

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

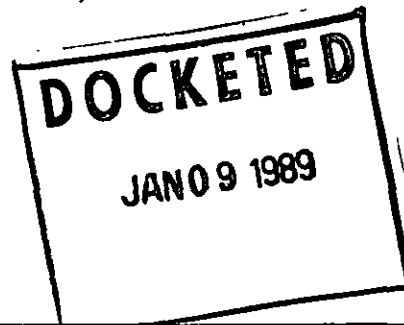
1. <u>REPORT DATE:</u>	: December 2, 1988	2. <u>BUREAU AGENDA NO.</u>	: DEC-88-T-1341*
3. <u>BUREAU:</u>	: Transportation		
4. <u>SECTION</u>	: Technical Review	5. <u>PUBLIC MEETING DATE:</u>	: December 22, 1988
6. <u>APPROVED BY:</u>	: Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>	:		
8. <u>PERSON IN CHARGE:</u>	: Pike 3-5947		
9. <u>DOCKET NO.:</u>	: A-00106830, F. 1, Am-A		
10. (a) <u>CAPTION</u> (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, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, SO AS TO PERMIT the transportation of property (except commodities in bulk) between the facilities owned, leased, or utilized by The Dial Corporation, and from said facilities, to points in Pennsylvania, and vice versa.

(b) The application filed August 4, 1988 was unopposed. No oral hearings were held. Approval of the application is in the public interest.

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

DP:np



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

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120  
December 29, 1988

IN REPLY PLEASE  
REFER TO OUR FILE  
A-00106830  
F.1, Am-A

DOCKETED

JAN 06 1989

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.

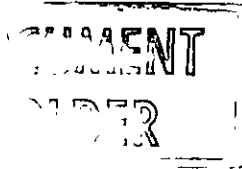
The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of December 22, 1988 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich  
Secretary



fao  
Enclosure  
Certified Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717) 787-5521  
cc: Clouse Trucking, Inc.  
r.d. 35, Box 112  
Carlisle, PA 17013

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held December 22, 1988

Commissioners Present:

Bill Shane, Chairman  
William H. Smith, Vice-Chairman  
Joseph Rhodes, Jr.  
Frank Fischl

Application of Clouse Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, such merchandise as is dealt in by wholesale, retail and chain groceries, food business houses, drugstores 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: SO AS TO PERMIT the transportation of property (except commodities in bulk) between the facilities owned, leased, or utilized by The Dial Corporation, and from said facilities, to points in Pennsylvania, and vice versa.

A-00106830  
F. 1  
Am-A

**DOCKETED**

**JAN 08 1989**

\_\_\_\_\_  
Herbert R. Nurick for the applicant.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 4, 1988. Public notice of the application was given in the Pennsylvania Bulletin of September 17, 1988. There were no protests and the record is now certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and the supporting shipper.

The legal name of the applicant is Clouse Trucking, Inc. Applicant's facilities are located in West Pennsboro Township, Cumberland County, about one mile from the borough limits of Carlisle. While applicant's domicile is West Pennsboro Township, its address is R.D. #5, Box 112, Carlisle, Cumberland County. J. Edward Clouse is president of the applicant and has been so since its incorporation in 1964. He is fully familiar with applicant's authority, operations, facilities, equipment, and personnel, and is authorized by applicant to submit this testimony in support of the application. The applicant is not affiliated with other carriers. Applicant's balance sheet as of December 31, 1987, and its income statement for the year ended December 31, 1987, show total current assets of \$375,450, property and equipment of \$1,637,271 and total other assets of \$652,237, resulting in total assets of \$2,664,958. Total current liabilities were \$260,284 leaving total stockholders' equity of \$2,484,674. The income statement shows net income of \$238,398.

Applicant owns 81 tractors and 44 trailers. All of these tractors and trailers can be utilized to serve the facilities pertinent to this application. Applicant's safety program has various phases. Applicant carefully selects, trains, and supervises its drivers. Additionally, the equipment undergoes routine inspections and maintenance. The vehicles are also road checked. Moreover, applicant's insurance company has safety meetings with applicant's drivers twice a year. Applicant stresses safety for every aspect of its operation. Applicant's facilities are located in West Pennsboro Township, Cumberland County, Pennsylvania, on approximately two and three-quarter acres of land. There is a building at this location which measures approximately 85 feet by 100 feet. Included in the building are an office, garage, loading station, and dispatch center. Fuel tanks and storage tanks are also on the premises. Vehicles can be parked inside the garage. Additionally, the garage is equipped to conduct inspections, including Pennsylvania state inspections, perform repairs of any kind, perform complete overhauls, and do any body work.

