

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	April 14, 1986	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Law	:	MAY-86-L-298*
4. <u>SECTION(S):</u>	Motor Carrier	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	May 1, 1986
Director:	Hoffman 7-5000	:	
Supervisor:	Schnierle 3-3846	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>		:	
	Moury 3-3713	:	
9. <u>DOCKET NO:</u>	A-00097635	:	

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

(a) James C. Logan, Inc. (Chester, PA); Letter/Petition for Declaratory Order.

(b) This matter comes before the Commission on a Letter/Petition for Declaratory Order filed by James C. Logan, Inc. (Logan) on March 20, 1986. Logan has the authority under a certificate issued by the Commission to transport articles requiring specialized handling and equipment usually employed in moving household goods. By the instant Petition, Logan seeks to eliminate his uncertainty as to whether this authority includes the right to transport business machines.

(c) The Law Bureau recommends that the Commission grant Logan's Petition and find that Logan's authority does not permit him to transport business machines.

DOCKETED
MAY 13 1986

**COMMENT
FOLDER**

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

CONTENT OF MOTION: Staff recommendation adopted.



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

May 5, 1986

IN REPLY PLEASE
REFER TO OUR FILE

A-00097635

James C. Logan
1124 Chestnut Street
Chester, PA 19013

HOLD

James C. Logan, Inc.; Letter/Petition for Declaratory
Order

To Whom It May Concern:

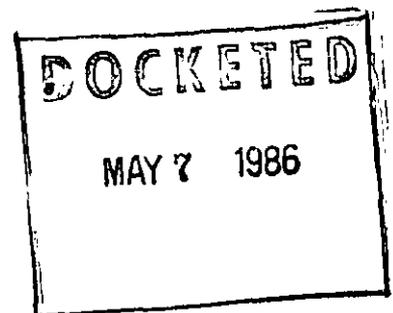
This is to advise you that an Order has been adopted
by the Commission in public meeting held May 1, 1986.

A Copy of an Order has been enclosed for your records.

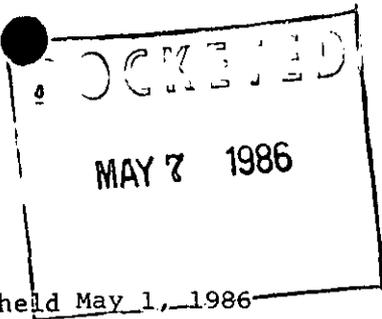
Very truly yours,

Jerry Rich, Secretary

lg
Encls.
Cert. Mail
Law Bureau
Bureau of Transportation



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120



Public Meeting held May 1, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane



James C. Logan, Inc.;
Letter/Petition for Declaratory Order

Docket No.
A-00097635

O R D E R

BY THE COMMISSION:

A certificate of public convenience was issued to James C. Logan, Inc. (Logan) on May 30, 1973 at A-00097635. The certificate authorizes Logan to, inter alia, transport articles requiring specialized handling and equipment usually employed in moving household goods.

On March 20, 1986, Logan filed a Letter/Petition for Declaratory Order, which is now before the Commission for disposition. By this Petition, Logan seeks to eliminate his uncertainty as to whether the above-described authority includes the right to transport business machines. Specifically, Logan desires to transport new IBM equipment, Xerox equipment or newly-manufactured equipment that requires specialized handling under his current operating authority.

Petitions for declaratory orders are governed by Section 331(f) of the Public Utility Code, 66 Pa. C.S. §331(f) and the Commission's regulations at 52 Pa. Code §5.42. Inasmuch as the instant Petition satisfies the requirements set forth therein, and raises a legitimate question concerning the interpretation of a certificate issued by the Commission, the Petition is properly before the Commission at this time.

It appears that the Commission decision in Application of Bekins Moving & Storage, A-00075976, F.3, Am-D (order entered February 15, 1978) is dispositive of the issue raised by Logan. In Bekins, the carrier held the same authority as held by Logan, and the Commission concluded that the carrier's authority did not include the right to transport business machines. In so ruling, the Commission explained that its policy has been to enumerate in specific detail the rights conferred upon a carrier by a certificate of public convenience. The Commission noted that to interpret the carrier's authority as including the right to transport business machines would constitute an unwarranted and extensive expansion of that authority. Furthermore,

such an interpretation might adversely affect those carriers who have obtained the specific authority to transport business machines. The Commission's conclusion and rationale in Bekins were recently reaffirmed in Re Pennsylvania Moving & Storage Association, P-850090 (Order entered April 2, 1986).

Based upon these prior decisions of the Commission, Logan's authority to transport articles requiring specialized handling and equipment usually employed in moving household goods does not include the right to transport business machines, such as IBM or Xerox equipment; THEREFORE,

IT IS ORDERED:

1. That the Letter/Petition for Declaratory Order filed by James C. Logan, Inc. on March 20, 1986 is hereby granted.
2. That the certificate of public convenience issued to James C. Logan, Inc. at A-00097635 does not authorize the transportation of business machines.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, circular flourish or scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 1, 1986

ORDER ENTERED: MAY 5 1986

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 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 service(s) requested. *A-97635*

- 1. Show to whom, date and address of delivery.
- 2. Restricted Delivery. *order*

3. Article Addressed to:
James C. Logan

4. Type of Service:
 Registered Insured
 Certified COD
 Express Mail

Article Number
44597

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

5. Signature - Addressee
X *J. C. Logan*

6. Signature - Agent
MAY 8 1986

7. Date of Delivery

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

DOMESTIC RETURN RECEIPT