

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Applcation of Norman M. Earhart, t/d/b/a : A-65936, F.3, Am-A
Earhart Trucking for Emergency Temporary :
Authority to transport, as a common car- :
rier, coal, for North Cambria Fuel :
Company, Inc., from its mines, desig- :
nated as job site 189 in the Township of :
Lower Yoder, Cambria County, and job :
site 191 in the village of Hamilton, :
Perry Township, Jefferson County, to :
the Conrail rail site in the Township :
of Burrell, Indiana County. :

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SECRETARY'S OFFICE
Public Utility Commission

ORDER

Background

On April 9, 1986, a hearing on the Application of Norman M. Earhart, t/d/b/a Earhart Trucking (Applicant) for an amendment to his common carrier certificate so as to permit Applicant to transport, as a Class D carrier, coal, for North Cambria Fuel, Inc., from its mines and tipples in the counties of Cambria, Jefferson, Indiana and Clearfield to other points in said counties, was held before me. Thereafter, by letter dated April 18, 1986, Applicant filed with the Commission an application for emergency temporary authority (ETA) and an application for temporary authority (TA). As the application for permanent authority is presently pending before me, the ETA application has been assigned to me for disposition.

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Discussion


Applications for common carrier ETA are governed by Section 1103(d) of the Public Utility Code, 66 Pa. C.S. §1103(d), and Sections 3.383 through 3.385 of the Commission's regulations, 52 Pa. Code §§3.383-3.385.

The application for ETA, and the supporting statement attached thereto, have been reviewed in light of the requirements of the statutory and regulatory provisions, particularly 52 Pa. Code §3.383(c)(3)(i) through (x). Based on that review, it does not appear that Applicant has established a sufficient basis that would support the approval of the ETA application. However, Section 1103(d) of the Public Utility Code requires that the Applicant be offered the opportunity to be heard before the application for ETA can be denied.

ORDER

In consideration of the foregoing, it is ordered: that a hearing be scheduled as expeditiously as possible, on the application of Norman M. Earhart, t/d/b/a Earhart Trucking for Emergency Temporary Authority at Docket No. 65936, F.3, Am-A.

May 8, 1986


ROBERT P. MEEHAN
Administrative Law Judge