In addition to three regular phone lines which can be used by the public, applicant has three WATS lines, two of which are for incoming and outgoing interstate calls and one of which is for incoming and outgoing intrastate Pennsylvania calls. With regard to the regular phone lines, applicant's personnel will accept the charges for incoming calls made on those lines. Applicant presently serves The Dial Corporation in interstate commerce. Applicant gives this corporation the type of equipment and general service which it requires. More specifically, applicant provides multiple deliveries, and deliveries on appointment for The Dial Corporation, among other things. Applicant will offer the same type of service relating to the facilities owned, leased, or utilized by The Dial Corporation as it provides now with regard to operations at such facilities in interstate commerce.

A verified statement was submitted by the supporting shipper, The Dial Corporation represented by Mark Russell, manager of transportation pricing for Dial. Mr. Russell is fully familiar with Dial's transportation requirements and is authorized by Dial to support the above-captioned application of Clouse Trucking, Inc. Dial is a manufacturer and distributor of consumer products and Dial sells to both wholesalers and retailers. Dial

manufactures and distributes a multitude of commodities such as soap; shampoo; deodorant; soups; canned meats; canned vegetables; pizza pie mix; detergents; scouring pads; cleaning, scouring, and washing compounds; bleach; ammonia; waxes; etc. With regard to the commodities shipped inbound to its plants, they receive such items as bottles, cartons, caps, labels, various types of machinery and equipment, pallets, chemicals, and so on. Dial requires a carrier that has authority to transport all kinds of commodities, except those in bulk. Dial anticipates giving the applicant at least 100 truckloads per year. A truckload weighs approximately 40,000 pounds.

#### DISCUSSION AND FINDINGS

The application as filed, requested authority between the facilities "owned, leased or utilized by" the supporting shipper. A grant of authority using this wording would allow the applicant to handle shipments from "facilities utilized by" the named shipper without regard to the named shipper being a party to the movement. The applicant would have to file additional support to establish need for that type of service. The attorney of record was notified of this need and given additional time to file support but no additional support was submitted. For this reason the authority granted is being modified to read "for" the named shipper. This restrictive wording removes the possibility of expanding the applicant's authority beyond that actually supported or intended.

A review of the record shows that the applicant has the equipment, experience, ability and fitness necessary to provide the proposed service as modified.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted August 8, 1969.
2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service as modified.
3. That limiting the proposed service to transportation for the specific shipper eliminates ambiguity from the proposed service.
4. That the applicant has shown that a need exists for the service proposed as modified.
5. That approval of the application as modified is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as modified and that the certificate issued to the applicant on August 8, 1969, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, for  
The Dial Corporation, between the facilities owned,

leased or utilized by said company, and from said facilities, to points in Pennsylvania, and vice versa;

subject to the following condition:

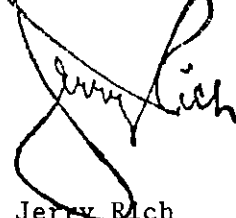
That no right, power or privilege is granted to transport commodities in bulk.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have 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 a tariff establishing just and reasonable rates.

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 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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Eich", written over a large, stylized flourish or scribble.

Jerry Eich  
Secretary

(SEAL)

ORDER ADOPTED: December 22, 1988

ORDER ENTERED: DEC 29 1988

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 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 the name of the person delivered to and a 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  
 †(Extra charge)†      †(Extra charge)†

3. Article Addressed to: <i>A 106830, F-1, AM-A &amp;          Herbert R. Purich</i>	4. Article Number <b>44949</b>
5. Signature — Addressee <b>X</b>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
6. Signature — Agent <b>X</b> <i>[Signature]</i>	Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
7. Date of Delivery <b>JAN - 8 1989</b>	8. Addressee's Address ( <i>ONLY if requested and fee paid</i> )