

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> March 31; 1986	:	2. <u>BUREAU AGENDA NO.</u> APR-86-L-291*
3. <u>BUREAU:</u> Law	:	
4. <u>SECTION(S):</u> Motor Carrier	:	5. <u>PUBLIC MEETING DATE:</u> April 17, 1986
6. <u>APPROVED BY:</u> Director: Hoffman 7-5000 Supervisor: House (Acting) 3-3713	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> Kohler 3-3190	:	
9. <u>DOCKET NO:</u> A-00102753, TX 1145	:	

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

(a) Application of RES Cab Co. Inc. of Philadelphia, PA;
Letter/Petition to Reinstate Order.

(b) On March 18, 1985, the Commission entered an Order at A-00102753, TX 1145 approving the application of RES Cab Company, Inc. (RES) for the transfer of the Philadelphia taxicab certificate issued to Metro Transportation Company t/a Yellow Cab Co. (Metro) at A-103281, TX 1145. The approval of transfer came after RES successfully completed an installment sales agreement with Metro. The Order was conditioned on the filing of a proper tariff and evidence of insurance within sixty (60) days. On December 18, 1985, the Commission notified RES that its transfer application had been dismissed because it had failed to file evidence of insurance. On December 30, 1985, RES filed the instant Letter/Petition requesting the Commission to reinstate the March 18, 1985 Order approving its application. In its Petition, Alan Resendorph, President of RES, avers that he failed to file evidence of insurance because Metro had refused to transfer title to his taxicab (TX 1145) until he signed a "Licensing Agreement" against his will. Furthermore, Resendorph alleges that he was advised by Metro that he could not legally secure insurance for RES until Metro released the cab title to him.

(c) The Law Bureau recommends that the Commission grant RES's Petition and reinstate the March 18, 1985 Order approving its transfer application.

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
APR 29 1986

APR 29 1986



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3266, HARRISBURG, Pa. 17120

April 17, 1986

IN REPLY PLEASE
REFER TO OUR FILE

A-00102471
F. 1, Am-I

DOCKETED
APR 28 1986

DOCUMENT
FOLDER

John A. Vuono, Esquire
2310 Grant Building
Pittsburgh, PA 15219

Application of Pitt-Ohio Express, Inc.

Dear Sir:

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S. §332(h)), the decision of Administrative Law Judge John K. Clements dated February 18, 1986 has become final without further Commission action.

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until he has complied with the following tariff requirement:

Prepare and file a tariff, instructions for which are enclosed.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with the above requirement within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind its action and dismiss the application without further proceedings.

If you foresee any problems in obtaining the necessary requirements within the sixty day period, please contact the Pennsylvania Public Utility Commission, Secretary's Bureau, Service Section.

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

cc:applicant
26th & Railroad Streets
Pittsburgh, PA 15222

lg

Enclosures
Certified Mail
Receipt Requested

Very truly yours,

Jerry Rich, Secretary

Copy of Order to: See Initial Decision letter dated March 24, 1986.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of Pitt-Ohio Express, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport property between points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland; subject to the following conditions: That no right, power or privilege is granted to transport commodities in bulk; That no right, power or privilege is granted to transport household goods and office furniture in use; That no right, power or privilege is granted to transport commodities which because of their size or weight require special handling or the use of special equipment; That no right, power or privilege is granted to transport iron and steel and iron and steel articles and refractories in single shipments weighing more than 24,000 pounds; That no right, power or privilege is granted to transport iron and steel and iron and steel articles and refractories, in single shipments weighing more than 10,000 pounds to, from or between points in Beaver County; That no right, power or privilege is granted to transport money, bullion, securities and other valuables, including checks in process and proof work; and That no right, power or privilege is granted to provide service from points in Allegheny County, to points in the counties of Armstrong, Butler, Clarion, Greene and Indiana, and vice versa: SO AS TO PERMIT the transportation of property, from points in the county of Allegheny to other points in Pennsylvania beyond the county of Allegheny, and vice versa; subject to the following conditions: (1) That no right, power or privilege is granted to transport household goods in use; (2) That no right, power or privilege is granted to transport commodities in bulk; (3) That no right, power or privilege is

A-00102471
F.1, Am-I

DOCUMENT
FOLDER

DOCKETED
APR 28 1986

granted to transport shipments of iron and steel and iron and steel articles weighing in excess of 10,000 pounds; (4) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment or special handling; (5) That no right, power or privilege is granted to transport property for Hershey Foods Corp. and its subsidiaries, H. B. Reese Co., San Giorgio Macaroni, Inc., and Y & S Candies, Inc., from the township of Derry, Dauphin County, the city of Lebanon and the township of North Cornwall, Lebanon County, and the township of East Hempfield, Lancaster County, to points in Pennsylvania, and vice versa; (6) That no right power or privilege is granted to transport property from points in Allegheny County to points within an airline distance of 25 miles of the City-County Building in the city of Pittsburgh and vice versa; (7) That no right, power or privilege is granted to transport property from points in the county of Allegheny to points in the counties of Indiana, Clearfield, Cambria, Blair, Huntingdon, Somerset, Bedford, Lebanon, Berks, Lancaster, Beaver, Crawford, Erie, Fayette, Lawrence, Mercer, Venango, Washington and West moreland, and vice versa; (8) That no right, power or privilege is granted to transport limestone and limestone products for J. E. Baker Company, from its plant in the township of West Manchester, York County, and for the Thomasville Stone and Lime Company, from its plant in the township of Jackson, York County; (9) That no right, power or privilege is granted to transport property, from the facilities of American Home Foods Division of American Home Products Corp. located in the township of Turbot and the borough of Milton, Northumberland County, to points in Pennsylvania, and vice versa; (10) That no right, power or privilege is granted to transport motion picture films and accessories, dry ice, newspapers, magazines, and meat, meat products, meat by-products, dairy products, articles distributed by meat packing houses and such commodities as are used by meat packers in the conduct of their business; (11) That no right, power or privilege is granted to transport frozen and perishable foods, fresh fruits and vegetables, perishable non-food commodities in temperature controlled vehicles,

