

1. <u>REPORT DATE:</u> October 21, 1982	:	2. <u>BUREAU AGENDA NO.</u> NOV-82-TNR-1091*
3. <u>BUREAU:</u> Non-Rail Transportation	:	
4. <u>SECTION(S):</u> Finance	:	5. <u>PUBLIC MEETING DATE:</u> November 5, 1982
6. <u>APPROVED BY:</u> Director: W.H. Stouch 7-2154 Supervisor: S.M. Butcher 7-6872	:	
7. <u>MONITOR:</u> Commissioner Jones	:	
8. <u>PERSON IN CHARGE:</u> J.C. Keiter 3-5948	:	
9. <u>DOCKET NO:</u> A-00102306, F. 1, Am-B	:	

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, R.D. #1, Oil City, Venango County, at A-00102306, F. 1, Am-B, for approval of the transfer to applicant all of the rights held by J. Bernard Klapac at A-00082176.

(b) Transferor proposes to transfer his common carrier trucking rights to applicant for \$1. This transfer will complete the change from sole proprietorship to corporate form.

(c) The staff recommended that the transfer application at A-00102306, F. 1, Am-B be approved and that an order issue granting the operating authority sought herein and that the certificate issued to the transferor at A-00082176 be cancelled.

JCK:gm

11. MOTION BY: Commissioner Johnson Commissioner Chm. Shanaman - Yes
 Commissioner Taliaferro - Yes
 SECONDED: Commissioner Cawley Commissioner Jones - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER

DOCKETED
NOV 18 1982



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

November 19, 1982

IN REPLY PLEASE
REFER TO OUR FILE

A-00102306
F.1, Am-B

Henry M. Wick, Jr., Esquire
Wick, Rich, Fluke & Streiff
1610 Two Chatham Center
Pittsburgh, PA 15219

Application of Klapac Trucking Company

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.

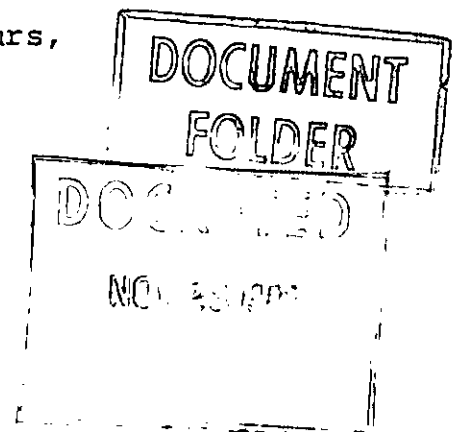
Commission regulations require compliance with the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of November 5, 1982 and dismiss the application without further proceedings.

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

Very truly yours,

fao
Encls.
Cert. Mail
cc: Applicant
R.D. 1
673 N. Seneca St.
Oil City, PA 16301

Jerry Rich
Secretary



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 5, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Klapec Trucking Company
for approval of the transfer to it of
all of the operating rights held by
J. Bernard Klapec at A-00082176.

A-00102306
F. 1
Am-B

O R D E R

BY THE COMMISSION:

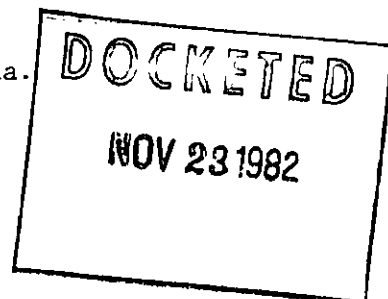
By application docketed August 3, 1982, Klapec Trucking Company, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to J. Bernard Klapec, under the certificate issued at A-00082176.

Applicant was granted all of the transferor's then existing rights under a previously filed application. This application transfers the balance of the transferor's rights which were pending before the Commission. The transferor will now be divested of all operating authority.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by J. Bernard Klapec at A-00082176 be approved and that the report and order adopted October 9, 1980 at A-00102306 and the certificate issued pursuant thereto, as modified and amended, be further modified and amended to include the following rights:

1. To transport, as a Class D carrier, iron and steel, iron and steel articles, and supplies, materials and equipment used or useful in the manufacture and distribution of iron and steel and iron and steel articles, for Electralloy Corporation, between points in Pennsylvania.



2. To transport, as a Class D carrier, scrap steel, in bulk, in dump vehicles, from the facilities of Universal-Cyclops Specialty Steel Division, located in the city of Titusville, Crawford County, to points in the borough of Greenville, Mercer County, and vice versa;

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital


stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor J. Bernard Klapac at A-00082176 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 5, 1982

ORDER ENTERED: NOV 19 1982

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- Show to whom and date delivered —¢
 - Show to whom, date, and address of delivery.. —¢
 - 2. **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

A. 102306, F. 1, Am-B **TOTAL \$** _____

3. **ARTICLE ADDRESSED TO:** Modification
Henry M. Wick, Jr., Esq.

4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER 44171
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(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

[Handwritten Signature]

5. DATE OF DELIVERY NOV 23 1982	POSTMARK
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6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS
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