

PUC - 77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

- | | | |
|---|---|---|
| 1. <u>REPORT DATE:</u>
November 19, 1986 | : | 2. <u>BUREAU AGENDA NO.</u>
DEC-86-T-1248* |
| 3. <u>BUREAU:</u>
Transportation | : | 5. <u>PUBLIC MEETING DATE:</u>
December 4, 1986 |
| 4. <u>SECTION(S):</u>
Technical Review | : | 6. <u>APPROVED BY:</u>
Director: Ernst 7-2154
Supervisor: Bigelow/Marzolf 3-5945 |
| 7. <u>MONITOR:</u> | : | 8. <u>PERSON IN CHARGE:</u>
Hoshour 7-5513 |
| 9. <u>DOCKET NO:</u>
A-00106830, F. 2 | : | 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., Carlisle, Cumberland County, a corporation of the Commonwealth of Pennsylvania, for approval of the transfer to it of all of the rights authorized under the certificate issued at A-00090287, to J. Edward Clouse, subject to the same limitations and conditions.

(b) The applicant seeks to acquire all of the operating authority of the transferor for the sum of \$1,500. The transferor is the president of the transferee and holder of 50 percent of the issued stock of the transferee. No tangible property is involved in the transfer proceedings. The applicant is fit to hold a certificate of public convenience and there continues to be a public necessity for the rights herein involved.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and cancelling by supplemental order the certificate of the transferor at A-00090287.

DOCKETED

DEC 26 1986

**DOCUMENT
FOLDER**

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

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120
December 9, 1986

IN REPLY PLEASE
REFER TO OUR FILE
A-00106830
F.2

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

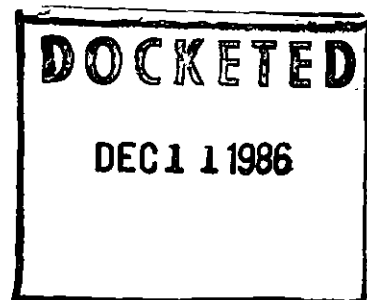


Application of Clouse Trucking, Inc., a corporation of the
Commonwealth of Pennsylvania

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
F.2

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.

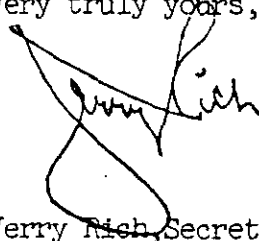
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of December 4, 1986 and dismiss the application without further proceedings.

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 December 4, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Clouse Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for approval of the transfer to it of all of the rights authorized under the certificate issued at A-00090287, to J. Edwards Clouse, subject to the same limitations and conditions.

A-00106830
F. 2

McNees, Wallace & Nurick by Herbert R. Nurick for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 5, 1986. Public notice of the application was given in the Pennsylvania Bulletin of September 27, 1986. No protests have been filed and the record is certified to the Commission for its decision without an oral hearing.

Clouse Trucking, Inc. (transferee or applicant), R.D. 5, Carlisle, Cumberland County, seeks by the instant application to acquire all of the common carrier authority currently held by J. Edward Clouse (transferor) at A-00090287. The authority at A-00090287 consists of four (4) rights which authorizes: (1) transportation of property as a Class B carrier, between eight named municipalities located in Cumberland County; (2) transportation of milk and milk products, and various associated commodities, between the facilities of Holly Milk Cooperative in South Middletown, Cumberland County, and from said facilities to points in Pennsylvania, and vice versa; (3) transportation of milk and milk products for the Inter-State Milk Producers' Cooperative, Inc., between points in Pennsylvania; and (4) transportation of liquid sugar and liquid blends consisting of sugar and other commodities, in bulk in tank vehicles, from the facilities of The National Sugar Refining Company in the city and county of Philadelphia, to points in Pennsylvania.

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The purpose of the instant application is to permit the transfer of the operating authority from J. Edward Clouse, a sole proprietorship, to the transferee, a Pennsylvania corporation, of which the transferor is president and stockholder of 50 percent of the issued stock. Through arm's length negotiations, a total consideration of \$1,500 was determined to be equitable for the common carrier authority. Total consideration is due with thirty (30) days of approval of the instant application. No tangible property is involved in the transfer proceeding.

The applicant's balance sheet, as of December 31, 1985, indicates that the transferee has total current assets of \$666,255, total assets of \$2,644,030, total current liabilities of \$998,103, and stockholders' equity of \$1,645,927. The transferor's annual reports for the years 1985, 1984 and 1983, sets forth that he had total gross operating revenues of \$67,965, \$65,297 and \$64,547, respectively. The transferor has no unpaid business debts. The transferor does have the applicable insurance on file with the Commission.

We find:

1. That the applicant is fit to hold a certificate of public convenience.
2. That there is a continuing necessity for the rights herein involved.
3. That approval of the application is necessary for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for transfer of all of the rights held by J. Edward Clouse at A-00090287, be and is hereby approved, granting the following rights:

To transport, as a Class B carrier, property between points in the Borough of Newville and the Townships of West Pennsboro, Newton, Upper Mifflin, Lower Mifflin, Penn, Upper Frankford and Lower Frankford, Cumberland County.

To transport, as Class D carrier, milk and milk products, and materials, supplies and equipment used in the processing or manufacture and distribution of milk and milk products, between the facilities of the Holly Milk Cooperative in the Township of South Middleton, Cumberland County, and from said facilities to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport products derived from corn and blends containing products derived from corn, liquid and

invert sugar, corn syrup, and mixtures of liquid and invert sugar and corn syrup, in bulk, in tank vehicles.

To transport, as a Class D carrier, milk and milk products, for the Inter-State Milk Producer's Cooperative, Inc., between points in Pennsylvania.

To transport, as a Class D carrier, liquid sugar and liquid blends consisting of sugar and other commodities, in bulk, in tank vehicles, from the facilities of The National Sugar Refining Company in the city and county of Philadelphia, to points in Pennsylvania.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §29, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C.S.A. §1102(3).

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 the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1986-87 Assessment of the transferor.

IT IS FURTHER ORDERED: That in the event said 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 upon compliance with this order the rights granted the transferor, J. Edward Clouse, at A-00090287 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 4, 1986

ORDER ENTERED: DEC 9 1986

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "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 additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

3. Article Addressed to:

Herbert R. Turick, Esq

4. Article Number **34249**

Type of Service:
 Registered Insured
 Certified COD
 Express Mail

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

5. Signature -- Addressee
X

6. Signature -- Agent
X *[Signature]*

7. Date of Delivery
DEC 10 1986

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

A 106 830 F. 2