

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	January 24, 1989	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation		FEB-89-T-184*
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			February 16, 1989
	Director: Ernst 7-2154		
	Supervisor: Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>			
	Zeigler 3-5946		
9. <u>DOCKET NO.:</u>			
	A-00102471, F. 1, Am-Z		
10. (a)	CAPTION (abbreviate if more than 4 lines)		
(b)	Short summary of history & facts, documents & briefs		
(c)	Recommendation		

DOCUMENT
FOLDER

(a) Application of Pitt-Ohio Express, Inc., a corporation of the Commonwealth of Pennsylvania, Pittsburgh, Allegheny County, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of property for McConway & Torley Corporation, from its facilities in the city of Pittsburgh, Allegheny County and the borough of Kutztown, Berks County, and points in Pennsylvania, and vice versa.

(b) The application was opposed by one carrier which later withdrew predicated upon our acceptance of a restrictive amendment. The applicant has the necessary equipment, experience, personnel and financial capacity to properly render the proposed service, as amended. The applicant has the unqualified support of the named shipper and the evidence presented is representative of the need for the service. Approval of the application 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, as amended.

TZ:rs

11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Rhodes - Yes
		Commissioner Fischl - Yes
<u>SECONDED:</u>	Commissioner Smith	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
MAR 3 1989



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

February 27, 1989

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

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

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...

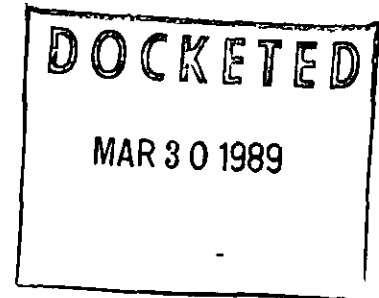
The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

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 of February 16, 1989 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich
Secretary



fao

Enclosure

Certified Mail

Receipt Requested

Tariff Contact Person: Joseph Machulsky (717) 787-5521

cc: Pitt-Ohio Express, Inc.

26th and A.V.R.R.

Pittsburgh, PA 15222

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

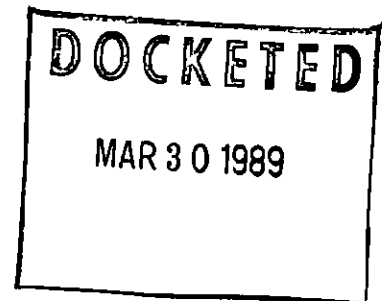
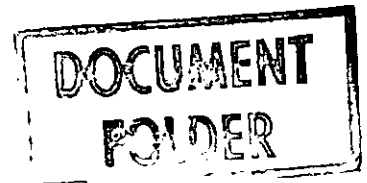
Public Meeting held February 16, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl

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 (except commodities in bulk and household goods and office furniture in use), for McConway & Torley Corporation, from its facilities in the city of Pittsburgh, Allegheny County, and the borough of Kutztown, Berks County, to points in Pennsylvania, and vice versa.

A-00102471
F. 1
Am-Z



William J. Lavelle for Pitt-Ohio Express, Inc.
Dwight L. Koerber, Jr. for Butler Trucking Company.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 20, 1988. Public notice of the application was given in the Pennsylvania Bulletin of July 9, 1988. A protest filed by Butler Trucking Company was later withdrawn predicated upon the acceptance of a restrictive amendment which provides that no right, power or privilege be granted to transport shipments on flatbed trailers; except from the borough of St. Marys and the township of Bensinger, Elk County; from points in the townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton and Warminster, and the boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, Pennel and Tulleytown, all in Bucks County; refractories, refractory products or materials, equipment and supplies used in the manufacture and installation of refractories and refractory products

to or from the city of Pittsburgh, Allegheny County; property from or to the Pennsylvania facilities of Reynolds Manufacturing Company, Amsat Corporation, MonCo Products, Inc., Freeport Brick Company, Associated Ceramics and Technology, Solar Refractories, Dlubak Studios, Inc., Hussey Metal Division, Copper Range Company, A. P. Green Refractories Company, Jones and Laughlin Steel Corporation, Bethlehem Steel Corporation, H. H. Robertson Company, Amax, Inc., Climax Molybdenum Corp., Molycorp, Inc., General Electric Corporation, Sperry-New Holland Division of Rand Corp., Zurn Industry Corp., Copes Vulcan Company, Thalheimer Bros., Inc., and Owens Corning Fiberglass Corporation; property having a prior or subsequent movement by water from points in Allegheny County; and property from or to points in the counties of Adams, Cambria, Cumberland, Dauphin, Franklin, Lancaster, Lebanon and Somerset.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by Robert F. Hammel, secretary-treasurer of the applicant and Henry J. Livingston, manager of customer relations for McConway & Torley Corp.

