

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
June 27, 1991	:	AUG-91-T-703*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	August 1, 1991
6. <u>APPROVED BY:</u>	:	
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-00102306, F. 1, Am-H	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

(a) Application of Klapec Trucking Company, Oil City, Venango County, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, SO AS TO PERMIT the transportation of property between points in the county of Crawford and from points in said county to points in Pennsylvania, and vice versa, subject to conditions fully set forth in the proposed order.

(b) Four protests were filed but withdrawn upon restrictive amendment. No oral hearings were held. Six supporting shippers submitted verified statements indicating a public need for the proposed service, as amended.

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

LKF:kmb

11. MOTION BY:	Commissioner V.Chm. Rhodes	Commissioner	Holland - Yes
		Commissioner	
SECONDED:	Commissioner Rolka	Commissioner	

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
FOLDER

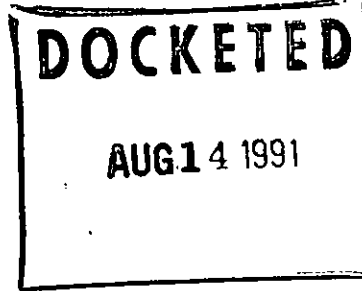
DOCKETED
NOV 18 1991



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

BTL

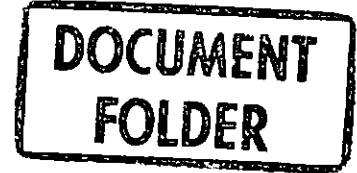
August 9, 1991



IN REPLY PLEASE
REFER TO OUR FILE

A-00102306
F.1, Am-H

JOHN A PILLAR ESQUIRE
PILLAR & MULROY
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222



Application of Klapec Trucking Company,
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 1, 1991 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
KLAPEC TRUCKING COMPANY
PO BOX 1278
OIL CITY PA 16301

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

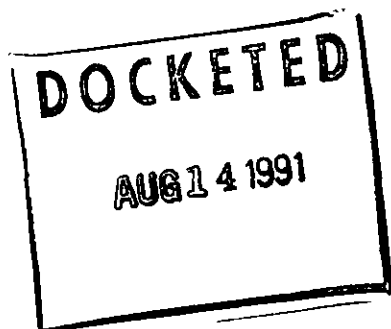
Public Meeting held August 1, 1991

Commissioners Present:

Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of Klapac Trucking Company, 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 (excluding household goods and office furniture in use) between points in the city of Oil City, Venango County, and within twenty-five (25) miles, by the usually traveled highways of the limits of said city: SO AS TO PERMIT the transportation of property between points in the county of Crawford and from points in said county 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, in tank vehicles, household goods and office furniture in use, and commodities which, because of size or weight, require the use of special equipment or special handling; and That no right, power or privilege is granted to transport any shipment weighing less than 10,000 pounds, except for a shipment that may weigh less than 10,000 pounds but which fills a full visible capacity of a trailer, a shipment being defined as a quantity of freight moving from one consignor to one consignee on one bill of lading.

A-00102306
F. 1
Am-H



John A. Pillar for the applicant.
David F. McAllister for the protestant, Butler Trucking Company.
John L. Sheaffer, III, for the protestant, W.H. Johns, Inc.
Dwight L. Koerber, Jr., for the protestants, H.E. Shoup, Inc., and Venco
Trucking, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 2, 1990. Public notice of the application was given in the Pennsylvania Bulletin of December 8, 1990. Protests were filed but withdrawn, contingent upon the Commission's acceptance of a restrictive amendment, prohibiting service to or from the facilities of PPG Industries, Inc., in Meadville, Crawford County. The now unprotested application is certified to the Commission for its decision without oral hearing. The record consists of verified statements filed by the applicant and six supporting shippers.

Klapec Trucking Company (Klapec or applicant) is a Pennsylvania corporation, with its principal place of business in Oil City, Venango County. It was initially certificated in 1981 and presently operates under thirty-one paragraphs of authority. Operations are conducted from a terminal in Reno, Venango County, using a fleet with over one hundred pieces of equipment. A comprehensive safety program for drivers and vehicles is presently in place. As evidence of its financial capacity to assume the burden of the additional operation, Klapec reports assets of \$2,481,918, with liabilities of \$959,925, leaving a shareholders' equity of \$1,521,993.

Clifford J. Kirvan, president of OCP, Inc., t/d/b/a Oil Creek Plastics, (OCP), submitted a verified statement in support of the amended application. OCP manufactures polyethylene pipe for water and gas distribution at a plant in Titusville, Crawford County. It expects to tender two or three truckloads per month to Klapec for delivery to such points as Altoona, Erie, Greensburg, Harrisburg, Johnstown, Lancaster, Philadelphia and Pittsburgh. OCP has used the applicant in the past, to the extent of its current authority, and believes that Klapec is capable of meeting its transportation needs.

