

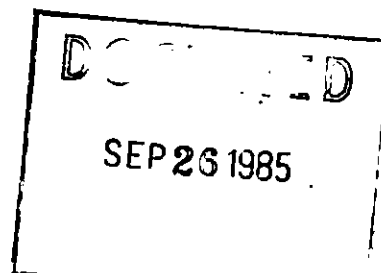
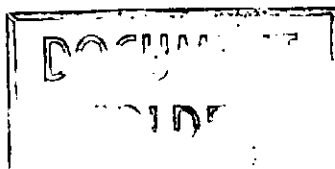
1. <u>REPORT DATE:</u>	: August 19, 1985	2. <u>BUREAU AGENDA NO.</u>	: SEP-85-T-954*
3. <u>BUREAU:</u>	: Transportation		
4. <u>SECTION(S):</u>	: Technical Review	5. <u>PUBLIC MEETING DATE:</u>	: September 19, 1985
6. <u>APPROVED BY:</u>	: Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>	:		
8. <u>PERSON IN CHARGE:</u>	: G. Travitz 3-5947		
9. <u>DOCKET NO:</u>	: A-00106111		

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

(a) Application of Lewis Marki, t/d/b/a L. Marki & Son, for the right to begin to transport as a common carrier, by motor vehicle, various commodities from the facilities of Eureka Stone Quarry, Inc. and sand and stone from the facilities of Lehigh Valley Sand & Gravel Co. The complete authority is set forth in the attached proposed order.

(b) Applicant seeks to initiate service as a common carrier for two named shippers and the application is unprotested. We will modify the authority to read "for" those shippers since no other shipper support has been presented. Approval of the application will be an accommodation and convenience to the public.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application as modified.



11. MOTION BY: Commissioner Chm. Taliaferro 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

September 25, 1985

IN REPLY PLEASE
REFER TO OUR FILE

A-00106111

Raymond Talipski, Esquire
121 S. Main St.
Taylor, PA 18517



Application of Lewis Marki, t/d/b/a L. Marki and Son

Dear Sir:

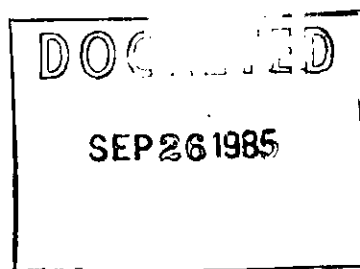
Enclosed is the compliance order issued by the Commission in this proceeding.

A 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 an insurance agent to have an insurance company file the following forms with the Commission.

- a. A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the enclosed sheet.
- b. A Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than \$2,500 per vehicle. Under certain circumstances, exemption from the cargo insurance requirements may be secured by filing the enclosed Form PUC-288.

II. Prepare and file a tariff according to the enclosed instructions.



Public Liability and Property Damage Insurance
 Minimum Limits for Pa. Public Utility Commission Authority

Common Carriers and Contract Carriers

		Limit for Bodily Injuries to or Death Of One Person	Limit for Bodily Injuries to or Death of All Persons in Any One Accident	Limit for Loss or Damage in Any One Accident to Property of Others, Excluding Cargo
Passenger Carriers (seating capacity)	7 or less	\$25,000	\$100,000	\$10,000
	8 to 12	25,000	150,000	10,000
	13 to 20	25,000	200,000	10,000
	21 to 30	25,000	250,000	10,000
	31 or more	25,000	300,000	10,000
Property Carrier		25,000	100,000	10,000

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

A-00106111

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. No motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

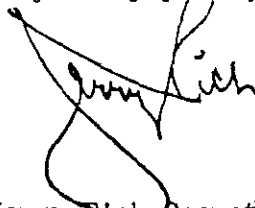
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of September 19, 1985, and dismiss the application without further proceedings.

If you foresee any problems with any of the requirements please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section (717)787-1227

Tariff Filings: -Tariff Section (717)787-5521

Very truly yours,



Jerry Rich, Secretary

jr
Enclosures
Certified Mail
Receipt Requested
cc: Applicant
R. D. 1, Box 1504
Stroudsburg, PA 18360

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 19, 1985

Commissioners Present:

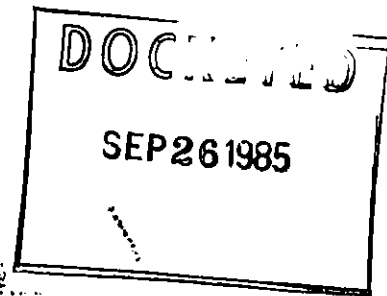
Linda C. Taliaferro, Chairman

Frank Fischl

Bill Shane

Application of Lewis Marki, t/d/b/a L. Marki and Son, for the right to begin to transport, as a common carrier, by motor vehicle, (1) anti-skid materials, paving materials, gravel, asphalt, sand, stone and fill, from the facilities of Eureka Stone Quarry, Inc., located in the counties of Lackawanna, Wayne, Pike and Monroe, to points in the counties of Carbon, Lackawanna, Monroe, Pike, Northampton, Lehigh, Berks and Bucks; and (2) sand and stone, from the facilities of Lehigh Valley Sand & Gravel Co., located in the county of Monroe, to points in the counties of Monroe, Pike, Carbon, Lackawanna, Northampton, Lehigh, Berks and Bucks.

