

**ORIGINAL**

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**DE LONG, DRY, CIANCI & BELTZNER**

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—  
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519 WALNUT STREET  
P.O. BOX 8551  
READING, PA 19603  
(610) 376-6721  
FAX (610) 376-2370

WILLIAM M. DELONG (1989)

COUNTY OFFICES:  
EXETER  
4014 CIRCLE AVE.  
FLEETWOOD  
13 N. FRANKLIN ST.  
KUTZTOWN  
334 W. MAIN ST.  
TOPTON  
18 MAIN ST.  
WYOMISSING  
1294 PENN AVE.

December 3, 1993

John G. Alford, Secretary  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

**DOCKETED**  
DEC 28 1993

**RECEIVED**  
DEC 6 1993

**DOCUMENT  
FOLDER**

Re: McHale's Delivery Service, Inc.  
Docket No. A-105185, F.2

**PETITION FOR RECONSIDERATION AND REINSTATEMENT  
OF CERTIFICATE OF PUBLIC CONVENIENCE**

**SECRETARY'S OFFICE  
Public Utility Commission**

To the Members of the Pennsylvania Public Utility Commission:

Dear Commissioners:

Our office represents McHale's Delivery Service, Inc. They obtained their Property Common Carrier Certificate of Public Convenience on October 15, 1992 (McHale's was previously a contract carrier).

McHale's Delivery Service is a family-owned business, operated primarily by a husband and wife. This business is the source of livelihood for themselves and their children. Our client has delivered to us an Order cancelling their Certificate of Public Convenience as a result of an Order entered on November 19, 1993 for failure to file the 1992 Assessment Report. I can assure you that the circumstances that have resulted in this unfortunate situation are the result of an unintentional mix-up.

Mr. McHale received an Order to Show Cause telling him to file his 1992 Annual Report. He also received another form which looks to be identical but which is actually a separate Order to Show Cause as to the 1992 Assessment Report. This is where the oversight began. He delivered the paperwork to his accountant to be completed. After trying to figure out what happened and after contact with the PUC, I have determined that through inadvertence and mistake, the 1992 Assessment Report was not filed although the 1992 Annual Report was filed. It appears that his accountant also was unaware that two forms had to be filed. Mr. McHale had assumed

LDA

DE LONG, DRY, CIANCI & BELTZNER

John G. Alford, Secretary  
December 3, 1993  
Page 2

that he had properly taken care of this request in accordance with the direction contained in the Order to Show Cause. Consequently, he was shocked to receive the Order cancelling his PUC certificate since he thought he had taken care of this. I would also state that at first I too did not realize that the two Show Cause Orders were not identical.

The 1992 Assessment Report has been completed and I am enclosing it. I would respectfully request that you allow this letter as a petition to reconsider the Order cancelling McHale's PUC certificate and would ask that you reinstate the Certificate of Public Convenience of McHale's Delivery Service, Inc.

Lastly, I am sending a copy to Kirk House at the Law Bureau with the request that he put this matter on the agenda for the meeting of December 15, 1993 for consideration by you. Although I realize and do appreciate that the Commission and its staff is quite busy, I think this is an unusual situation which justifies putting it on the agenda for December 15. Thank you for your consideration.

Very truly yours,

DELONG, DRY, CIANCI & BELTZNER



William F. Roberts

WFR:mkm

cc Kirk House, Esq., PUC Law Bureau  
Kevin McHale  
McHale's Delivery Service



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265 HARRISBURG, PA 17105-3265

DEC 6 1993  
SECRETARY'S OFFICE  
Public Utility Commission  
ASSESSMENT REPORT  
FORM MT-92

STATEMENT OF OPERATING REVENUES FOR GENERAL ASSESSMENT  
OF COMMON CARRIER OF PROPERTY AND/OR PERSONS BY MOTOR VEHICLE

700446 TK PUC Certificate No. 105185  
MCHALE'S DELIVERY SERVICE, INC. I.C.C. Permit No. MC 228137  
P.O. BOX 4072, 1500 N. 9TH ST. 1992 Operating Period 10-15-92 to 12-31-92  
READING PA 19606

THIS REPORT MUST BE FILED NOT LATER THAN MARCH 31, 1993.  
IF NOT FILED, THE COMMISSION WILL ESTIMATE YOUR INTRASTATE OPERATING  
REVENUES AND WILL BASE YOUR ASSESSMENT ON THE ESTIMATED TOTAL.  
(Complete Back of this form.)

OPERATING REVENUES FOR CALENDAR YEAR 1992:  
(Round to nearest dollar.)

Line	Amount
1. TOTAL GROSS OPERATING REVENUES earned from operating as a common carrier of property and/or persons . . . . .	\$ 44,697.61
2. GROSS OPERATING REVENUES from INTERSTATE operations . . . . .	\$
3. TOTAL GROSS INTRASTATE operating revenue . . . . . (line 1 minus line 2)	\$ 44,697.61
4. DEDUCTIONS based on exemptions itemized on back of form . . . . .	\$
5. GROSS INTRASTATE REVENUE on which your assessment will be based \$ (line 3 minus line 4.) Indicate the method used to compute Intrastate Operating Revenue: Actual Records ( X ) estimated ( ) other ( ) . . . describe if other:	\$ 44,697.61

CERTIFICATION

Subscribed and sworn to before me  
this 1st day of December 1993

Katherine L. Oudinot  
(Signature)

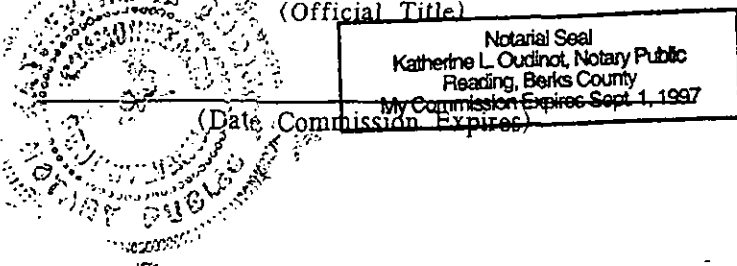
AFFIDAVIT

The information reported above is true  
and correct.

