in said counties and the county of Allegheny,

to points in Pennsylvania, and return; **SO AS TO PERMIT**

To transport as a common carrier, by motor vehicle, persons

in Group and Party service in vehicles seating 11-15 passengers,

including the driver, from points in Allegheny County to

points in Allegheny County and return.

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed November 9, 2012. Upon research of Applicant's records, it was found that Applicant owed assessments for 2012 in the amount of $7,489. By letter to Applicant's attorney dated February 21, 2013, it was requested that the assessments be paid before the Application could be processed. The assessments in the amount of $7,489 were paid and were posted on the record on March 22, 2013. Public Notice of the application was given in the *Pennsylvania Bulletin* of April 13, 2013, with protests due by April 29, 2013. Verified statements and Statements in Support were not submitted with the Application. By letter to Applicant's attorney dated April 30, 2013, Applicant was requested to submit Verified Statements and Statements in Support by May 30, 2013. The requested information was received May 31, 2013. No protests were filed and the unopposed application is certified to the Commission for its decision without oral hearing.

**DISCUSSION AND FINDINGS**

Kirk Livery, Inc., (Applicant) seeks to amend its right to provide Group and Party 11-15 service. The Applicant has been a certificated carrier to provide Group and Party 11-15 service since September 23, 2011 and limousine service since May 21, 1992. The Applicant will continue to utilize the policies and procedures previously approved by this Commission.

Applicant holds one suitable vehicle for the proposed operations.

Applicant submitted a financial statement with total assets of $956,863 and total liabilities of $8,275.

The Applicant presently has no outstanding fines or assessments and has no negative compliance history.

The Applicant is hereby advised of the obligation to become familiar with the requirements of 52 Pa. Code as applicable to the operations of a common carrier as authorized by this Order. Applicant is further advised that failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of Pa. Code is available online at [www.pacode.com](http://www.pacode.com).

**After complete review of the record, we find:**

1. Applicant seeks to amend its right to provide Group and Party service and the application is unopposed.
2. The application is supported by several acceptable parties representing the

county of Allegheny.

3. Applicant has the equipment, ability, and fitness necessary to render the service;

**THEREFORE**,

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

following right:

To transport, as a common carrier, by motor vehicle, persons in Group and

Party service, in vehicles seating eleven (11) to fifteen (15) passengers, including the driver, from points in Allegheny County to points in Allegheny County and return.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any

transportation authorized by this order until the applicant has received a Certificate of Public Convenience from the Commission.

**IT IS FURTHER ORDERED:** That the certificate of public convenience shall not be issued until the following are submitted and approved by the Commission:

1. An acceptable Form E, as evidence of bodily injury and property damage liability insurance.
2. An acceptable tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That the authority granted herein, to the extent that is

duplicates authority now held by or subsequently granted to the applicant shall not be construed as conferring more than one operating right.

**IT IS FURTHER ORDERED:** That upon compliance with the requirements hereinbefore set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

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



**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

**(SEAL)**

**ORDER ADOPTED: July 16, 2013**

**ORDER ENTERED: July 16, 2013**