

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	June 6, 1985	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Law	:	JUN-85-L-500*
4. <u>SECTION(S):</u>	Non-Rail Transp.	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	June 21, 1985
Director:	Hoffman 7-5000	:	
Supervisor:	Lowenstein 3-3713	:	
7. <u>MONITOR:</u>	Chm. Taliaferro	:	
8. <u>PERSON IN CHARGE:</u>	Waggoner 3-2840	:	
9. <u>DOCKET NO:</u>	A-00104919	:	

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation
- (a) James D. Morrissey, Jr., Petition to Reinstate Application.
- (b) By letter dated July 26, 1984, the Commission dismissed the application for a certificate of public convenience filed by James D. Morrissey, Jr. (Morrissey) for failure to file with the Commission public liability, property damage and cargo insurance as required by the Public Utility Code. On May 13, 1985, the Commission received a letter-Petition to Reinstate the application filed by Morrissey's attorney.
- (c) The Law Bureau recommends that the Commission grant Morrissey's Petition to Reinstate the application.

DOCKETED
JUL 2 - 1985

DOCKET
FOLLOW UP

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

CONTENT OF MOTION: Staff recommendation adopted.

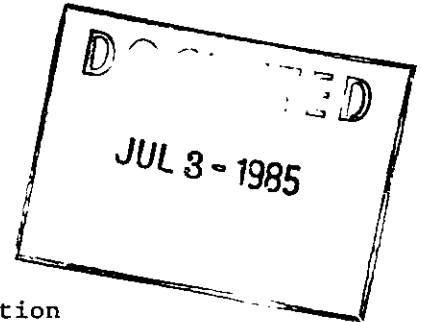
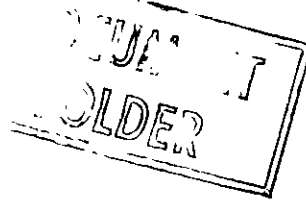


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

June 25, 1985

IN REPLY PLEASE
REFER TO OUR FILE
A-00104919

D. Rodman Eastburn, Esquire
60 E. Court St.
Doylestown, PA 18901



James D. Morrissey, Jr. - Petition to Reinstate an Application

Dear Sir:

This is to advise you that an Order granting Petition by Applicant to Reinstate the application has been adopted by the Commission in Public Meeting on June 21, 1985, in the above entitled proceeding.

An Executed Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

jr
Encls.
Cert. Mail
cc: Applicant
9119 Frankford Ave.
Philadelphia, PA 19114

Bureau of Non-Rail Trans.
Law Bureau

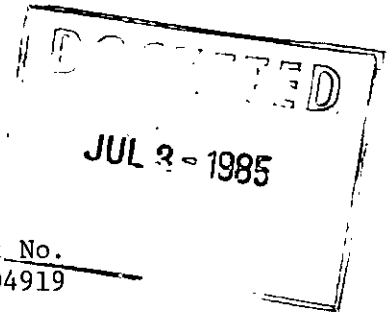
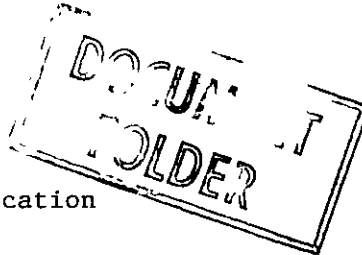
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 21, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
James H. Cawley
Frank Fischl
Bill Shane

James D. Morrissey, Jr.
Petition to Reinstate an Application



Docket No.
A-00104919

O R D E R

BY THE COMMISSION:

By application docketed June 11, 1983, James D. Morrissey, Jr. (Morrissey) filed an application at A-00104919 for a certificate of public convenience which was to be a transfer of the rights authorized at A-00047868 to James D. Morrissey (deceased). By order adopted November 22, 1983 (entered November 30, 1983), Morrissey was granted the rights requested, conditioned upon compliance with the requirements of the Public Utility Code relevant to the filing and acceptance of evidence of insurance and appropriate tariffs on or before sixty (60) days from the date of the service of the order.

By letter dated July 26, 1984, the Commission informed Morrissey that, since he had not filed evidence of public liability, property damage and cargo insurance, his application for a certificate of public convenience was dismissed. On May 13, 1985, (ten months later), Morrissey filed a Letter-Petition to Reinstate the application.

A Petition to Reinstate an application should generally be granted only in light of newly discovered evidence or a change in circumstances, since an adequate opportunity to be heard has already been provided. Brink's Inc. v. Pa. P.U.C., 16 Pa. Commonwealth C. 300, 328 A.2d 582 (1974); Commonwealth Telephone Co., 24 Pa. Commonwealth Ct. 243, 355 A.2d 611 (1976). Petitioner attributes the delay in responding to the Commission's request for evidence of insurance to the fact that although the insurance filing was received by the Commission, it was improperly placed in the wrong folder. The Bureau of Non-Rail Transportation confirms this fact. Since the foregoing evidence appears credible, we believe that reinstatement of the application is warranted, THEREFORE,

IT IS ORDERED: That the Petition to Reinstate the application filed by James D. Morrissey, Jr. on May 13, 1985 at A-00104919 is hereby granted.

BY THE COMMISSION,

A handwritten signature in cursive script that reads "Jerry Rich". The signature is written in black ink and is positioned above the printed name and title.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 21, 1985

ORDER ENTERED: JUN 25 1985

PS Form 3811, July 1983

A-104919 *o*

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.

1. Show to whom, date and address of delivery.

2. Restricted Delivery.

3. Article Addressed to:
*N. Rodman Eastburn
Eggs.*

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	44812

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

5. Signature - Addressee
X

6. Signature - Agent
X *J. Skouteln*

7. Date of Delivery
JUN 26 1985

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

DOMESTIC RETURN RECEIPT