Frank Johnson, president of Centerville Castings, Inc. (CCI) and Therma Fab, Inc. (Therma), submitted a verified statement in support of the amended application. CCI, located in Titusville, Crawford County, produces heat and corrosion resistant specialty alloy castings; Therma, located in Pleasantville, Venango County, produces heat and corrosion resistant specialty alloy fabrications and assemblies. These companies require the outbound shipment of their finished products and inbound shipment of raw materials and supplies. Each company would tender four to six truckload shipments to the applicant per month. We would caution the applicant, however, that all service under the proposed right must originate or terminate (on the vice versa) in Crawford County, which may restrict some of the service contemplated by Therma.

David F. Slawson, plant manager of J.M. Manufacturing, Inc. (J.M.), submitted a verified statement in support of the amended application. J.M. is building a new plant for the manufacture of PVC pipe in Meadville, Crawford County. Once in operation, it expects Klapec to haul about four truckloads per day. Raw materials and supplies will move inbound and

finished products will move outbound. Suppliers and customers are potentially located throughout the state.

Douglas C. Coldern, vice president of Starlite Diversified, Inc. (Starlite), submitted a verified statement in support of the amended application. Starlite is a general machining facility, which does contract work for the aerospace and defense industries. Its plant is located outside Meadville, Crawford County, and it ships and receives goods from all parts of the state, including Philadelphia, Pittsburgh, Harrisburg and Erie. J.M. expects to tender about one truckload a week to Klapec.

Andrew J. Speck, president of K and S Tool and Dye [sic], Inc. (K&S), submitted a verified statement in support of the amended application. K&S operates a general machine shop near Meadville, Crawford County. It ships finished machine parts and receives such raw materials as steel. Representative origins for inbound and destinations for outbound shipments include Butler, Erie, Pittsburgh and Warren. K&S expects the applicant's service will be used about three times per month.

David C. Klapec, supervisor of Bert Klapec, Inc. (BKI) submitted a verified statement in support of the amended application. BKI is involved in the excavation, demolition and construction business; its headquarters is in Oil City, Crawford County. It requires the movement of such items as machinery, pipe, railroad ties, concrete, stone and gravel to and from jobsites. Volume could range up to several truckloads per day. Again, we will caution the applicant that all moves must originate or terminate in Crawford County.

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, as amended.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service, as amended.
3. That approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended and modified, be and is hereby approved and that the certificate issued to the applicant on March 12, 1981, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, between points in Crawford County, and from points in said county to points in Pennsylvania, and vice versa;

subject to the following conditions:

- (a) That no right, power or privilege is granted to transport commodities in bulk, in tank vehicles,

household goods and office furniture in use, and commodities which, because of size or weight, require the use of special equipment or special handling;

- (b) That no right, power or privilege is granted to transport any shipment weighing less than 10,000 pounds, except for a shipment that may weigh less than 10,000 pounds but which fills a full visible capacity of a trailer, a shipment being defined as a quantity of freight moving from one consignor to one consignee on one bill of lading;
- (c) That no right, power or privilege is granted to provide service for PPG Industries, Inc., to or from its facilities located in Meadville, Crawford County.

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,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 1, 1991

ORDER ENTERED: AUG 9 1991

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4 on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

A-00102-306, F.I., AM-H

4a. Article Number

00000774

- 4b. Service Type
- Registered
 - Certified
 - Express Mail
 - Insured
 - COD
 - Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

Dwight L. Koerdt
Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

MM

PS Form 3811, November 1990 * U.S. GPO: 1991-287-086 DOMESTIC RETURN RECEIPT

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4 on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to: A-00102-306, F.I., AM-H

4a. Article Number

00000774

- 4b. Service Type
- Registered
 - Certified
 - Express Mail
 - Insured
 - COD
 - Return Receipt for Merchandise

7. Date of Delivery

8/10/91

5. Signature (Addressee)

Fred Steir
Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

MM

PS Form 3811, November 1990 * U.S. GPO: 1991-287-086 DOMESTIC RETURN RECEIPT

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a, and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to: A00102306
F.I, AM-H

4a. Article Number 004276

- 4b. Service Type
- Registered
 - Insured
 - Certified
 - COD
 - Express Mail
 - Return Receipt for Merchandise

7. Date of Delivery 13 AUG 1991

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, November 1990 *U.S. GPO: 1991-287-088 **DOMESTIC RETURN RECEIPT**

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to: A-00102306, F.I, AM-H
C.O.

4a. Article Number 004276

- 4b. Service Type
- Registered
 - Insured
 - Certified
 - COD
 - Express Mail
 - Return Receipt for Merchandise

7. Date of Delivery 13 AUG 1991

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, November 1990 *U.S. GPO: 1991-287-088 **DOMESTIC RETURN RECEIPT**