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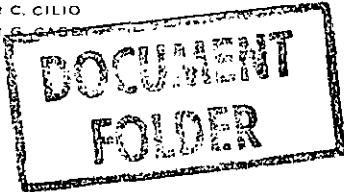
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August 29, 1986

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Re: J. F. Lomma, Inc.
Docket No. A. 105101

RECEIVED
SEP 2 1986
SECRETARY'S OFFICE
Public Utility Commission

Dear Secretary Rich:

Enclosed please find the original and two (2) copies of a Petition Seeking Reinstatement of Commission Order and Issuance of Certificate of Public Convenience which is being filed on behalf of J. F. Lomma, Inc. in the above-captioned proceeding.

If any other information is required in connection with this matter, please do not hesitate to contact the undersigned.

Very truly yours,

James W. Patton
JAMES W. PATTERSON

JWP/tal
Enclosures

cc: James Lomma, President
James J. Motley
Angelo M. Monaco

ORIGINAL

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

SEP 2 1986

**SECRETARY'S OFFICE
Public Utility Commission**

APPLICATION OF

:

DOCKET NO.

J. F. LOMMA, INC.

:

A. 105101

**DOCUMENT
FOLDER**

**PETITION SEEKING REINSTATEMENT OF
COMMISSION ORDER AND ISSUANCE OF
CERTIFICATE OF PUBLIC CONVENIENCE**

DOCKETED
SEP 02 1986

COMES NOW, J. F. Lomma, Inc. ("Lomma") by its attorneys and seeks reinstatement of the conditional grant of common carrier operating rights contained in an Order entered by the Commission on October 8, 1985 at the above docket. Lomma also seeks the issuance of a Certificate of Public Convenience authorizing it to operate the authority granted in this matter. In support of its Petition, Lomma respectfully represents as follows:

1. By Order entered October 8, 1985, the Commission granted to Lomma common carrier authority to transport property, which because of size or weight, requires the use of rigging, special handling and special equipment, between points in Pennsylvania, subject to two specific, limited restrictions.

2. The Order provided that a Certificate of Public Convenience would not issue until Lomma filed a tariff and appropriate evidence of insurance. The Order also provided that the filings be made within sixty (60) days.

3. The time period for achieving compliance with the Commission's Order was subsequently extended at Lomma's request to December 31, 1985.

4. By Secretarial letter dated June 27, 1986, the application was dismissed for failure to file a cargo insurance certificate.

5. Prior to December 31, 1985, Lomma filed: (A) a tariff; (B) Evidence of public liability insurance (Form E); and (C) Evidence of cargo liability insurance coverage (Form H). The evidence of cargo insurance (Form H) was initially rejected by the Commission because the Form did not conform to the Commission regulations. However, subsequent to the rejection of the Form H (but prior to the December 31, 1985), the Commission altered its policy so as to permit the use of Form H as evidence of cargo insurance coverage. As a result, it is clear that Lomma had, in fact, made all of the necessary filings and achieved compliance with the Commission's October 8, 1985 Order prior to December 31, 1985, although one of the filings was temporarily rejected.

6. After investigation, it is uncertain whether or not the Form H was refiled. It is apparent that there is no record of its refiling. It is clear that the Commission's records never reflected compliance having been made.

7. As a result of a series of communication problems as between Lomma, its insurance agent and the insurance carrier as well as the confusion with respect to Form H earlier mentioned, no evidence of cargo liability coverage on Form UCPC 31 was filed, until recently.

8. During the period of time between December of 1985 and June of 1986 in response to Commission warning letters, telephone communications took place between representatives of Lomma and the Commission's Insurance Section. Lomma's insurance carrier, when asked by Lomma, continually insisted that all necessary filings had been accomplished -- that compliance had been made. The Commission's Insurance Section insisted otherwise. Lomma throughout the period continued to attempt to obtain assurances that all necessary filings has been accomplished. As matters turned out, the Commission's Insurance Section was correct that no UCPC 31 filing had been made. Finally, we understand, in early July, the insurance carrier made the appropriate filing.

9. We have been advised by the Insurance Section (by telephone) that all necessary evidence of insurance is on file.

10. At all times Lomma has been covered by public liability, property damage liability and cargo liability insurance substantially in excess of the Commission's requirements. There has been no gap in coverage. The only shortcoming has been in connection with producing evidence of such coverage.

11. In view of the substantial showing of public need for the service proposed by Lomma found by the Initial Decision and the Commission's Order entered earlier in this proceeding, the innocent errors made by Lomma, Lomma's good faith and continual attempts to achieve compliance and the fact that Lomma is now in compliance, Lomma requests that the Commission reconsider the dismissal of its application so as to afford it the opportunity to offer its service to Pennsylvania shippers of size and weight commodities.

WHEREFORE, J. F. Lomma, Inc. prays issuance of an Order reinstating the Commission's Order of October 8, 1985 and authorizing the issuance to Lomma of a Certificate of Public Convenience.

Respectfully submitted,



JAMES W. PATTERSON
Attorney for J. F. Lomma, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the foregoing document upon all parties of record in this proceeding, by postage prepaid, properly addressed, first-class mail.

Dated at Philadelphia, Pennsylvania, this 29th day of August, 1986.


JAMES W. PATTERSON

Of Counsel:

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