

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> June 23, 1986	:	2. <u>BUREAU AGENDA NO.</u> JUL-86-T-776*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION(S):</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	July 24, 1986
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> Hoshour 7-5513	:	
9. <u>DOCKET NO:</u> A-00102471, F. 1, Am-K	:	

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., Pittsburgh, Allegheny County, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of property (except commodities in bulk, and household goods and office furniture in use) for E. I Dupont de Nemours and Company from points in the county of Allegheny to points in the counties of Bedford, Blair, Cambria, Clearfield, Huntingdon, Indiana and Somerset, and vice versa.

(b) The application was unopposed and verified statements have been entered by the applicant and one supporting shipper. The applicant currently provides transportation for the supporting shipper from Allegheny County to all points in the Commonwealth except for the seven counties sought herein. The applicant has failed to demonstrate that there exists a public need for inbound (vice versa) service proposed by the instant application. Approval of the application, as modified, is necessary for the accommodation and convenience of the public.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application.

DOCKETED

AUG 14 1986

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

CONTENT OF MOTION: Staff recommendation adopted.



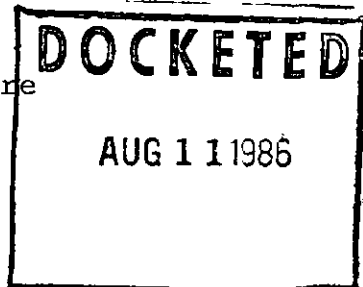
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

August 7, 1986

IN REPLY PLEASE
REFER TO OUR FILE

A-00102471
F. 1, Am-K

William J. Lavelle, Esquire
2310 Grant Building
Pittsburgh, PA 15219



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

Dear Sir:

Enclosed, herewith, is supplemental order modifying
certificate of public convenience issued by the Commission in
the above entitled proceeding.

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 (60) days of the date of this letter.
Failure to comply within the sixty (60) day period will cause
the Commission to rescind the action of July 24, 1986
and dismiss the application without further proceedings.

If you foresee any problems in obtaining the necessary re-
quirement within the specified time period, please contact the
Pennsylvania Public Utility Commission--Service Section.

Very truly yours,

Jerry Rich
Secretary

lg
Encls.
Cert. Mail
cc:applicant
Pitt-Ohio Express, Inc.
26th & A.V.R.R.
Pittsburgh, PA 15222

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

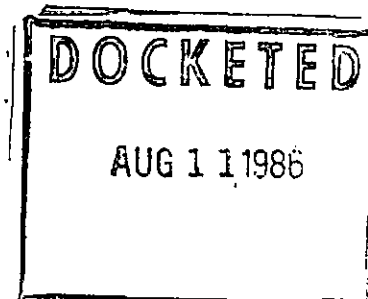
Public Meeting held July 24, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

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, by motor vehicle, property for Sherwin-Davis, Inc., from its facilities in the county of Allegheny, to points in Pennsylvania, and vice versa; subject to the following conditions: That no right, power or privilege is granted to transport commodities in bulk; and That no right, power or privilege is granted to transport household goods and office furniture in use: SO AS TO PERMIT the transportation of property (except commodities in bulk, and household goods and office furniture in use) for E. I. Dupont de Nemours and Company from points in the county of Allegheny to points in the counties of Bedford, Blair, Cambria Clearfield, Huntingdon, Indiana and Somerset, and vice versa.

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Vuono, Lavelle & Gray by William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 21, 1986. Public notice of the application was given in the Pennsylvania Bulletin of February 8, 1986. No protests were filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and one supporting shipper.

DISCUSSION AND FINDINGS

Pitt-Ohio Express, Inc. (applicant or Pitt-Ohio) is a certificated common carrier actively engaged in transporting a variety of commodities between points primarily in the western counties of the Commonwealth. The applicant now seeks by the instant application, the right to transport property for E. I. Dupont de Nemours and Company, from points in the county of Allegheny to points in the counties of Bedford, Blair, Cambria, Clearfield, Huntingdon, Indiana and Somerset, and vice versa.

The applicant operates from office and terminal facilities located at 26th and A.V.R.R., Pittsburgh, Allegheny County. The 26-door terminal is used as a break-bulk facility for line-haul freight and as the hub for pick-up and delivery operations in western Pennsylvania, and interstate operations. The Pittsburgh facility, currently operating 35 vehicles, is also the location of the applicant's central dispatch system.

Under its current authority, Pitt-Ohio has the right to serve the supporting shipper, E. I. Dupont de Nemours and Company (hereinafter Dupont or supporting shipper), as well as other shippers, from Allegheny County to all points in the Commonwealth, except points located in the counties of Bedford, Blair, Cambria, Clearfield, Huntingdon, Indiana and Somerset, the counties sought herein. The applicant has been actively engaged in providing transportation in Pennsylvania as well as in interstate commerce. Pitt-Ohio foresees no difficulties in meeting Dupont's transportation requirements in the additional area sought by the instant application.

Dupont sets forth in its verified statement that it currently operates a warehouse and service center in Pittsburgh, Allegheny County. All outbound traffic from the Pittsburgh facility moves in less-than-truckload quantities, which range in weight from 440 pounds to approximately 10,000 pounds per shipment. Representative destinations would include Everett, Bedford County; Altoona, Blair County; Ebensburg and Johnstown, Cambria County; Clearfield and DuBois, Clearfield County; Huntingdon, Huntingdon County; Blairsville and Indiana, Indiana County; and Windber, Somerset County. Dupont's need for inbound service consists primarily of shipments being returned by customers.

After review of the record, we are of the opinion that the evidence is sufficient to demonstrate that there exists a public need for the outbound transportation proposed by the instant application. The evidence, however, is insufficient to demonstrate that Dupont has a need for the applicant to provide inbound (vice versa) service, since the only inbound shipments appear to be those that would fall under the description "refused, rejected or damaged shipments to the point of origin". Common carriers have been authorized to provide this service since 1972.

We find:

1. That the applicant has failed to demonstrate that there exists a public need for the applicant to provide vice versa (inbound) service.

2. That the applicant has demonstrated that a public need exists for the authority proposed by the instant application, as hereinafter modified.

3. That the applicant is fit, willing and able to provide the proposed transportation, as modified.

4. That approval of the application, as modified, is necessary for the accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as modified, be and is hereby approved, and that the certificate issued to the applicant on March 4, 1981, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property (except commodities in bulk, and household goods and office furniture in use) for E. I. Dupont de Nemours and Company, from points in the county of Allegheny, to points in the counties of Bedford, Blair, Cambria, Clearfield, Huntingdon, Indiana and Somerset.

IT IS FURTHER ORDERED: That the application, in all other respects, be denied for lack of proof of necessity.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the 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.

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

IT IS FURTHER ORDERED: 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.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in black ink and is positioned above the typed name and title.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 24, 1986

ORDER ENTERED: **AUG 07 1986**