

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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APR 25 1986

SECRETARY'S OFFICE
Public Utility Commission

Application of : Docket Number
: :
Klapec Trucking Company : A-00102306, F.1, Am-F

ORDER

By application received October 4, 1985, Klapec Trucking Company seeks authority to transport:

Property (except commodities in bulk) for Diamond Container General, from its facilities located in the Borough of Knox, Clarion County, to points in Pennsylvania, and vice versa.

The application was duly published and a protest was timely filed by Warren C. Sauers Co., Inc.

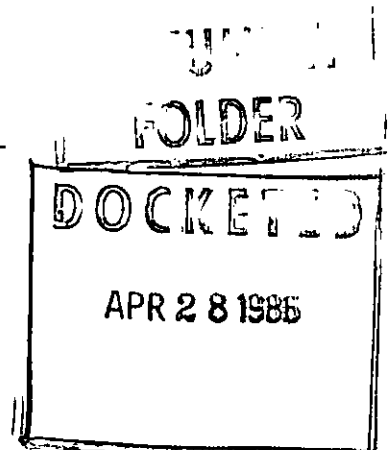
On March 31, 1986, some four months after the time to file protests had expired, W. H. Christie & Sons, Inc. filed a petition for leave to intervene in this proceeding.

According to the petition, W. H. Christie & Sons, Inc. does not subscribe to the Pennsylvania Bulletin and was unaware of the application. It filed this petition as soon as it learned of the application.

In S.T.S. Motor Freight, Inc., 54 Pa. P.U.C. 343 (1980), the Commission set forth its policy regarding such petitions to intervene.

There the Commission stated:

Failure to file a timely protest is a bar to subsequent participation in an application proceeding, except where a potential intervenor can show good cause for its late appearance. 52 Pa. Code §3.381. Traditionally, this commission has been liberal in its interpretation of the "good cause" requirement and its allowance of intervention in common carrier application proceedings. Specifically, the commission has permitted late intervention: (1) where the petitioner has a reasonable



excuse for missing the protest due date; (2) where the proceeding is contested at the time of the filing of a petition for intervention; (3) where the grant of intervention will not delay the orderly progress of the case; and (4) where the grant of intervention will not broaden significantly the issues, or shift the burden of proof.

This policy was reaffirmed in Milton Transportation, Inc., 56 Pa. P.U.C. 623 (1982).

Applying the S.T.S. Motor Freight criteria to this case, it would appear that the petition should be granted. This is a contested proceeding and the grant of intervention will not delay the case or broaden significantly the issues involved.

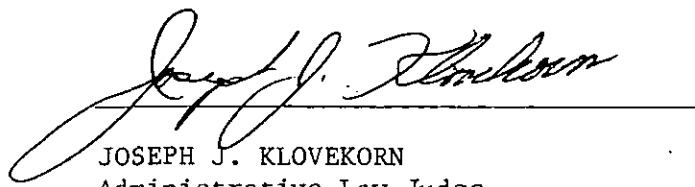
THEREFORE,

IT IS ORDERED:

That the Petition for Leave to Intervene filed by W. H. Christie & Sons, Inc. is granted.

Date:

April 23, 1986



JOSEPH J. KLOVEKORN
Administrative Law Judge

cc: Parties of Record