



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

March 26, 1984

IN REPLY PLEASE
REFER TO OUR FILE
A-00105100

Frank Chappell, Jr.
Box 94
Mammoth, PA 15664

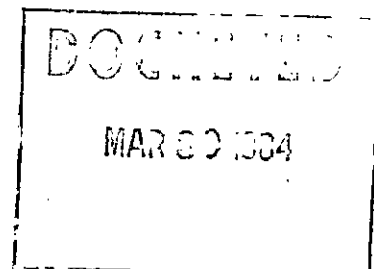
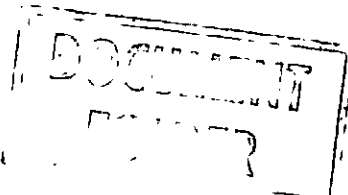
Application of Frank Chappell, Jr.,

Dear Sir:

Enclosed is the compliance order issued by the Commission in the above proceeding.

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.



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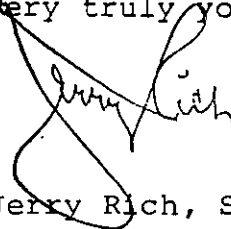
A-00105100

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate 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 sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of March 16, 1984 and dismiss the application without further proceedings.

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

Very truly yours,



Jerry Rich, Secretary

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Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 16, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of Frank Chappell, Jr.,
for the right to begin to transport,
as a common carrier, by motor
vehicle, coal, for Bituminous
Processing Coal Company from points
in the township of South Huntingdon,
Westmoreland County, to points in
the borough of Braddock, Allegheny
County.

A-00105100

Frank Chappell, Jr., pro se.

ORDER

BY THE COMMISSION:

This matter comes before the Commission by an application filed on August 17, 1983, and published in the Pennsylvania Bulletin of November 12, 1983. There are no protests and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and the shipper.

Frank Chappell, Jr., (or applicant) is a resident of Mammoth, Westmoreland County, and is the owner of three tractors and two dump trailers with which the proposed service will be provided. He has no other operating authority of any nature and is not affiliated with any other carrier. All of the service will be provided from his place of residence with communications handled by telephone.

All of the vehicles have current Pennsylvania inspection stickers, plates and registration. The applicant personally inspects the vehicles daily to insure safe operation. He has total assets of \$344,000 and total liabilities of \$15,000, leaving a net worth of \$329,000.

DOCKETED

MAR 30 1984

Robert E. Nyswaner is the owner and secretary-treasurer of Bituminous Processing Company (or shipper), domiciled in Wyano, Westmoreland County, and has entered a supporting verified statement. The company is a coal processor and ships an average of 2,000 to 4,000 tons per month to the U.S. Steel Company located in the borough Rankin, Allegheny County. Deliveries are required daily in full truckload quantities. It has found the applicant to be very reliable and professional in his past and present handling of coal shipments.

DISCUSSION AND FINDINGS

Frank Chappell, Jr., operating as an individual, seeks authority to transport coal for Bituminous Processing Company, from South Huntingdon Township, Westmoreland County, to the borough of Braddock in Allegheny County. There are no protests.

It is evident that the applicant has been serving the supporting shipper although this is his initial application for operating authority. Without benefit of developed testimony through oral hearing, we cannot determine whether the service was provided in the capacity of an owner-operator leased to a certificated carrier or whether the applicant did so on his own accord. In any event, we accept this application as a gesture of good faith and do not believe the service was provided with a willful intent to violate the Public Utility Law.

The supporting shipper attests to the fact that its traffic is destined to the facilities of U.S. Steel Company in the borough of Rankin, Allegheny County, and not to points in the borough of Braddock as has been captioned and advertised in the Pennsylvania Bulletin. The boroughs of Rankin and Braddock are adjacent and the error is understandable. The Rankin location has been confirmed by the Commission staff.

The proposed service is very limited in scope and applies only for a single shipper. For this reason, we are not inclined to be overly restrictive and delay the applicant's ability to handle the shipper's traffic. The application was duly advertised and the public has full knowledge of the identity of the involved shipper. Since the shipper's traffic is destined only to one customer, we believe any potential protesting party was already aware of the fact that the customer is located in Rankin rather than Braddock. Further, we do not feel that anyone will be unduly harmed if the applicant has authority to take the traffic to its proper destination in Rankin.

We find:

1. That a public need for the service as proposed and hereinafter modified does exist.
2. That the applicant is fit, ready, willing and able to properly render the service as proposed and modified.

3. That approval of the application as modified is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as modified, granting the following right:

To transport, as a Class D carrier, coal, for Bituminous Processing Company, from points in the township of South Huntingdon, Westmoreland County, to points in the borough of Rankin, Allegheny County.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates, a certificate issue evidencing the Commission's approval of the right to operate as above determined.

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

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a faint, dotted rectangular stamp.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 16, 1984

ORDER ENTERED: MAR 26 1984

PS Form 3811, July 1982

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-105 100

TOTAL \$

3. ARTICLE ADDRESSED TO:

Frank Chappell, Jr.

4. TYPE OF SERVICE:

- REGISTERED
- CERTIFIED
- EXPRESS MAIL
- INSURED
- COD

ARTICLE NUMBER

44306

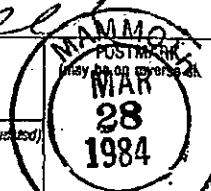
(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

F. Chappell, Jr.

5. DATE OF DELIVERY



6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE'S INITIALS

J.R.W.

RETURN RECEIPT