

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
December 9, 1980	:	
3. <u>BUREAU:</u>	:	JAN-81-TNR-1*
Non-Rail Trans.	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Finance	:	
6. <u>APPROVED BY:</u>	:	January 9, 1981
Director: Stouch 7-2154	:	
Supervisor: Butcher 7-6872	:	
7. <u>MONITOR:</u>	:	
Chairman Shanaman	:	
8. <u>PERSON IN CHARGE:</u>	:	
Swank 7-5287	:	
9. <u>DOCKET NO:</u>	:	
A-00102471	:	
10. (a) CAPTION (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

(a) APPLICATION OF PITT-OHIO EXPRESS, INC., EAST LIVERPOOL, OHIO, AT A-00102471 FOR APPROVAL OF THE TRANSFER TO APPLICANT OF PART OF THE RIGHTS HELD BY HAMMEL'S EXPRESS, INC., AT A-00088995, FOLDER 2.

(b) Applicant seeks to acquire one of transferor's property rights.

(c) The staff recommended that the application at A-00102471 be approved, that a certificate be issued to the applicant granting the right sought herein, and that the certificate issued to the transferor at A-00088995, Folder 2, be amended as provided herein.

WDS:g

11. MOTION BY: Commissioner Johnson	Commissioner Chm. Shanaman - Yes
	Commissioner Taliaferro - Yes
SECONDED: Commissioner Cawley	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER

DOCKETED
JAN 23 1981
W

January 23, 1981

A-00102471

Arthur J. Diskin, Esquire
806 Frick Building
Pittsburgh, PA 15219

Application of Pitt-Ohio Express, Inc., a corporation of the
Commonwealth of Pennsylvania

Dear Sir: Enclosed is the compliance order issued by the
Commission in the above proceeding. You will be receiving,
under separate cover, a code book containing our Regulations.

The certificate of public convenience 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.

- I Arrange through insurance agent to have this company
file a certificate of public liability and property
damage insurance. Insurance companies have these
certificates. (Form E)
- II Arrange through insurance agent to have his company
file a cargo insurance certificate in the amount of
\$2500 per vehicle. Insurance companies have these
certificates. (Form UCPC-31). IF ANY SINGLE LOAD
WHICH THE APPLICANT TRANSPORTS DOES NOT EXCEED \$100.00
IN VALUE, HE MAY SIGN, HAVE NOTARIZED AND RETURN THE
ENCLOSED AFFIDAVIT TO THIS OFFICE IN LIEU OF CARGO
INSURANCE.
- III Prepare and file a tariff, instructions for which
are enclosed.

DOCUMENT
FOLDER

DOCKETED
JAN 26 1981
U

A-00102471

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate of public convenience 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 thirty days of the date of this letter. Failure to comply within the thirty day period will cause the Commission to rescind the action of and dismiss the application
January 9, 1981
without further proceedings.

If you foresee any problems in obtaining the necessary requirements within the thirty day period, please contact the Pennsylvania Public Utility Commission - Service Section.

Please accept service of the enclosures, using for that purpose the enclosed form.

Very truly yours,

William P. Thierfelder
Secretary

Enclosures
Certified Mail
Receipt Requested

cc: Applicant
315 East Second Street
East Liverpool, Ohio 43920
Copy of order to: Hammel's Express, Inc.
24-27th And A.V.R.R.
Pittsburgh, PA 15222

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 9, 1981

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Pitt-Ohio Express, Inc., for approval of the transfer to it of part of the operating rights held by Hammel's Express, Inc., at A-00088995, Folder 2.

A-00102471

O R D E R

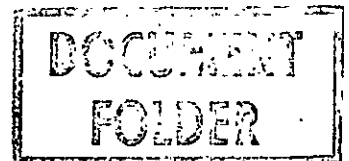
BY THE COMMISSION:

By application docketed October 3, 1980, Pitt-Ohio Express, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of part of the rights granted to Hammel's Express, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00088995, Folder 2.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

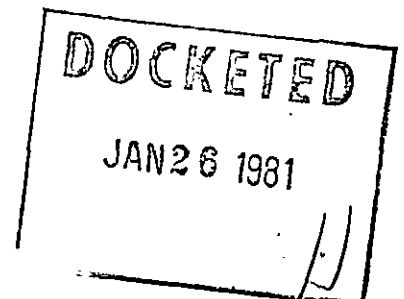
IT IS ORDERED: That the application for the transfer of part of the rights held by Hammel's Express, Inc., at A-00088995, Folder 2, be approved and that a certificate be issued to the applicant granting the following right:

To transport, as a Class D carrier, such commodities as are dealt in by retail shoe stores, from the distribution facility of Kinney Service Corp., in the township of Hampden, Cumberland County, to points in the counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington;



subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the right to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.



2. That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1.00, being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

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 upon compliance with this order the right granted the transferor Hammel's Express, Inc., a corporation of the Commonwealth of Pennsylvania, under the Order adopted July 10, 1980 at A-00088995, Folder 2, Am-E, be cancelled.

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: January 9, 1981

ORDER ENTERED: **JAN 23 1981**