DISCUSSION AND FINDINGS

Pitt-Ohio Express, Inc., is currently authorized by the Commission to conduct operations in Pennsylvania as a common carrier and is, in addition, authorized by the Interstate Commerce Commission to transport general commodities between points in 18 eastern states and the District of Columbia. The applicant's main office is located in Pittsburgh, Allegheny County. At this location, in addition to its office, is a 26 door general freight terminal. The terminal is used as a break bulk facility for line haul traffic and as a hub for pickup and delivery operations in western Pennsylvania, northern West Virginia and eastern Ohio. Approximately 55 vehicles are presently assigned to the Pittsburgh location which is also the location of the company's central dispatch system.

Within Pennsylvania, Pitt-Ohio Express, Inc., also has terminals in Harrisburg, Oaks (Philadelphia) and Allentown. As pertinent to the instant application, the Pittsburgh terminal would be used to serve the shipper's facilities in Pittsburgh and the shipper's facilities in the borough of Kutztown, Berks County would be served by the Allentown terminal.

The applicant is affiliated with Hammel's Express, Inc. This affiliation between the applicant and Hammel's is based on the affiant and his two brothers as officers and directors of both Hammel's and Pitt-Ohio Express, Inc.

As evidence of its financial capacity to render the additional service proposed, the applicant entered a balance sheet and income statement dated December 31, 1987, reporting total current assets of \$2,621,711, total assets of \$3,367,817, total current liabilities of \$1,279,688 and total liabilities of \$1,503,436. Total revenue of \$16,850,228 provided a net operating revenue of \$977,108 after deduction of expenses.

Pitt-Ohio is currently handling traffic for the shipper within the scope of its present authority as well as in connection with interstate shipments. During the first nine months of 1988, the applicant handled 48 intrastate shipments for the shipper.

McConway & Torley Corp. finishes steel castings and produces railway car castings. The Pittsburgh plant finishes the steel castings which are shipped to the Kutztown plant where the steel castings are further processed. Most of the interplant shipments from Pittsburgh to Kutztown are truckload in nature weighing approximately 42,000 pounds each. Only about 5% of that traffic moves in less-than-truckload shipments weighing between 150 pounds and 8,000 pounds. The shipments moving outbound from Kutztown are evenly divided between LTL and truckload shipments. There are daily interplant shipments resulting in approximately 200 shipments per year. Outbound shipments from Kutztown move to railroads, railroad car builders and repair yards. The heaviest current traffic is moving to Camp Hill, Cumberland County.

The shipper is primarily interested in being able to call upon the applicant as a dependable motor carrier to provide it with intrastate service. Its past experience with the applicant under its now limited intrastate authority and its interstate authority has been excellent. Pickups and deliveries are made in a timely manner and delivery time to destination is within its expected time frames. The shipper desires the availability of the applicant's service on an expanded basis.

Upon review of the record before us, it is our determination that the applicant has provided evidence that it has the equipment, experience, personnel and financial capacity necessary to properly render the proposed service. The applicant has the unqualified support of its shipper and the evidence presented by that shipper establishes a need for the service, as amended.

We find:

1. The applicant has provided evidence that it has the capacity to properly render the proposed service for its supporting shipper.
2. The applicant, through its supporting shipper, has provided evidence that approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

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

To transport, as a Class D carrier, property for McConway & Torley Corp., from its facilities in the city of Pittsburgh, Allegheny County and the borough of Kutztown, Berks County, to points in Pennsylvania, and vice versa;

subject to the following conditions:

1. That no right, power or privilege is granted to transport commodities in bulk, and household goods and office furniture in use.
2. That no right, power or privilege is granted to transport shipments on flatbed trailers, except (a) from the borough of St. Mary's and the township of Bensinger, Elk County; (b) from points in the townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton and Warminster, and the boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, Pennel and Tullytown, all in Bucks County; (c) refractories, refractory products or materials, equipment and supplies used in the manufacture and installation of refractories and refractory products to or from the city of Pittsburgh, Allegheny County; (d) property from or to the Pennsylvania facilities of Reynolds Manufacturing Company; Amsat Corporation, MonCo Products, Inc; Freeport Brick Company; Associated Ceramics and Freeport Brick Company; Associated Ceramics and Technology; Solar Refractories; Dlubak Studios, Inc.; Hussey Metal Division, Copper Range Company; A.P. Green Refractories Company; Jones and Laughlin Steel Corporation; Bethlehem Steel Corporation; H.H. Robertson Company; Amax, Inc., Climax Molybdenum Corp.; Molycorp, Inc.; General Electric Corporation; Sperry-New Holland Division of Rand Corp; Zurn Industry Corp.; Copes Vulcan Company; Thalheimer Bros., Inc.; and Owens Corning Fiberglass Corporation; (e) property having a prior or subsequent movement by water from points in Allegheny County; and (f) property from or to points in the counties of Adams, Cambria, Cumberland, Dauphin, Franklin, Lancaster, Lebanon and Somerset.

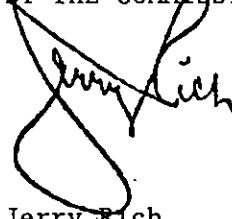
IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

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 the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of service of the order, complied

with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, circular scribble or flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 16, 1989

ORDER ENTERED: **FEB 27 1989**