

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> December 5, 1986	:	2. <u>BUREAU AGENDA NO.</u> JAN-87-T-67*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION(S):</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> January 15, 1987
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> Hoshour 7-5513	:	
9. <u>DOCKET NO:</u> A-00102471, F. 1, Am-N	:	
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 (1) such commodities as are dealt in by retail shoe stores, from the distribution facilities of Kinney Service Corp. located in the township of Hampden, Cumberland County, to points in the counties of Blair, Clarion, Clearfield and Indiana, and vice versa; and (2) such commodities as are dealt in by retail shoe stores, from points in the counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington, to the distribution facilities of Kinney Service Corp., located in the township of Hampden, Cumberland County.

(b) The application was protested, however, the protest was withdrawn upon reconsideration without amendment. The applicant and one supporting shipper have entered verified statements. The applicant is currently providing service for Kinney from its distribution facilities to points in the eight counties sought herein. The applicant is seeking by the instant application to provide the supporting shipper with inbound service to the distribution facility from the eight counties and for the additional service to and from the four counties of application. The applicant has demonstrated that there exists a public need for the service proposed, as modified. (Continued)

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
FEB 04 1987

**DOCKET
FOR**

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



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

January 26, 1987

IN REPLY PLEASE
REFER TO OUR FILE

DOCKETED
JAN 28 1987

A-00102471
F.1, Am-N

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

Application 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 January 15, 1987
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.

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

lg
Encls.
Cert. Mail

Very truly yours,

Jerry Rich
Secretary

DOCUMENT
FOLDER

Similar letter to:
James D. Campbell, Jr., Esquire
130 State Street
P.O. Box 1000
Harrisburg, PA 17108
NEW PENN. MOTOR EXPRESS, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

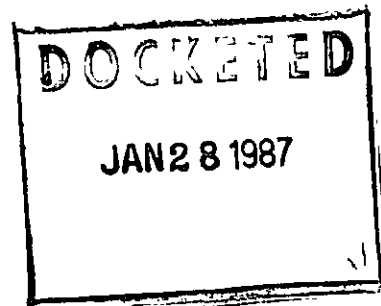
Public Meeting held January 15, 1987

Commissioners Present:

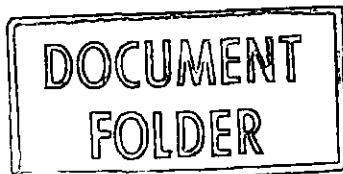
Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

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, 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: SO AS TO PERMIT the transportation of (1) such commodities as are dealt in by retail shoe stores, from the distribution facilities of Kinney Service Corp., located in the township of Hampden, Cumberland County, to points in the counties of Blair, Clarion, Clearfield and Indiana, and vice versa; and (2) such commodities as are dealt in by retail shoe stores, from points in the counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington, to the distribution facilities of Kinney Service Corp. located in the township of Hampden, Cumberland County.

A-00102471
F. 1
Am-N



Vuono, Lavelle & Gray by William J. Lavelle for the applicant.
Campbell, Spitzer, Davis & Turgeon by James D. Campbell, Jr. for the
protestant, New Penn Motor Express, Inc.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 8, 1986. Public notice of the application was given in the Pennsylvania Bulletin of August 2, 1986. A protest was filed by New Penn Motor Express, Inc., which was withdrawn upon reconsideration, without amendment.

The application is now 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

By the instant application, Pitt-Ohio Express, Inc. (Pitt-Ohio or applicant), seeks the right to transport such commodities as are dealt in by retail shoe stores, (1) from the distribution facilities of Kinney Service Corp. (Kinney or supporting shipper) located in the township of Hampden, Cumberland County, to points in the counties of Blair, Clarion, Clearfield and Indiana, and vice versa; and (2) from points in the counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington, to the distribution facilities of Kinney located in the township of Hampden, Cumberland County.

Pitt-Ohio is currently authorized to provide transportation from the facilities of Kinney located in the township of Hampden, Cumberland County, to points in the counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington. Because Pitt-Ohio's current authority does not provide for the movement of shipments from the eight counties to the distribution facilities of Kinney, the applicant has filed the instant application. The applicant is also seeking the right to serve Kinney to four additional counties, and vice versa.

The applicant which is a Pennsylvania corporation, is located at 26th and A.V.R.R., Pittsburgh, Allegheny County. At this location can be found the applicant's 26-door freight terminal. The terminal is a breakbulk facility, as well as a hub for the applicant's pick-up and delivery operations. Also located at this location is the applicant's central dispatch facility and approximately 35 vehicles. The applicant's total complement of equipment is comprised of 44 straight trucks, 48 tractors and 24 trailers, all of which are owned by Pitt-Ohio. Additional vehicles are being operated under long-term lease.

Kinney currently operates four distribution facilities, one of which is located in Hampden Township, Cumberland County. Kinney supports the applicant for additional authority, so that Kinney will have available the applicant's services to and from four counties not currently served by the applicant, as well as for the right to provide inbound service from the eight counties which the applicant is currently authorized to serve on an outbound basis only.

The four counties, Blair, Clarion, Clearfield and Indiana are the location of retail stores. The stores are located in Altoona, Indiana, Clarion, Clearfield and DuBois. Kinney estimates that it has more than 250 shipments moving to these five stores. The stores also require transportation to the distribution center of overstocked or defective merchandise.

In the eight counties that the applicant cannot serve on an inbound basis, Kinney has more than 20 retail stores. These stores also require transportation of overstocked and defective merchandise to the distribution center in Hampden Township.

The outbound traffic to be tendered the applicant will consist of footwear, clothing, hosiery, handbags and various items used in retail stores, such as chairs, foot stools and display racks. These same commodities will be shipped from the retail stores to the distribution facility.

The evidence of support in the instant proceeding consists solely of that provided on behalf of the Kinney Service Corp. Since only a single shipper has submitted evidence of need for the proposed transportation, we will limit the applicant to providing transportation "for" Kinney Service Corp. This modification is current policy when support is limited to one shipper.

After review of the record, we are of the opinion that the evidence presented by the applicant is sufficient to demonstrate that there exists a public need for the transportation proposed by the instant application, as modified. We are also convinced that the applicant is qualified to provide the supporting shipper with the services it desires.

We find:

1. That all transportation will be provided for Kinney Service Corp.
2. That the applicant is fit, willing and able to provide the proposed transportation, as modified.
3. That the applicant has met its statutory burden of demonstrating that a public need exists.
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 rights:

To transport, as a Class D carrier, such commodities as are dealt in by retail shoe stores, for Kinney Service Corp., from the distribution facilities of Kinney Service Corp. located in the township of Hampden, Cumberland, to points in the counties of Blair, Clarion, Clearfield and Indiana, and vice versa.

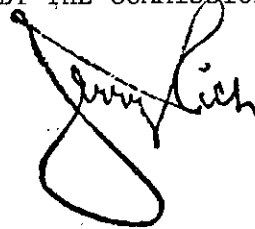
To transport, as a Class D carrier, such commodities as are dealt in by retail shoe stores, for Kinney Service Corp., from points in the counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington, to the distribution facilities of Kinney Service Corp. located in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

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 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 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 black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the end.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 15, 1987

ORDER ENTERED:

JAN 26 1987