

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

|  |  |   |                                |                   |
|--|--|---|--------------------------------|-------------------|
| 1. <u>REPORT DATE:</u>                                   | November 30, 1988  | : | 2. <u>BUREAU AGENDA NO.</u>    |                   |
|  |  |   |                                | DEC-88-T-1334*    |
| 3. <u>BUREAU:</u>  | Transportation   | : |                                |                   |
| 4. <u>SECTION</u>  | Technical Review   | : | 5. <u>PUBLIC MEETING DATE:</u> |                   |
| 6. <u>APPROVED BY:</u>                                   |  | : |                                | December 15, 1988 |
|  | Director: Ernst 7-2154                                   | : |                                |                   |
|  | Supervisor: Bigelow/Marzolf 3-5945                       | : |                                |                   |
| 7. <u>MONITOR:</u>                                       |  | : |                                |                   |
| 8. <u>PERSON IN CHARGE:</u>                              | Keener-Farley 7-4386                                     | : |                                |                   |
| 9. <u>DOCKET NO.:</u>                                    | A-00102471, F. 1, Am-AC                                  | : |                                |                   |
| 10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines) |  | : |                                |                   |
|  | (b) Short summary of history & facts, documents & briefs | : |                                |                   |
|  | (c) Recommendation                                       | : |                                |                   |

**DOCKETED**

JAN 6 1989

(a) Application of Pitt-Ohio Express, Inc., Pittsburgh, Allegheny County, 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 H. J. Heinz Company, U.S.A., between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Thomas Industries, Inc., from its facilities located in the city of Middletown, Dauphin County, to points in Pennsylvania, and vice versa.

(b) No protests were filed and no oral hearings were held. One supporting shipper submitted a verified statement indicating a public need for the proposed service.

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

LK-F:np

**DOCUMENT  
FOLDER**

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

CONTENT OF MOTION: Staff recommendation adopted.



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

December 22, 1988

IN REPLY PLEASE  
REFER TO OUR FILE

DOCKETED

A-102471

F. 1, Am-AC

JAN 05 1989

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

Applicaiton 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 December 15, 1988 and dismiss the application  
without further proceedings.

Very truly yours,

Jerry Rich  
Secretary

RECEIVED  
JAN 05 1989

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

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held December 15, 1988

Commissioners Present:

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

Application of Pitt-Ohio Express, Inc., Pittsburgh, Allegheny County, 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 H. J. Heinz Company, U.S.A., between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Thomas Industries, Inc., from its facilities located in the city of Middletown, Dauphin County, to points in Pennsylvania, and vice versa.

A-00102471  
F. 1  
Am-AC

DOCKET  
JAN 05 1989

\_\_\_\_\_  
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 August 29, 1988. Public notice of the application was given in the Pennsylvania Bulletin of October 1, 1988. No protests were filed and the application is now certified to the Commission for its decision without oral hearing. The record consists of verified statements filed by the applicant and a supporting shipper.

Pitt-Ohio Express, Inc. (Pitt-Ohio or applicant), is a Pennsylvania corporation, initially certificated in 1981; it presently operates under twenty-six paragraphs of authority. The applicant's main terminal is located in Pittsburgh and other facilities are maintained in Allentown, Harrisburg and Philadelphia. Pitt-Ohio owns a fleet of ninety-four straight trucks,

eighty-nine tractors, and two hundred and seven trailers; additional equipment is leased, as needed to meet demand. A comprehensive safety program for drivers and vehicles is currently in operation.

As evidence of its financial capacity to perform the additional service, Pitt-Ohio reports assets of \$3,367,817, with liabilities of \$1,503,436, leaving a shareholders' equity of \$1,864,381. Gross intrastate operating revenue in 1987 was \$2,647,171.

Donald S. Varshine, director of distribution and customer services for Thomas Industries, Inc. (Thomas or shipper), submitted a verified statement in support of the application. Thomas is a manufacturer of lighting products, including lighting fixtures, lamps, track lighting, post lamps, mirrors and fans. The company operates a distribution center in Middletown, Dauphin County. The shipper ships products to electrical distributors and retail stores located throughout the state. Approximately, nine hundred intrastate outbound shipments, weighing 600,000 pounds, are anticipated annually. Approximately fifty inbound shipments are expected each year. The shipments will generally be less-than-truckload and will be routed through the applicant's Middletown facility.

After a complete review of the record before us, we find:

1. That the applicant has shown that there is a public need for the proposed service.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service.
3. 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 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,  
for Thomas Industries, Inc., from its facilities  
located in the borough of Middletown, Dauphin  
County, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted  
to transport commodities in bulk or household  
goods and office furniture, in use.

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 Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: 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.

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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: December 15, 1988

ORDER ENTERED: **DEC 22 1988**