K. R. McHale 110-48-6775  
(Signature of Individual or Officer) SS#

OFFICIAL  
SEAL

(Official Title)



MC HALE'S DELIVERY SERVICE, INC. 23-2410222  
(Trade or Corporate Name of Utility) Fed. ID#

1100 N 9TH ST, READING PA.  
New Address - if different from above

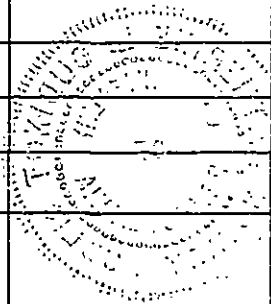
Telephone No. 215-373-2220

## OPERATING REVENUES

Show all revenues obtained during 1992 from transportation services and for services incident thereto. Show the difference between INTRASTATE and INTERSTATE revenues and compile in Accordance with Section 510 of the Public Utility Code, with Generally Accepted Accounting principles and/or the Uniform System of Accounts.

(Round to nearest dollar amount.)

CLASSIFICATION	Intrastate Pennsylvania Revenues	Interstate Revenues	Total Revenues
<b>TRANSPORTATION OF PASSENGERS</b>	*****	*****	*****
<b>Passenger Revenue:</b>	*****	*****	*****
Scheduled route service			
Group and party service			
Call or demand service			
Limousine service			
Airport transfer service			
Para-Transit service			
<b>Other Revenue</b>	*****	*****	*****
Baggage, mail, express, newspapers, etc.			
School Contracts			
Income from lease drivers			
<b>Total Passenger Revenue</b>			
<b>TRANSPORTATION OF PROPERTY</b>	*****	*****	*****
Freight-Common Carrier-Intercity/Local	\$44,697.61		\$44,697.61
Other Revenue (list)	*****	*****	*****
<b>Total Transportation of Property Revenue</b>			
<b>Total Revenues (enter at lines 1,2 and 3 front page)</b>	\$44,697.61		\$44,697.61
Senior citizens grants and Purchase of Service Agreements included in above totals			
<b>EXEMPTIONS (list)</b>	*****	*****	*****
<b>TOTAL EXEMPTIONS (enter at line 4 front page)</b>			





STATEMENT OF OPERATING REVENUES FOR GENERAL ASSESSMENT  
OF COMMON CARRIER OF PROPERTY AND/OR PERSONS BY MOTOR VEHICLE

700446 TK PUC Certificate No. 105185  
MCHALE'S DELIVERY SERVICE, INC. I.C.C. Permit No. MC-228137  
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REVENUES AND WILL BASE YOUR ASSESSMENT ON THE ESTIMATED TOTAL.  
(Complete Back of this form.)

OPERATING REVENUES FOR CALENDAR YEAR 1992:  
(Round to nearest dollar.)

Line	Description	Amount
1	TOTAL GROSS OPERATING REVENUES earned from operating as a common carrier of property and/or persons	\$ 44,497.61
2	GROSS OPERATING REVENUES from INTERSTATE operations	\$
3	TOTAL GROSS INTRASTATE operating revenue (line 1 minus line 2)	\$ 44,497.61
4	DEDUCTIONS based on exemptions itemized on back of form	\$
5	GROSS INTRASTATE REVENUE on which your assessment will be based (line 3 minus line 4)	\$ 44,497.61

Indicate the method used to compute Intrastate Operating Revenue:  
Actual Records (X) estimated ( ) other ( ) describe if other ( )

FILE THIS COPY WITH YOUR ANNUAL REPORT

POOR ORIGINAL

**OPERATING REVENUES**

Show all revenues obtained during 1992 from transportation services and for services incident thereto. Show the difference between INTRASTATE and INTERSTATE revenues and compile in accordance with Section 510 of the Public Utility Code, with Generally Accepted Accounting principles and/or the Uniform System of Accounts.

(Round to nearest dollar amount.)

CLASSIFICATION	Intrastate Pennsylvania Revenues	Interstate Revenues	Total Revenues
<b>TRANSPORTATION OF PASSENGERS</b>	*****	*****	*****
Passenger Revenue:	*****	*****	*****
Scheduled route/service			
Group and party service			
Call or demand service	<b>POOR ORIGINAL</b>		
Limousine service			
Airport transfer service			
Para-Transit service			
Other Revenue:	*****	*****	*****
Baggage, mail, express, newspapers, etc.			
School Contracts			
Income from lease drivers			
<b>Total Passenger Revenue</b>			
<b>TRANSPORTATION OF PROPERTY</b>	*****	*****	*****
Freight-Common Carrier-Intercity/Local	\$44,697.61		\$44,697.61
Other Revenue (dist)	*****	*****	*****
<b>Total Transportation of Property Revenue</b>			
<b>Total Revenues (enter at lines 1-2 (and 3) front page)</b>	\$44,697.61		\$44,697.61
Senior citizens grants and Purchase of Service Agreements included in above totals			
<b>EXEMPTIONS (dist)</b>	*****	*****	*****
<b>TOTAL EXEMPTIONS (enter at line 4 front page)</b>			