

February 2, 1981

A. 0010247#

R-16

Arthur J. Diskin, Attorney at Law
806 Frick Building
Pittsburgh, PA 15219

Pitt-Ohio Express, Inc.



Dear Mr. Diskin:

Under date of January 23, 1981, the Secretary's office transmitted to you the Commission's compliance order of January 9, 1981, evidencing approval of the above carrier's application at A. 102471, which is in effect a transfer of a part of the rights formerly held by Hammel's Express, Inc., at A. 88995, Folder 2. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change in ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariff for the reason that the transfer is partial in scope and it is, therefore, necessary to file a new tariff. However, the new tariff, to be designated Freight Pa. P.U.C. No. 1, should name the same rates, rules and regulations as were filed by the former operator for the portion of the rights that are being transferred. The filing may be issued to become effective on one day's notice, under authority of Pa. Code, Title 52, Section 23.42.

Very truly yours,
William H. Stouch, Director
Bureau of Non-Rail Transportation

By: Joseph T. McDevitt
Supervisor, Tariff Section

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cc: Pitt-Ohio Express, Inc.
315 East Second Street
East Liverpool, Ohio 43920