A-00106111



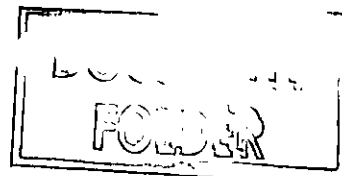
Raymond Talipski for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 18, 1985. Public notice of the application was published in the Pennsylvania Bulletin of April 27, 1985 and no protests were received.

The unopposed application is certified to the Commission without oral hearing. The record consists of verified statements entered by the applicant and two supporting shippers.



DISCUSSION AND FINDINGS

The applicant seeks to initiate service as a common carrier providing service for Eureka Stone Quarry, Inc. and Lehigh Valley Sand & Gravel Co. Applicant will operate from his residence located at R.D. 1, Stroudsburg, Monroe County. Communications will be maintained via two residential line telephones. The service will be rendered in two dump trucks and a tractor & dump semi-trailer owned by the applicant. A comprehensive maintenance repair and safety program will be in effect.

The applicant has the financial fitness to perform the service as he has total assets of \$375,205, total liabilities of \$67,191 resulting in a net worth of \$308,014.

Eureka Stone Quarry, Inc. states it is engaged in the mining and processing of anti-skid materials, paving materials, gravel, asphalt, sand, stone and fill. It requires the transportation of its commodities in bulk from its plants located in the counties of Lackawanna, Monroe, Pike and Wayne to places of sale in the counties of Carbon, Lackawanna, Monroe, Pike, Northampton, Lehigh, Berks and Bucks. Eureka anticipates it will ship 1,000,000 tons from each of its four plants per year.

Lehigh Valley Sand & Gravel Co. is a processor of sand and gravel. It requires the transportation of its commodities in bulk from its facility in Brodheadsville, Monroe County, to where ever a sale is made. Representative points of destination are in the counties of Monroe, Lackawanna, Pike, Carbon, Northampton, Lehigh and Berks and the city of Harrisburg, Dauphin County. Lehigh Valley anticipates it will ship 1,500 tons of sand and gravel per week, year round.

Lehigh Valley Sand & Gravel Co. has indicated Harrisburg, Dauphin County, as a representative point of destination. Dauphin County is not included as a destination point in the proposed application. If Lehigh Valley desires Dauphin County as a destination point applicant will have to make appropriate application to the Commission. Rendition of any service outside the scope of applicant's authority could result in a penalty as prescribed by the Commission.

Neither supporting shipper has presented evidence that service will be provided for any shipper other than themselves. We will limit the authority to read "for" the two named shippers from their facilities.

The correct name of the supporting shipper Lehigh Valley should read Lehigh Valley Sand & Gravel Company, Inc. This correction will be made in the ordering paragraph.

We find that:

1. The applicant has the fitness and equipment necessary to render the proposed service as modified.

2. Applicant has the support of the two named shippers in the application territory.

3. The authority to be granted will be limited "for" the named shippers as no other shipper support was presented.

4. Dauphin County is not included in the territory as proposed.

5. Evidence of record indicates the supporting shipper's name should read Lehigh Valley Sand & Gravel Company, Inc.

6. Approval of the application as modified is necessary for the accommodation and convenience of the public; THEREFORE,

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

To transport as a Class D carrier anti-skid materials, paving materials, gravel, asphalt, sand, stone and fill, for Eureka Stone Quarry, Inc., from its facilities located in the counties of Lackawanna, Wayne, Pike and Monroe, to points in the counties of Carbon, Lackawanna, Monroe, Pike, Northampton, Lehigh, Berks and Bucks;


To transport as a Class D carrier, sand and stone, for Lehigh Valley Sand & Gravel Company, Inc., from its facilities located in the county of Monroe, to points in the counties of Monroe, Pike, Carbon, Lackawanna, Northampton, Lehigh, Berks and Bucks.

IT IS FURTHER ORDERED: That the application be denied in all other respects for lack of proof of necessity.

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

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

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the end.

Jerry Rich
Secretary

ED: September 19, 1985

ED: SEP 25 1985

A-106111 *J*
 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:

Raymond Talipski, Esq.

4. Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Article Number

44841

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X *Thomas Gardel*

7. Date of Delivery

9/30/85

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