from points in Allegheny County to points within 150 miles of the limits of Allegheny County; and (12) That no right, power or privilege is granted to provide service (a) to or from the facilities of Dauphin Distribution Services Company in Cumberland County and Exhibitors Service Company in Allegheny County; (b) for Specialty Ladyfingers, Inc., to or from Perry County; (c) for Standard Brands, Inc., Armour and Company, Swift and Company, The Best Foods, Inc., Fairmont Creamery Company, Grennan Bakery Company, Seven Baker Brothers Company and Highway Express Lines, Inc.; (d) for the Commonwealth of Pennsylvania to or from the Rockview Penitentiary in the County of Centre; (e) for Sears, Roebuck & Company and Montgomery Ward and Company in connection with the transportation of catalogs from the City of Pittsburgh; which is to be a transfer of part of the rights authorized under the certificate issued at A-00024261, Folder 23 to Exhibitors Service Company, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S. §332(h)), the decision of Administrative Law Judge John K. Clements dated February 18, 1986 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the application of Pitt-Ohio Express, Inc. at Docket No. A-00102471, F.1, Am-I, for the transfer of a part of the rights held by Exhibitors Service Company, at Docket No. A-00024261, F.23, be and is hereby approved and the certificate issued to Pitt-Ohio Express, Inc. at A-102471, F.1, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, property, from points in the county of Allegheny to other points in Pennsylvania beyond the county of Allegheny, and vice versa; subject to the following conditions: (1) That no right, power or privilege is granted to transport household goods in use; (2) That no right, power or privilege is granted to transport commodities in bulk; (3) That no right, power or privilege is granted to transport shipments of iron and steel and iron and steel articles weighing in excess of 10,000 pounds; (4) That no right, power or privilege is granted to transport commodities which,

because of size or weight, require the use of special equipment or special handling; (5) That no right, power or privilege is granted to transport property for Hershey Foods Corp. and its subsidiaries, H.B. Reese Co., San Giorgio Macaroni, Inc., and Y & S Candies, Inc., from the township of Derry, Dauphin County, the City of Lebanon and the township of North Cornwall, Lebanon County, and the township of East Hempfield, Lancaster County, to points in Pennsylvania and vice versa; (6) That no right, power or privilege is granted to transport property from points in Allegheny County to points within an airline distance of 25 miles of the City-County Building in the city of Pittsburgh and vice versa; (7) That no right, power or privilege is granted to transport property from points in the county of Allegheny to points in the counties of Indiana, Clearfield, Cambria, Blair, Huntingdon, Somerset, Bedford, Lebanon, Berks, Lancaster, Beaver, Crawford, Erie, Fayette, Lawrence, Mercer, Venango, Washington and Westmoreland, and vice versa; (8) That no right, power or privilege is granted to transport limestone and limestone products for J. E. Baker Company, from its plant in the township of West Manchester, York County, and for the Thomasville Stone and Lime Company, from its plant in the township of Jackson, York County; (9) That no right, power or privilege is granted to transport property, from the facilities of American Home Foods Division of American Home Products Corp. located in the township of Turbot and the borough of Milton, Northumberland County, to points in Pennsylvania, and vice versa; (10) That no right, power or privilege is granted to transport motion picture films and accessories, dry ice, newspapers, magazines, and meat, meat products, meat by-products, dairy products, articles distributed by meat packing houses and such commodities as are used by meat packers in the conduct of their business; (11) That no right, power or privilege is granted to transport frozen and perishable foods, fresh fruits and vegetables, perishable non-food commodities in temperature controlled vehicles, from points in Allegheny County to points within 150 miles of the limits of Allegheny County; and (12) That no right, power or privilege is granted to provide service (a) to or from the facilities of Dauphin Distribution Services Company in Cumberland County and Exhibitors Service Company in Allegheny County; (b) for Specialty Ladyfingers, Inc. to or from Perry County; (c) for Standard Brands, Inc., Armour and Company, Swift and Company, The Best Foods, Inc., Fairmont Creamery Company, Grennan Bakery Company, Seven Baker Brothers

Company, and Highway Express Lines, Inc.; (d) for the Commonwealth of Pennsylvania to or from the Rockview Penitentiary in the County of Centre; (e) for Sears, Roebuck & Company and Montgomery Ward and Company in connection with the transportation of catalogs from the City of Pittsburgh.

2. 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 rights 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.

3. That Applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

4. That the Applicant charge to Account 1550, Other Intangible Property, \$65,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under paragraph 3 above.

5. That the Applicant shall not operate or engage in any transportation under the above rights until the applicant has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

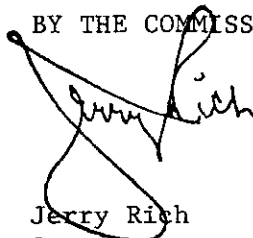
6. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

7. 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 this Commission under Section 1103(3) of the Public Utility Code, 66 C.S. §1102(3).

8. That in the event Applicant has not, on or before sixty (60) days from the date of service of this order, complied with the requirements set forth above, the application shall be dismissed without further proceedings.

9. That upon compliance with this order the rights granted to Exhibitors Service Company at A-00024261, Folder 23 be modified and amended to eliminate therefrom the rights granted herein to the transferee.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over the printed name and title.

Jerry Rich
Secretary

(SEAL)

ORDER ENTERED: April 17, 1986