

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
October 9, 1986	:	NOV-86-T-1170*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	November 13, 1986
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u>	:	
White 7-4387	:	
9. <u>DOCKET NO:</u>	:	
A-00102306, F. 1, Am-F	:	

10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation

(a) Application of Klapac Trucking Company, Oil City, Venango County, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of property (except commodities in bulk) for Diamond Container General (now Diamond-Bathurst, Inc.), from its facilities located in the borough of Knox, Clarion County, to points in Pennsylvania, and vice versa.

(b) The application was protested by two carriers. Each withdrew upon reconsideration of its interest in the proceeding. We find that the applicant has shown that a public need for the service as proposed does exist and that it is fit, ready, willing and able to render same.

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

11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Fischl - Yes  
 Commissioner  
 SECONDED: Commissioner Shane Commissioner:

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT  
FOLDER**

**DOCKETED**  
  
DEC - 4 1986

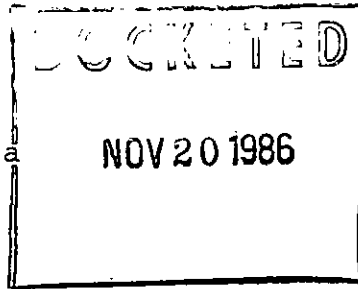


COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

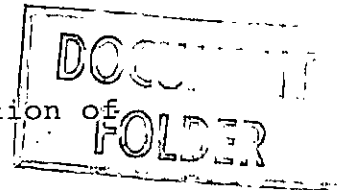
November 18, 1986

IN REPLY PLEASE  
REFER TO OUR FILE

A-102306  
F. 1, Am-F



Kevin W. Walsh, Esquire  
1900 Two Penn Center Plaza  
Philadelphia, PA 19102



Application of Klapec Trucking Company, a corporation of  
the Commonwealth of Pennsylvania

Dear Sir: \_\_\_\_\_

Enclosed, herewith, is supplemental order modifying certificate of public convenience issued by the Commission in the above entitled proceeding.

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until he has complied with the following tariff requirement:

Prepare and file a tariff, instructions for which are enclosed.

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

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 November 13, 1986 and dismiss the application without further proceedings.

If you foresee any problems in obtaining the necessary requirement within the specified time period, please contact the Pennsylvania Public Utility Commission--Service Section.

cc:applicant

Klapec Trucking Company  
673 North Seneca Street  
R. D. #1  
Oil City, PA 16301

Encls.  
Cert. Mail

Very truly yours,

Jerry Rich  
Secretary

Similar letter to: See attached list.

Klapec Trucking Company  
673 North Seneca Street  
R. D. #1  
Oil City, PA 16301  
SELF

Kevin W. Walsh, Esquire  
1900 Two Penn Center Plaza  
Philadelphia, PA 19102  
APPLICANT

David M. O'Boyle, Esquire  
1610 Two Chatham Center  
Pittsburgh, PA 15219  
WARREN C. SAUERS CO., INC.

Richard W. Kooman, II, Esquire  
Marianne Professional Center  
Clarion, PA 16214  
W. H. CHRISTIE & SONS, INC.

Bob Kennedy  
P.O. Box 704  
Dubois, PA 18801  
KENNEDY TRANSFER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held November 13, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman  
Frank Fischl  
Bill Shane

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 the said city: SO AS TO PERMIT the transportation of property (except commodities in bulk) for Diamond Container General (now Diamond-Bathurst, Inc.) from its facilities located in the borough of Knox, Clarion County, to points in Pennsylvania, and vice versa.

A-00102306  
F. 1  
Am-F

FOLDER

NOV 20 1986

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Adelman, Lavine, Krasny, Gold and Levin, by Kevin W. Walsh for the applicant.  
Wick, Rich, Fluke & Streiff, by David M. O'Boyle for protestant,  
Warren C. Sauers Co., Inc.  
Richard W. Kooman, II, for protestant, W. H. Christie & Sons, Inc.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on October 4, 1985, and published in the Pennsylvania Bulletin of October 26, 1985. Two carriers protested, but withdrew upon reconsideration of their interests in the matter. No restrictive amendments were entered.

The unopposed record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and the shipper.

J. Bernard Klapec, president of Klapec Trucking Company (or applicant) sets forth in a verified statement that the company has its principal place of business located at 673 North Seneca Street, Oil City, Venango County, and that it is not affiliated with any other carriers. It holds a substantial amount of common carrier operating authority in Pennsylvania, primarily as a carrier of bulk materials. It also holds I.C.C. authority.

