

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	January 22, 1990	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation		FEB-90-T-153*
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			February 8, 1990
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-AB		

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., 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 (except commodities in bulk and household goods and office furniture in use), for Wagner Division, Cooper Industries, Inc., from its facilities in the township of Upper Macungie, Lehigh County; the borough of Boyertown, Berks County; and the borough of Weatherly, Carbon County, to 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 which excludes the transportation of shipments weighing in excess of 10,000 pounds. The applicant has the necessary equipment, experience, personnel and financial capacity to properly render the proposed service, as amended, and as further modified. The Upper Macungie, Lehigh County facility of the shipper has been eliminated from the authority to issue as that facility has been closed. The applicant has the unqualified support of the named shipper and the evidence presented is representative of a need for the service, as amended and modified. Approval of the application, as amended, as modified, 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, as modified.

TZ:11

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

DOCKETED
 AUG 14 1990

CONTENT OF MOTION: Staff Recommendation adopted.

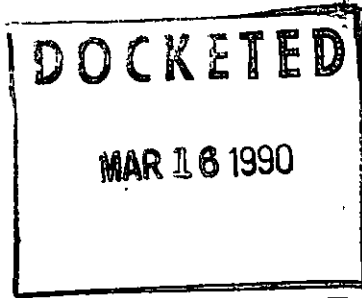
**DOCUMENT
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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

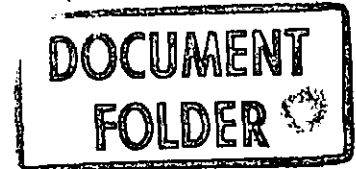
February 20, 1990

IN REPLY PLEASE
REFER TO OUR FILE



A-00102471
F.1, Am-AB

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



Application of Pitt-Ohio Express, Inc.

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 8, 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
cc:applicant

Pitt-Ohio Express, Inc.

26th and A.V.R.R.

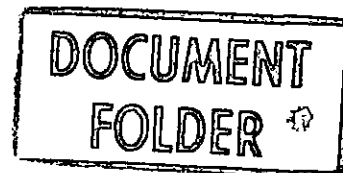
Pittsburgh, Pa. 15222

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 8, 1990

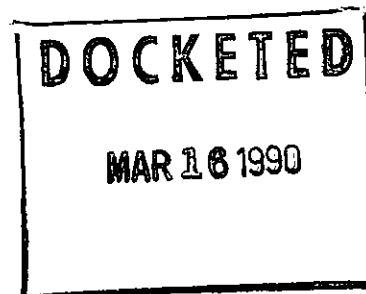
Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-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 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 Wagner Division, Cooper Industries, Inc., from its facilities in the township of Upper Macungie, Lehigh County; the borough of Boyertown, Berks County; and the borough of Weatherly, Carbon County, to points in Pennsylvania, and vice versa.

A-00102471
F. 1
Am-AB



William J. Lavelle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 6, 1988. Public notice of the application was given in the Pennsylvania Bulletin of September 24, 1988. A single protest filed by West Motor Freight, Inc., was later withdrawn predicated upon the Commission's acceptance

of a restrictive amendment which excludes the transportation of any shipment weighing 10,000 pounds or more.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The applicant was originally requested to file verified statements in support of the application by our letter dated December 12, 1988. The statements were due January 12, 1989. At the applicant's request the period for filing of verified statements was later extended to February 13, 1989. By letter dated March 16, 1989, Pitt-Ohio Express, Inc., requested that the application be withdrawn. A petition to reopen the record for the receipt of verified statements was filed May 12, 1989. By our order adopted June 29, 1989, entered July 7, 1989, we granted the petition to reopen the record and receive verified statements. Verified statements have now been filed by Robert F. Hammel, secretary-treasurer of Pitt-Ohio Express, Inc. and by John Hodges, fleet supervisor for Wagner Division, Cooper Industries, Inc.

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 the hub for pick-up 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 Allentown terminal would be used to serve the shipper's facilities. To the extent necessary, the terminals at Harrisburg and Oaks would also be used to serve the shipper.

The applicant has disclosed that it 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, 1988. Pitt-Ohio Express, Inc., reports total current assets of \$4,545,759 with total assets of \$5,693,864. Total current liabilities are \$1,952,230 with total liabilities of \$2,378,113. Total revenue of \$23,240,281 produced a net income of \$1,502,678 after expenses.

Pitt-Ohio is currently handling traffic for the account of Wagner Division, Cooper Industries, Inc., on an interstate basis in connection with shipments moving from its facilities to points beyond Pennsylvania. By

virtue of this service, it is familiar with the shipper's requirements. Pitt-Ohio expects that nearly 95% of the shipments handled for this account will weigh less than 10,000 pounds and is confident that it can provide service within the confines of the restrictive amendment which limits transportation to shipments of less than 10,000 pounds.

Wagner Division, Cooper Industries, Inc., has facilities in Berks and Carbon Counties where it manufactures and distributes auto brakes and lighting products. It has a plant at Boyertown, Berks County which produces automobile headlights and another plant at Weatherly, Carbon County where it manufactures automobile headlights and automobile reflector lenses. Both plants ship five days per week between 7 a.m. and 4:30 p.m. In addition to its outbound traffic, it receives inbound such items as glass tubes, adhesives, epoxy, wire, stampings and solder. All inbound shipments to both plants are less-than-truckload in size. With respect to outbound shipments, approximately 66% of its shipments from Boyertown are less-than-truckload in size. All shipments from the Weatherly plant are less-than-truckload ranging from 100 pounds to 33,000 pounds.

Wagner has used the applicant's service on intrastate shipments within the scope of its current authority and to a greater extent on interstate shipments. Wagner has been very satisfied with this service and expects the high quality of service would continue under the authority requested by the instant application.

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 as amended and as modified. The applicant has the unqualified support of the shipper and the evidence presented by that shipper establishes a need for the service, as amended and modified. The authority to issue in this matter has been modified to eliminate the Upper Macungie, Lehigh County facility of the shipper as we have been advised that this facility is now closed.

We find:

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

IT IS ORDERED: That the application, as amended, as modified, 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 Wagner Division, Cooper Industries, Inc., from its facilities in the borough of Boyertown, Berks County, and the borough of Weatherly,

Carbon County, to points in Pennsylvania, and vice versa;

subject to the following conditions:

That the service herein authorized is restricted to the transportation of shipments weighing less than 10,000 pounds.

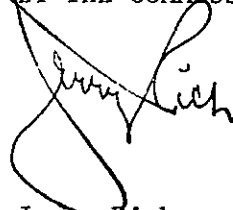
That no right, power or privilege is granted to transport commodities in bulk and household goods and office furniture in use.

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 cursive script, appearing to read "Jerry Rich", written over a large, stylized flourish or scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 3, 1990

ORDER ENTERED: FEB 20 1990