



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

March 13, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

A-00102471

F. 1, Am-L

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:

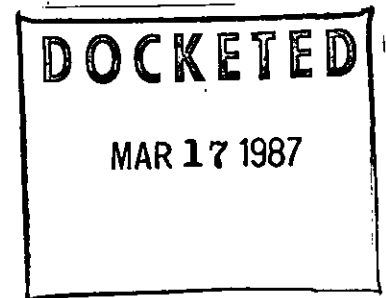
Prepare and file a tariff, instructions  
for which are enclosed.

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 March 5, 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.

Very truly yours,



jr  
Encls.  
Cert. Mail  
cc: Applicant  
27th & A.V.R.R.  
Pittsburgh, PA 15222

Jerry Rich  
Secretary

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	February 18, 1987	2. <u>BUREAU AGENDA NO.</u>	MAR-87-T-233*
3. <u>BUREAU:</u>	Transportation		
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	March 5, 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, E 1, Am-L:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

RECEIVED  
 MAR 12 1987

(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 Midland-Ross Corporation, between points in Pennsylvania.

(b) The application was protested, however the protest was withdrawn when the applicant restrictively amended the application so that it seeks to transport from points in Allegheny County to points in the counties of Indiana, Clearfield, Cambria, Blair, Huntingdon, Somerset and Bedford, and vice versa. The applicant and the supporting shipper have entered verified statements. The record contains sufficient evidence to demonstrate that a public need exists and that approval of the application is necessary for the accommodation and convenience to the public.

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

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

CONTENT OF MOTION: Staff recommendation adopted.

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PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

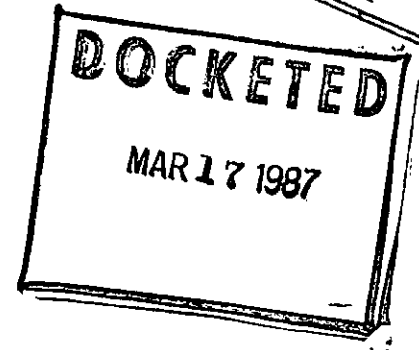
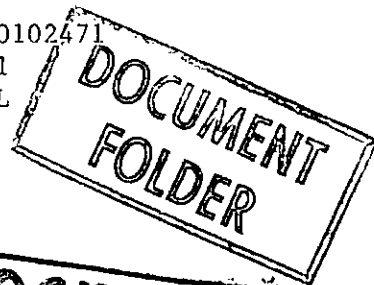
Public Meeting held March 5, 1987

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, 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 Midland-Ross Corporation, between points in Pennsylvania.

A-00102471  
F. 1  
Am-L



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Vuono, Lavelle & Gray by William J. Lavelle for the applicant.  
Albert L. Evans, Jr. for the protestant, Evans City Company, Inc.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 7, 1986. Public notice of the application was given in the Pennsylvania Bulletin of March 29, 1986. A protest was filed by Evans Delivery Company, Inc., but was withdrawn when the applicant restrictively amended the application so that it now seeks the following right:

To transport, as a Class D carrier, property (except commodities in bulk and household goods and office furniture in use) for Midland-Ross Corporation, from points in the

county of Allegheny to points in the counties of Indiana, Clearfield, Cambria, Blair, Huntingdon, Somerset and Bedford, and vice versa.

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

The applicant, Pitt-Ohio Express, Inc. (Pitt-Ohio or applicant), a Pennsylvania corporation, has its place of business located at 26th and A.V.R.R., Pittsburgh, Allegheny County. The officers/stockholders of the applicant also hold a minority share of the outstanding stock in Hammel's Express, Inc., a certificated common carrier.

Pitt-Ohio originally sought by the instant application the right to serve Midland-Ross Corporation between all points in Pennsylvania. However, as a result of a protest being filed, the applicant has agreed to limit service to origin points located in Allegheny County and having destinations in the counties of Indiana, Clearfield, Cambria, Blair, Huntingdon, Somerset and Bedford, and vice versa.

The applicant is authorized at A-00102471, F. 1, Am-I, to transport property from points in the county of Allegheny to other points in Pennsylvania beyond the county of Allegheny, and vice versa. This right is subject to a number of conditions, including one condition which excludes service to points in the seven counties of application, as well as 12 other counties. At Folder 1, Am-B, the applicant is authorized to provide transportation between all points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland.

Pursuant to authority at Folder 1, Am-B and Am-I, the applicant is providing Midland-Ross Corporation (supporting shipper) with service. The instant application has been filed to permit the applicant to provide transportation to all those points which are conditionally excluded from the applicant's current authority. Approval of the amended application will permit the applicant to provide statewide service for the supporting shipper from points in Allegheny County.

The Pittsburgh facility of Pitt-Ohio consists of a 26 door freight terminal, which is used as a breakbulk facility for the applicant's pick up and delivery operations. Located at this facility is the applicant's dispatch operations and approximately 35 vehicles. The applicant's inventory of equipment is comprised of 48 straight trucks, 52 tractors and 20 trailers, all of which are owned by

Pitt-Ohio. There are additional vehicles available under long term lease.

The supporting shipper, Midland-Ross Corporation, Columbus and Pennsylvania Avenues, Pittsburgh, is a manufacturer and distributor of electrical construction products for industry and home. Shipments of such commodities as conduit outlets, switch boxes, conduit fittings, steel channel, and iron or steel structural braces will be tendered the applicant for transportation from either its plant in Pittsburgh or its distribution warehouse in Leetsdale. Inbound traffic to Pittsburgh will be comprised of shipments of steel coils with inbound shipments to the Leetsdale distribution being comprised of the finished products produced at the Pittsburgh plant.

The inbound traffic to Pittsburgh totals approximately 35 shipments per week, while the Leetsdale facility receives approximately seven to eight shipments each week. The outbound traffic from Leetsdale totals approximately five shipments per day. Within the application area, the supporting shipper has approximately 350 shipments transported to Altoona, Blair County; 37 shipments to Indiana, Indiana County; and 77 shipments to Johnstown, Cambria County (all totals represent one year). Additional outbound shipments will be destined to electrical contractors and distributors located in DuBois and Clearfield, Clearfield County; Blairsville, Indiana County; Ebensburg, Carrolltown and Barnesboro, Cambria County; Holidaysburg, Blair County; Huntingdon, Huntingdon County; Beford and Everett, Bedford County; and Windber, Somerset County.

The evidence presented by the applicant in the instant proceeding is sufficient to demonstrate that Midland-Ross Corporation has a need for the service proposed by the instant application, as amended. The record also demonstrates that the applicant is qualified to provide the transportation that will be available under the proposed authority.

We find:

1. That the applicant is fit, willing and able to provide the proposed transportation.
2. That the applicant has met its statutory burden of demonstrating that a public need exists.
3. That approval of the application, as amended, is necessary for the accommodation and convenience to the public;  
THEREFORE,

IT IS ORDERED: That the application, as amended, 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 Midland-Ross Corporation, from points in the county of Allegheny to points in the counties of Indiana, Clearfield, Cambria, Blair, Huntingdon, Somerset and Bedford, and vice versa.

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,

  
Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: March 5, 1987

ORDER ENTERED: MAR 13 1987