

1. <u>REPORT DATE:</u> July 23, 1990	2. <u>BUREAU AGENDA NO.</u> AUG-90-ALJ-101*
3. <u>BUREAU:</u> ALJ	
4. <u>SECTION(S):</u>	5. <u>PUBLIC MEETING DATE:</u> August 16, 1990
6. <u>APPROVED BY:</u> Chief ALJ: Allison K. Turner Director: Ext. 7-6108 Supervisor:	
7. <u>MONITOR:</u>	
8. <u>PERSON IN CHARGE:</u> ALJ Porterfield 8-645-3550	
9. <u>DOCKET NO:</u> A-00102471, Folder 1, Am-P	

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., for amendment to its certificate to permit the transportation of property from points in the western third of the Commonwealth to points in the eastern two-thirds of the Commonwealth, and vice versa.
- (b) By application filed on August 4, 1986, and subsequently amended, Applicant seeks authority, generally, to transport property from the western third of the state to the central third of the state, and vice versa. During five days of hearing in 1989, 19 applicant witnesses and 2 protestant witnesses testified. Briefs were filed on behalf of both the Applicant and the Protestants.
- (c) ALJ Porterfield's Initial Decision grants the application, as amended, because the Applicant demonstrated a useful public purpose responsive to a public need for the proposed service and demonstrated technical and financial ability to provide the proposed service. There was no evidence that implementation of the proposed service will endanger or impair the operations of the Protestants or other motor common carrier

Initial Decision served: June 26, 1990.
 Commission Review requested by: Chairman Smith and Commissioner Rolka by OSA memo dated July 13, 1990.

11. MOTION BY: Commissioner Chm. Smith	Commissioner Rhodes - Yes Commissioner Fischl - Yes Commissioner
SECONDED: Commissioner Rolka	

CONTENT OF MOTION: That the Decision of ALJ Porterfield be adopted as the action of the Commission.

**DOCUMENT
FOLDER**

DOCKETED
OCT 11 1990



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

August 17, 1990

Ble

IN REPLY PLEASE
REFER TO OUR FILE
A-00102471
F.1, Am-P

William J. Lavelle, Esquire
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15222

DOCKETED
SEP 26 1990



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

Enclosed is the compliance order issued by the Commission in this proceeding.

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

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

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 August 16, 1990 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich, Secretary

smk
Enclosure
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
Pitt-Ohio Express, Inc.
26th and A.V.R.R.
Pittsburgh, PA 15222

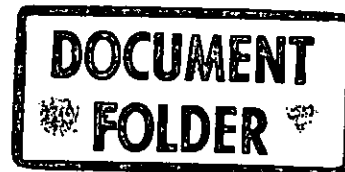
FOR SIMILAR LETTER LIST SEE INITIAL DECISION LETTER DATED
JUNE 26, 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 16, 1990.

Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka



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, except commodities
in bulk and household goods and office
furniture in use, for G. C. Murphy Company,
between points in Pennsylvania: SO AS TO
PERMIT the transportation of property from
points in that part of Pennsylvania on and
west of U.S. Highway Route 219 to points in
that part of Pennsylvania on and east of
U.S. Highway 219, and vice versa; with the
right to interchange property with Class A,
Class B and Class D carriers so authorized;
subject to the following condition: That
no right, power or privilege is granted to
transport household goods and office
furniture in use, property in bulk, or
property which, because of size or weight,
requires the use of special equipment.

A-00102471,
Folder 1, Am-P

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SEP 26 1990

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of
Administrative Law Judge James D. Porterfield dated May 21, 1990;
THEREFORE,

IT IS ORDERED:

1. That the Application of Pitt-Ohio Express, Inc., at Docket No. A-00102471, F. 1, Am-P, be and is hereby approved, as amended, and that the certificate issued to the Applicant at Docket No. A-00102471, as amended, be further amended to include the following rights:

(1) To transport, as a Class D carrier, property from points in Allegheny County to points in the counties of Blair, Huntingdon and Bedford, and those points in the counties of Clearfield, Cambria and Somerset which are located on and east of U.S. Highway Route 219, and vice versa; with the right to interchange property with Class A, Class B and Class D carriers so authorized.

(2) To transport, as a Class D carrier, property, from points in that part of Pennsylvania on and west of U.S. Highway 219 (except points in Allegheny County) to points in that part of Pennsylvania on and east of U.S. Highway Route 219 and west of U.S. Highway Route 15, and vice versa; with the right to interchange property with Class A, Class B and Class D carriers so authorized;

Subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport household goods and office furniture in use; property in bulk; property which, because of size or weight, requires the use of special equipment; or malt beverages, malt beverage containers and pallets.

SECOND: That no right, power or privilege is granted to transport property to or from the facilities of American Home Foods Division of American Home Products Corporation located in the township of Turbot and the borough of Milton, Northumberland County.

THIRD: That no right, power or privilege is granted to transport such merchandise, as is dealt in by wholesale, retail and chain grocery and food business houses to or from points in York County.

FOURTH: That no right, power or privilege is granted to transport limestone, limestone products or fertilizer from points in York County.

FIFTH: That no right, power or privilege is granted to transport such commodities as are dealt in by wholesale, retail and general grocery business houses for Dauphin Distribution Services Co. from points in the townships of Hampden and Silver Spring, Cumberland County.

SIXTH: That no right, power or privilege is granted to transport finished and unfinished products, materials and supplies, armaments and munitions to or from the Standard Steel Works Division of Baldwin Locomotive Works in the borough of Burnham, Mifflin County.

SEVENTH: That no right, power or privilege is granted to transport property from the facilities of C.H. Masland and Sons in the borough of Carlisle, Cumberland County, and in the township of Granville, Mifflin County, to the facilities of Volkswagen Manufacturing Corp. of America in the township of East Huntingdon, Westmoreland county, or vice versa.

EIGHTH: That no right, power or privilege is granted to transport property to or from the facilities of Carlisle Tire & Rubber Co. and Carlisle Syntec Systems in the county of Cumberland.

NINTH: That no right, power or privilege is granted to transport glass and glass products from the facilities of Chromalloy American Corporation in the township of Granville, Mifflin County, or glass and property used in the manufacture, processing and production of glass and glass products to the facilities of Chromalloy American Corporation in the township of Granville, Mifflin County.

TENTH: That no right, power or privilege is granted to transport property for Owens Corning Fiberglas Co.

ELEVENTH: That no right, power or privilege is granted to transport wood and wood products, to or from the city of Lock Haven, Clinton County, and points within an airline distance of thirty-five (35) statute miles of the limits of said city.

TWELFTH: That no right, power or privilege is granted to transport property to or from the facilities of International Paper Co. in Kelly Township, Union County.

THIRTEENTH: That no right, power or privilege is granted to transport property on flatbed trailers.

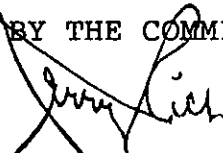
2. That the Applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

4. That in the event the Applicant has not, on or before 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.

5. That the protest of Evans Delivery Company, Inc., is dismissed because the Protestant filed to appear at hearing.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 16, 1990

ORDER ENTERED: August 17, 1990