

1. <u>REPORT DATE:</u> September 23, 1980	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u> Non-Rail Transportation	:	OCT-80-TNR-1055*
4. <u>SECTION(S):</u> Finance	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: Stouch 7-2154 Supervisor Butcher 7-6872	:	October 9, 1980
7. <u>MONITOR:</u> Chairman Shanaman	:	
8. <u>PERSON IN CHARGE:</u> Swank 7-5287	:	
9. <u>DOCKET NO.:</u> A-00102306	:	

10. (a) CAPTION (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, AT A-00102306 FOR APPROVAL OF THE TRANSFER TO APPLICANT OF ALL THE RIGHTS HELD BY J. BERNARD KLAPEC AT A-00082176.

(b) Transferor seeks to incorporate his trucking business.

(c) The staff recommended that the application at A-00102306 be approved, that a certificate be issued to the applicant granting the rights sought herein, and that the certificate issued to the transferor at A-00082176 be modified and amended as provided herein.

WS:o

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

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT  
FOLDER**

**DOCKETED  
OCT 21 1980**

October 20, 1980

A-00102306

Robert Y. Daniels, Esquire  
314 West Park Street  
Franklin, PA 16323

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

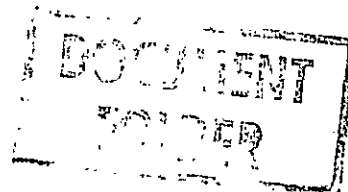
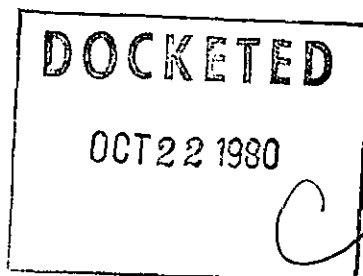
---

Dear Sir:

Enclosed is the compliance order issued by the Commission in the above proceeding. You will be receiving, under separate cover, a code book containing our Regulations.

The certificate of public convenience evidencing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements.

- I Arrange through insurance agent to have this company file a certificate of public liability and property damage insurance. Insurance companies have these certificates. (Form E)
- II Arrange through insurance agent to have his company file a cargo insurance certificate in the amount of \$2500 per vehicle. Insurance companies have these certificates. (Form UCPC-31). IF ANY SINGLE LOAD WHICH THE APPLICANT TRANSPORTS DOES NOT EXCEED \$100.00 IN VALUE, HE MAY SIGN, HAVE NOTARIZED AND RETURN THE ENCLOSED AFFIDAVIT TO THIS OFFICE IN LIEU OF CARGO INSURANCE.
- III Prepare and file a tariff, instructions for which are enclosed.



A-00102306

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate of public convenience issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with all of the above requirements within thirty days of the date of this letter. Failure to comply within the thirty day period will cause the Commission to rescind the action of and dismiss the application without further proceedings.

October 9, 1980

If you foresee any problems in obtaining the necessary requirements within the thirty day period, please contact the Pennsylvania Public Utility Commission - Service Section.

Please accept service of the enclosures, using for that purpose the enclosed form.

Very truly yours,

William P. Thierfelder  
Secretary

fao  
Enclosures  
Certified Mail  
Receipt Requested

cc: Applicant  
673 North Seneca Street  
R. D. #1  
Oil City, PA 16301

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

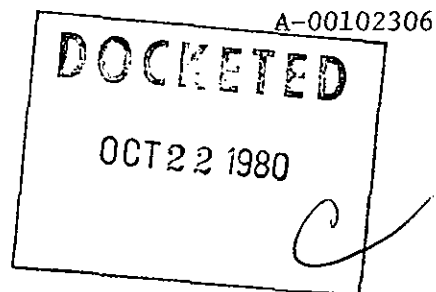
Public Meeting held October 9, 1980

Commissioners Present:

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



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.



O R D E R

BY THE COMMISSION:

By application docketed July 22, 1980 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.

We find the applicant to be fit to hold a certificate of public convenience 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 a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, cinders, slag, limestone, stone, rock, soil, tile, amesite, concrete and cinder blocks, building materials, brick, coal, sand and gravel between points in the counties of Venango and Clarion, excluding the right to transport brick, clay or clay products, including tile, from or to the New Bethlehem Tile Company plant located in Porter Township, Clarion County.
2. To transport, as a Class D carrier, scrap iron, scrap steel, junk and other waste materials, in dump vehicles, for M. N. Adelson and Sons, Inc., from its junk yards in the city of Oil City, Venango County, and in the borough of Kittanning, Armstrong County, to points in the city of Oil City, Venango County, and within an airline distance of one hundred (100) statute miles of the limits of said city, and vice versa.
3. To transport, as a Class D carrier, coal, in dump vehicles, between points in the county of Clarion and from points in the said county to points in the counties of Venango, Crawford, Erie, Warren and Forest.

4. To transport, as a Class D carrier, sand and gravel, in dump vehicles, from points in the borough of Tionesta, Forest County, and the city of Oil City, and the township of Sugar Creek, Venango County, to points in the counties of Venango, Crawford, Warren, Clarion, Forest, Jefferson, McKean and Elk.
5. To transport, as a Class D carrier, limestone in dump vehicles, between points in the county of Clarion and from points in the said county to points in the counties of Venango, Crawford, Warren, Forest, Jefferson, McKean and Elk.
6. To transport, as a Class D carrier, blacktop or amesite, in dump vehicles, from points in the township of Sugar Creek, Venango County, to points in the counties of Venango, Crawford, Warren, Forest, Jefferson, McKean and Elk.
7. To transport, as a Class D carrier, scrap tin, scrap iron, scrap steel, junk and other waste materials, in dump vehicles and flat bottomed trailers, from the junk yards of the Continental Can Company at 15 Mineral Street in the city of Oil City, Venango County, to the yards of Vulcan Materials Company, De-Tinning Division, in the township of Neville, Allegheny County.
8. To transport, as a Class D carrier, steel ingots or billets for remelt purposes only, weighing in excess of 3,800 pounds each, in dump vehicles, for the Electralloy Corporation, from its plant in the city of Oil City, Venango County, to points within an airline distance of one hundred fifty (150) statute miles of the limits of said city.
9. To transport, as a Class D carrier, ingots and ingot molds weighing in excess of thirty-eight hundred (3,800) pounds each, in dump vehicles, for the Electralloy Corporation, from its plant in the city of Oil City, Venango County, to points in Pennsylvania, and vice versa.
10. To transport, as a Class D carrier, steel ingots and pig, for Electralloy Corporation, from the facility of said shipper in the city of Oil City, Venango County, to points in Pennsylvania.
11. To transport, as a Class D carrier, steel castings for Venango Metallurgical Products, from the facility of said shipper in the city of Oil City, Venango County, to points in Pennsylvania.
12. To transport, as a Class D carrier, materials and supplies used in the production of steel ingots, pig and steel castings, for Electralloy Corporation and Venango Metallurgical Products, from points in Pennsylvania to the facilities of the Electralloy Corporation and Venango Metallurgical Products in the city of Oil City, Venango County;

with right no. 12 above subject to the following conditions:

No right, power or privilege is granted to transport commodities in bulk in tank or hopper-type vehicles.

No right, power or privilege is granted to transport refractory products for Pittsburgh Metals Purifying Division of Susquehanna Corporation.

No right, power or privilege is granted to transport refractory products from points in Armstrong County.

No right, power or privilege is granted to provide service from points in Beaver County.

No right, power or privilege is granted to transport limestone and limestone products from points in the county of Centre.

No right, power or privilege is granted to transport steel and steel products from points in the city of Williamsport, Lycoming County.

13. To transport, as a Class D carrier, 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.
14. To transport, as a Class C carrier, tanks, boilers, machinery, structural steel, accessories and equipment incidental to these commodities from points in the city of Oil City, Venango County, and within ten (10) miles by the usually traveled highways of the limits of said city to oil leases and coal mines within one hundred (100) miles by the usually traveled highways of the point of origin in the counties of Clarion, Forest, Warren, McKean, Elk, Potter, Venango and Jefferson, provided such transportation shall be limited and restricted to not more than twenty (20) trips in each calendar year, and that such trips shall be reported to the Commission when made.
15. To transport, as a Class D carrier, iron and steel articles, from the facilities of Electralloy Corporation at Oil City, Venango County, and Titusville Fabricators, Inc., at Titusville, Crawford County, to points in Pennsylvania.

16. To transport, as a Class D carrier, equipment, materials and supplies used in the manufacture of iron and steel articles, from points in Pennsylvania to the facilities of Electralloy Corporation at Oil City, Venango County.
17. To transport, as a Class D carrier, iron and steel articles, from the facilities of Bethlehem Steel Corporation at Steelton, Dauphin County, and Milton Steel Corporation at Milton, Northumberland County, to the facilities of Titusville Fabricators, Inc., at Titusville, Crawford County.
18. To transport, as a Class D carrier, scrap metals, in bulk, in dump vehicles, from points within an airline distance of twenty-five (25) statute miles of the limits of Oil City, Venango County, to the facilities of Pyromet Technology, Inc., in Mercer County, and vice versa.
19. To transport, as a Class D carrier, scrap steel, in bulk, in dump vehicles, from the facilities of Universal Cyclops Corporation at Titusville, Crawford County, to Ellwood City and Bridgeville.

with rights no. 15 through 19 above subject to the following condition:

No right, power or privilege is granted  
to perform service in bulk, in tank vehicles.

20. To transport, as a Class D carrier, silica sand and chromite sand, in bulk, in pneumatic vehicles, from the plant site of Ore Reclamation, Inc., in the borough of Wheatland, Mercer County, to points in the counties of Mercer, Allegheny, Beaver, Lawrence, Venango, Erie, Westmoreland, Washington, Crawford, Butler, Warren, Armstrong, and Indiana.
21. To transport, as a Class D carrier, plastic pipe in straight lengths, fittings and accessories used in the installation thereof, and materials and supplies used in the manufacture thereof, (excluding commodities in bulk), from the plant site of Johns-Manville Corporation in the city of Franklin, Venango County, to points in Pennsylvania, and vice versa.
22. To transport, as a Class D carrier, untreated railroad ties, from the city of Oil City, Venango County, and points within an airline distance of twenty-five (25) statute miles of the limits of said city, to the plant site of Kerr-McGee Chemical Corporation, Forest Products Division, located in the borough of Avoco, Luzerne County;

with all of the above rights subject to the following general 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 property and 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 the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. 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.
4. 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.
5. 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 Klapek at A-00082176 be cancelled but that the record remain open pending disposition of the applications at A-00082176, ~~F. 1, Am-L and Am-M,~~ seeking additional property authority.

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: October 9, 1980

ORDER ENTERED: **OCT 20 1980**

A-00102306 Compliance order

PS Form 3811, Jan. 1977

RETURN RECEIPT, REGISTERED, INSUR.

NO CERTIFIED MAIL

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

1. The following service is requested (check one.)

Show to whom and date delivered. .... c

Show to whom, date and address of delivery. .... c

RESTRICTED DELIVERY  
Show to whom and date delivered. .... c

RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery. \$ \_\_\_\_

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Robert Y. Daniels, Esq.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	44943	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*Patti Raymond*

4. DATE OF DELIVERY: 10-22-80

POSTMARK: 10-22-80 PA

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS