

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> November 17, 1986	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u> Transportation	:	JAN-87-T-5*
4. <u>SECTION(S):</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	January 8, 1987
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> White 7-4387	:	
9. <u>DOCKET NO:</u> A-00106830	:	

DOCKETED

 JAN 15 1987

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

(a) Application of Clouse Trucking, Inc., West Pennsboro Township, Cumberland County, for the right to begin to transport, as a common carrier, such merchandise as is dealt in by wholesale, retail and chain groceries, food business houses, drug stores and drug houses, and by hospitals and nursing homes, between the Pennsylvania facilities owned, leased, or used by Dauphin Distribution Services Co., and from said facilities to points in Pennsylvania, and vice versa.

(b) The application was protested by four carriers. One carrier withdrew upon reconsideration of its interest in the matter and the remaining three carriers withdrew upon restrictive amendment which precludes the transportation of petroleum and petroleum products, in bulk, in tank-type vehicles, and eliminates service in the vice versa direction. The application is supported by one shipper. We have modified the grant of authority to reflect service for the sole supporting shipper of record. We find that the applicant is fit, ready, wiling and able to render the service as amended and modified.

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

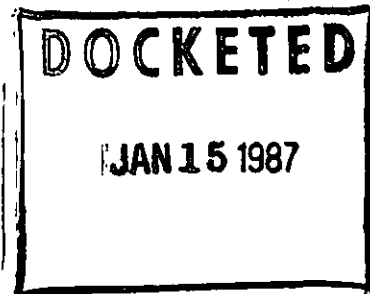
11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Fischl - Yes.
 Commissioner
 SECONDED: Commissioner Shane Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120
January 14, 1987



IN REPLY PLEASE
REFER TO OUR FILE
A-00106830

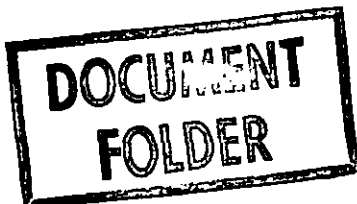
Herbert R. Nurick, Esquire
P.O. Box 1166
Harrisburg, PA 17108

Application of Clouse Trucking, INC., a corporation of the
Commonwealth of Pennsylvania

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 in-
surance 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-00106830

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. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

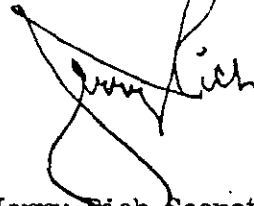
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of January 8, 1987 and dismiss the application without further proceedings.

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: Mr. Joseph Machulsky-Tariff Section (717)787-5521

Very truly yours,



Jerry Rich, Secretary

Enclosures
Certified Mail
Receipt Requested
cc: Applicant
R.D. #5, Box 112
Carlisle, PA 17013

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

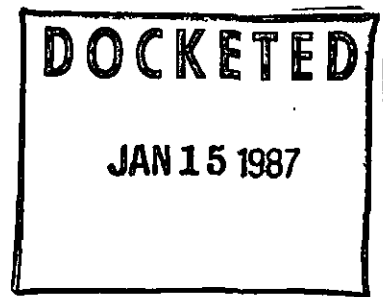
Public Meeting held January 8, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Clouse Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, such merchandise as is dealt in by wholesale, retail and chain groceries, food business houses, drug stores and drug houses, and by hospitals and nursing homes, between the Pennsylvania facilities owned, leased, or used by Dauphin Distribution Services Co., and from said facilities to points in Pennsylvania, and vice versa.

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McNees, Wallace & Nurick, by Herbert R. Nurick for the applicant.
Peter G. Loftus for protestant, Seaboard Tank Lines, Inc.
Albert L. Evans, Jr., for protestant, Evans Delivery Company, Inc.
Rex W. McQuaide for protestant, W. C. McQuaide, Inc.
Graf, Knupp & Andrews, by Christian V. Graf for protestant, H. C. Gabler, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on March 14, 1986, and published in the Pennsylvania Bulletin of April 5, 1986. Four carriers protested the application. One carrier withdrew upon reconsideration of its interest in the matter. The remaining three carriers withdrew upon restrictive amendment which precludes the transportation of petroleum and petroleum products, in bulk, in tank-type vehicles. Service in the vice versa direction has also been eliminated.



The unopposed record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and the shipper.

J. Edward Clouse, president of Clouse Trucking, Inc. (or applicant), has entered a verified statement in which he sets forth that the applicant's place of domicile is West Pennsboro Township, with a mailing address of R.D. 5, Box 112, Carlisle, Pennsylvania 17103. Its operating facilities are located in West Pennsboro Township, Cumberland County, about one mile from the borough limits of Carlisle.

The applicant corporation was organized under the business laws of Pennsylvania and its charter purpose authorizes it to render service as a motor carrier. The applicant witness currently holds a common carrier certificate at A-00090287, but has placed an application before us docketed at A-00106830, Folder 2, to have the common carrier authority transferred to the applicant corporation. It holds authority from the I.C.C.

The applicant's West Pennsboro Township terminal consists of an office, garage, loading station, and dispatch center. The garage is equipped to conduct vehicle inspections and to perform repairs of any kind, including complete overhauls. The applicant owns 71 tractors and 35 van trailers, all of which are suitable for use in the proposed service. A very thorough safety program is administered, including driver safety meetings twice a year.

An unaudited balance sheet indicates that as of December 31, 1985, the applicant had current assets of \$666,255, total assets of \$2,644,030, with current liabilities of \$998,103 and no long-term liabilities of any kind, leaving stockholders' equity of \$1,645,927. A statement of income for 1985, shows that from revenues of \$4,989,345, the applicant had a net income of \$246,747.

Doris E. Leach is the director of transportation for Dauphin Distribution Services Co. (DDS or shipper), domiciled in Camp Hill, Cumberland County, and has submitted a supporting verified statement. It owns five different facilities in Hampden Township, a facility in Camp Hill, and two facilities in Silver Spring Township, all in Cumberland County. Another facility is operated in Silver Spring Township which the company does not own. Since the company is a growing concern, it states that it is highly likely that it will utilize other facilities in Cumberland County or elsewhere.

DDS ships virtually the entire area of Pennsylvania and it is extremely important to it that the applicant have statewide authority. It also has shipments moving between each facility. The applicant serves DDS in interstate commerce in a very satisfactory manner. Its drivers are very familiar with the products and other shipping requirements of DDS. The applicant would be given eight to 10 truckloads per week.

DDS operates distribution centers and a freight consolidation program for the industries covered in the proposed authority. Specifically, the industries are classified as wholesale, retail and chain groceries, food business houses, drug stores and drug houses, and hospitals and nursing homes. From its experience with the applicant, DDS knows it can provide good service within Pennsylvania just as it does in interstate traffic. DDS feels that its customer service in Pennsylvania will be more efficient by having the proposed motor carrier service available. Among other things, DDS will be able to combine both interstate and intrastate traffic on the same load.

DISCUSSION AND FINDINGS

Clouse Trucking, Inc., seeks a common carrier certificate which would authorize it to transport, as a common carrier, such merchandise as is dealt in by wholesale, retail and chain groceries, food business houses, drug stores and drug houses, and by hospitals and nursing homes, between the Pennsylvania facilities owned, leased or used by Dauphin Distribution Services Co., and from those facilities to points in Pennsylvania, and vice versa. The transportation of petroleum or petroleum products, in bulk, in tank-type vehicles has been precluded by restrictive amendment as has the vice versa portion of the authority.

The applicant seeks authority to render service for a particular shipper. Were it not for the fact that the applicant has placed an application before us for the transfer to it of all of the common carrier authority held by J. Edward Clouse at A-00090287, we would treat the immediate application in the vein of contract carriage. The transfer proceeding, docketed at A-00106830, Folder 2, is unopposed after having been published in the Pennsylvania Bulletin.

Dauphin Distribution Services Co., in its general commodities warehousing business, conducts distribution and freight consolidation services for shippers involved in the grocery, drug and hospital/nursing home types of businesses. In the process, Dauphin Distribution Services has control over the transportation of the commodities, in that it selects the carrier and advances payment of freight charges on behalf of the shippers. For all intents and purposes, the service to be rendered by the applicant will be for Dauphin Distribution Services. For this reason, we deem it appropriate to modify any authority conveyed herein so that service will be limited for Dauphin Distribution Services, as opposed to the open authority as it was initially proposed.

The applicant is no stranger to Dauphin Distribution Services by virtue of having provided the very same type of service in intrastate commerce for some time. It has a good supply of company-owned equipment and it is in good financial condition. We believe it is well qualified to provide the service under consideration.

We find:

1. That the application is supported by a single shipper.

2. That the applicant has a transfer application pending before us at A-00106830, Folder 2, seeking to acquire additional common carrier authority.

3. That the applicant will hold itself out to serve the general public in the capacity of a common carrier.

4. That the applicant will serve only one shipper in the authority proposed here.

5. That it is appropriate to modify the proposed authority to the extent that service will be limited for the sole supporting shipper only, in the capacity of a common carrier.

6. That the applicant is fit, ready, willing and able to render the proposed service as amended and modified.

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

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

To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail and chain groceries, food business houses, drug stores and drug houses, and by hospitals and nursing homes, for Dauphin Distribution Services Co., between the facilities owned, leased or used by Dauphin Distribution Services Co., and from said facilities to points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Code 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". The signature is stylized with a large loop on the left side and a smaller loop on the right side.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 8, 1987

ORDER ENTERED: JAN 14 1987