The Oil City terminal is staffed with five office employees, 50 drivers and five full-time mechanics. The operating equipment consists of 41 tractors and 85 trailers including flatbeds, vans, dump units, pneumatic tank units, drop deck and lowboy equipment. It also operates eight tri-axle straight trucks comprised of three dumps and five flatbeds. All of the equipment is company-owned and is subject to a strict safety program.

An unaudited balance sheet indicates that as of December 31, 1985, the applicant had current assets of \$539,166, total assets of \$2,443,857, with current liabilities of \$519,845 and total liabilities of \$1,542,268, leaving shareholders' equity of \$901,589. It has accumulated retained earnings of \$474,240.

Carl Clark, outbound traffic manager for Diamond-Bathurst, Inc. (or shipper), supports the applicant. He states that at the time this application was filed, the company operated under the name of Diamond Container General which was a wholly-owned subsidiary of Diamond-Bathurst, Inc. In July, 1986, a corporate reorganization took place with no change in operations, operating personnel or its desire to support the application. Only the operating name was changed.

As pertinent here, a glass container manufacturing plant is maintained in the borough of Knox, Clarion County, from which approximately 460 to 470 shipments a month are made to customers throughout the state. In addition, it receives daily shipments of corrugated shipping materials, pallets and cullet from suppliers in various areas of Pennsylvania. The sheer volume of freight creates the need for the service of more than just a few carriers. It has supported similar applications filed by Warren C. Sauers Co. and Venezia Trucking Co.

#### DISCUSSION AND FINDINGS

Klapec Trucking Company seeks to amend its common carrier certificate so that it will have the right to transport property for Diamond-Bathurst, Inc., from its facilities in Knox, Clarion County, to points in Pennsylvania, and vice versa. The right to transport commodities in bulk has been excluded.

When public notice of the application was given in the Pennsylvania Bulletin of October 26, 1985, the supporting shipper operated under the name of Diamond Container General. On or about July 1, 1986, the name was changed to Diamond-Bathurst, Inc., without any change in personnel, operating procedures or location. This change in name has been well publicized and those engaged in the motor carrier industry

have been made well aware of the fact. The name change itself is not so drastic that it would conceal its public identity to any great degree. We doubt that any harm would befall carriers with the potential to protest this application. Any authority granted herein will be modified to reflect the shipper's proper name.

We find:

1. That the supporting shipper is a prominent supplier of glass containers and related products to manufacturers throughout Pennsylvania.
2. That the shipper's transportation needs, both inbound and outbound, are substantial.
3. That the applicant has shown that a public need for the proposed service as modified does exist.
4. That the applicant is fit, ready, willing and able to render the service as proposed and modified.
5. That approval of the application as modified is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as modified 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, for Diamond-Bathurst, Inc., from its facilities located in the borough of Knox, Clarion 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.

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 in the event the 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.

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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large, sweeping initial "J" and a cursive "Rich".

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: November 13, 1986

ORDER ENTERED: **NOV 18 1986**

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery.

3. Article Addressed to:

*Bob Kennedy*

4. Article Number **44311**

Type of Service:

Registered  
 Certified  
 Express Mail

Insured  
 COD

Always obtain signature of addressee or agent and **DATE DELIVERED**.

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

5. Signature - Addressee

*Bob Kennedy*

6. Signature - Agent

*[Signature]*

X5861

DATE of Delivery

**NOV 24 1986**

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery.

3. Article Addressed to:

*Richard W. Korman, II, Esq*

4. Article Number **44312**

Type of Service:

Registered  
 Certified  
 Express Mail

Insured  
 COD

Always obtain signature of addressee or agent and **DATE DELIVERED**.

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

5. Signature - Addressee

*[Signature]*

6. Signature - Agent

*[Signature]*

X

7. Date of Delivery

*11-20-86*

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery.

3. Article Addressed to:

Kevin W. Walsh, Esq.  
Signature - Addressee  
Signature - Agent  
Date of Delivery 11/19

4. Article Number

09313

Type of Service:

Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

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

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1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery.

3. Article Addressed to:

David M. O'Boyle, Esq.  
Signature - Addressee  
Signature - Agent  
Date of Delivery NOV 20 1985

4. Article Number

09313

Type of Service:

Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

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

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT