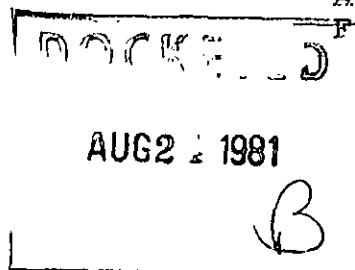




August 21, 1981

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



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 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 August 14, 1981 and dismiss the application without further proceedings.

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 enclosures, using for that purpose the enclosed form.

Very truly yours,

fao  
Enclosures  
Certified Mail  
Receipt Requested

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

William P. Thierfelder  
Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held August 14, 1981

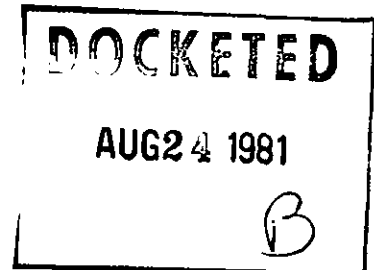
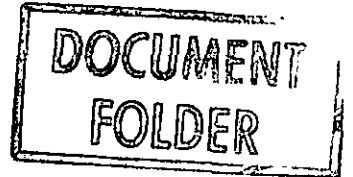
Commissioners Present:

Susan M. Shanaman, Chairman  
Michael Johnson

Linda C. Taliaferro

Application of Klapec Trucking Company, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of machinery and machine parts, and equipment, materials and supplies used or useful in the manufacture, distribution or installation of machinery and machine parts, from the facilities of Polish-American Machinery Corporation, in the city of Titusville, Crawford County, to points in Pennsylvania, and vice versa.

A-00102306  
F. 1  
Am-A



\_\_\_\_\_  
Robert Y. Daniels for Klapec Trucking Company.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 27, 1981. Public notice of the application was given in the Pennsylvania Bulletin of May 9, 1981. The unopposed application is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and its supporting shipper.

J. Bernard Klapec, president of Klapec Trucking Company (hereinafter applicant or Klapec), set forth in his verified statement that as president of the applicant, he is qualified and authorized to enter a verified statement. Klapec Trucking Company and its immediate predecessor, J. Bernard Klapec, have been certified by the Commission as a common

carrier for approximately 24 years and by the Interstate Commerce Commission for approximately 12 years. The applicant now operates actively under its certificates in both interstate and intrastate service. Should the instant proposed authority be granted, however, no duplicating authority would result nor would there be a dual operation.

Klapec operates from a terminal and garage facility in Oil City, Venango County. Currently, the Klapec fleet is comprised of 10 tractors, 17 trailers and 8 straight trucks. The equipment now operated by the applicant should be adequate to provide service to the supporting shipper in this proceeding. Should additional equipment be required, however, Klapec is in a financial position to augment its fleet either by purchase or lease. Klapec entered its comparative balance sheet for 1979 which reflects total current assets of \$82,479, total assets of \$806,297, current liabilities of \$140,173 and total liabilities of \$183,591. The applicant's annual report for calendar year 1980 reports gross operating revenue of \$1,623,050 and expenses of \$1,231,206.

No service is now provided to the supporting shipper. Upon approval of the application Klapec will offer both truckload and less truckload service on flatbed or dropdeck trailers. Klapec will transport the shipper's outbound commodities to its customers throughout the Commonwealth with an attempt to coordinate inbound shipments of materials and supplies.

Walter Moran, plant manager of Polish American Machinery Corporation (Polish American), set forth in his verified statement that as plant manager he is fully familiar with the company's operations in Titusville and is authorized to enter a supporting statement. Polish American manufactures machinery and machine parts with current gross annual sales of approximately \$2,000,000 in Pennsylvania. The company sells not only items manufactured by Polish American, but also companion items which are purchased from other suppliers and held in inventory, which then accompany Polish American products at time of sale. It is expected that from two to three truckloads per week would be tendered to the applicant for delivery to customers throughout the Commonwealth. This would approximate 90 percent of the company's intrastate requirements. Shipments originate at the Titusville plant destined to all points in Pennsylvania. Currently, the applicant uses general commodity common carriers to provide this transportation, but has had difficulty in receiving service at the time it is needed and on scheduled pickups and deliveries. Klapec will be expected to provide both truckload and less truckload service. In addition to the intrastate service supported herein, Polish American is supporting Klapec for nationwide service before the Interstate Commerce Commission.

#### DISCUSSION AND FINDINGS

Klapec desires to serve an additional shipper statewide from and to its facilities in Titusville, Crawford County. The applicant

will offer outbound service both LTL and truckload for the shipper's products and accessories, with a coordinated inbound service of equipment, materials and supplies used by the manufacturer.

Polish American Machinery Corporation will tender approximately 90 percent of its Pennsylvania volume to Klapec should authority be granted. Traffic will approximate two to three truckloads per week. In addition to the statewide service supported in Pennsylvania, the shipper is supporting Klapec for nationwide service before the Interstate Commerce Commission. The availability of the applicant in Pennsylvania will provide the shipper with a carrier able to offer a coordinated intrastate-interstate service. As well, the availability of the applicant may correct several deficiencies in current service, particularly in the areas of missed or delayed pickups and deliveries.

We find:

1. The applicant has the equipment, experience and financial capacity necessary to render the service proposed.
2. The shipper requires the service of the applicant statewide in Pennsylvania to aid it in meeting its shipping requirements.
3. Approval of the application is an accommodation and convenience to the public; THEREFORE,

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

To transport, as a Class D carrier, machinery and machine parts, and equipment, materials and supplies used or useful in the manufacture, distribution or installation of machinery and machine parts, from the facilities of Polish American Machinery Corporation, in the city of Titusville, Crawford County, to points in Pennsylvania, and vice versa.

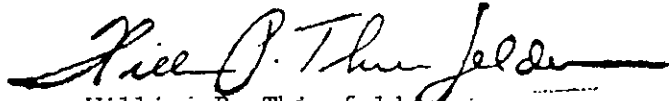
IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by, or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

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 Law and the rules and regulations of the Commission relating to the filing and acceptance of 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.

BY THE COMMISSION,



William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: August 14, 1981

ORDER ENTERED: AUG 21 1981

A.102306, F.1, Am-A Modification

PS Form 3811, Jan. 1972

RETURN RECEIPT, REGISTERED, INSUR

NO CERTIFIED MAIL

**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.....¢  
 Show to whom, date and address of delivery.....¢  
 RESTRICTED DELIVERY  
 Show to whom and date delivered.....¢  
 RESTRICTED DELIVERY.  
 Show to whom, date, and address of delivery.\$ \_\_\_\_  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
 Robert Y. Daniels, Esquire

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
 | 44671 |  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
*S. A. Cunningham*

4. DATE OF DELIVERY | POSTMARK  
 9-24-81 | 24 1981  
 A I I G  
 N L K L N

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS