

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	February 26, 1987	:	2. <u>BUREAU AGENDA NO.</u>
<u>BUREAU:</u>	Transportation	:	MAR-87-T-262*
4. <u>SECTION(S):</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	March 12, 1987
Director:	Ernst 7-2154	:	
Supervisor:	Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Hawk 7-7703	:	
9. <u>DOCKET NO.:</u>	A-00107235	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

(a) Application of Tri-County Transportation & Leasing, Inc., Barnesboro, Cambria County for approval of the transfer to applicant the group and party right held by Shaner Transportation Company at A-00095060.

(b) Transferor proposes to transfer its PUC common carrier group and party right for a total of \$6,000. There are no tangible assets to be transferred.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and the certificate issued to the transferor be cancelled by supplemental order.

11. MOTION BY:	CommissionerChm. Taliaferro	Commissioner Fischl - Yes Commissioner
SECONDED:	CommissionerShane	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
GOLDE

DOCKETED
MAR 23 1987



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

March 18, 1987

IN REPLY PLEASE
REFER TO OUR FILE

A-107235

Lawrence L. Davis, Esquire
103 South Center Street
Ebensburg, PA 15931

Application of Tri-County Transportation & Leasing, Inc.,
a corporation of the Commonwealth of Pennsylvania

Dear Sir:

Enclosed is the compliance order issued by the Commission in the above entitled proceeding.

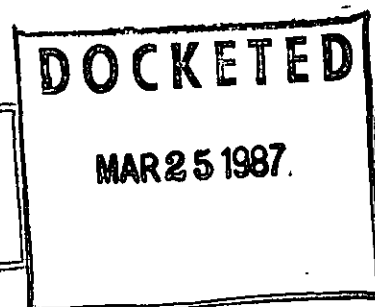
The Certificate of Public Convenience evincing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements:

- I A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this page.
- II Prepare and file a tariff, instructions for which are enclosed and return to the Pa. Public Utility Commission, Bureau of Non-Rail Transportation, Tariff Section, Room 411 Transportation & Safety Building, Harrisburg, PA 17120

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate of public convenience issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Revenue, as a motor bus. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

Similar letter to: Transferor

Shaner Transportation Co.
1107 Maple Avenue
Barnesboro, PA 15714



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

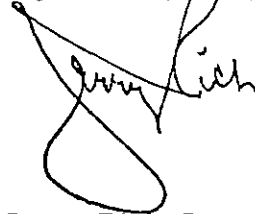
Commission regulations require compliance with all of the the requirements within sixty days of the date of this letter. Failure to comply within the sixty days will cause the Commission to rescind the action of March 12, 1987 and dismiss the application without further proceedings.

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) 783-5933

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in dark ink and is positioned above the typed name of the signatory.

Jerry Rich, Secretary

lg

Enclosures

Certified Mail

Receipt Requested

cc:applicant

Tri-County Transportation and
Leasing, Inc.

404 19th Street, Box 13
Barnesboro, PA 15714

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17120

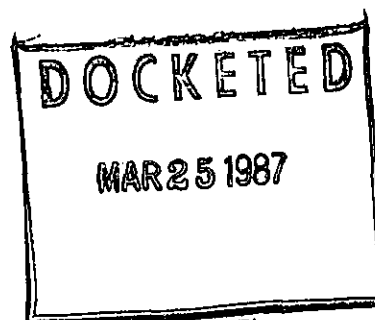
Public Meeting held March 12, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Tri-County Transportation & Leasing, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, groups and parties of persons from the borough of Cherry Tree, Indiana County, and the borough of Barnesboro, Cambria County, to points in Pennsylvania; which is to be a transfer of the right authorized under the certificate issued at A-00095060 to Shaner Transportation Company, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

A-00107235



Lawrence I. Davis for applicant.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission through an application filed November 26, 1986. Notice of the application was given in the Pennsylvania Bulletin on January 3, 1987. No protests were filed and the record is certified to the Commission without oral hearing.

Mr. William M. Tibbott is the president of applicant corporation, Tri-County Transportation & Leasing, Inc., a close corporation of the Commonwealth of Pennsylvania. The stockholders are William M. Tibbot (600 shares) and Girard W. Tibbot (400 shares) Its office and base of operations is located at 404 - 19th Street, Barnesboro, Cambria County. A balance sheet of the applicant shows total assets of \$62,958, subject to no liabilities. A 1985 International Ward with 48 passenger seating capacity will be used to

render service. There is no affiliation between the applicant and any other persons or corporations.

The applicant proposes to purchase the transferor's common carrier group and party right for a total consideration of \$6,000. No tangible assets are to be transferred. The payment shall be made upon the P.U.C. approval of the instant application.

The transferor has not reported revenue in its annual report since 1979. Commission records indicates that transferor is currently in good standing, having submitted tariff and insurance filings and all applicable reports with the exception of its 1986 Annual Report.

The authority to be transferred was cancelled in February, 1986 but reinstated in October of 1986. A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

We find:

1. That the applicant has the technical and financial ability to provide group and party of persons.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of all of the right held by Shaner Transportation Company at A-00095060 be and is hereby approved and that a certificate be issued to the applicant granting the following right:

To transport, as a common carrier groups and parties of persons from the borough of Cherry Tree, Indiana County, and the borough of Barnesboro, Cambria County, 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 right 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 right herein granted in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$6,000, being the amount of the consideration payable by it for the right 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. Section 1102(3).

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 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 Annual Report 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 the requirements of the Public Utility Code relating to 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.

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 this order, the right granted the transferor, Shaner Transportation Company, at A-00095060 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, loopy flourish that extends downwards and to the left.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 12, 1987

ORDER ENTERED: MAR 18 1987

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 you the signature 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: <i>Lawrence L. Davis, Cj.</i>	4. Article Number 44005
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature — Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X <i>Cheri Borg</i>	
7. Date of Delivery <i>3-20-87</i>	

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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 you the signature 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: <i>Shane Transportation Co.</i>	4. Article Number 44006
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature — Addressee X <i>David Westwood</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery <i>3-19-87</i>	

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

order A-107235

order A-107235

April 10, 1987

A-00107235

R-16

Lawrence L. Davis, Esquire
103 South Center Street
Ebensburg, PA 15931

Tri-County Transportation & Leasing, Inc.

Dear Sir:

Under date of March 18, 1987 the Secretary's office transmitted to you the Commission's compliance order of March 12, 1987, evidencing approval of the above carrier's application at A-00107235, which is in effect a transfer of the rights formerly held by Shaner Transportation Company, Inc., at A-00095060. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of PA Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

Very truly yours,
Barry L. Ernst, Director
Bureau of Transportation

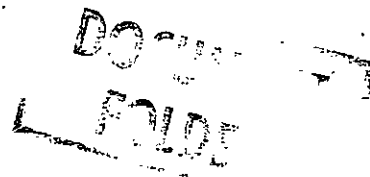
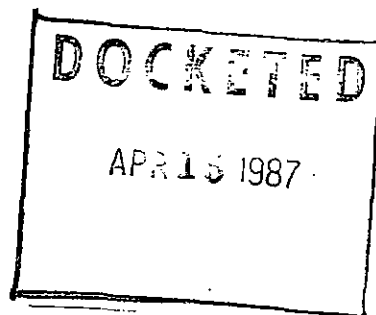
By: Joseph M. Machulsky, Chief
Financial Document Section

RHF:lpw

Enclosure

cc: Applicant
404 19th Street
Box 13
Barnesboro, PA 15714

Contact Person: R. E. Fickes
(717) 783-5937



EXTENSION OF TIME FOR COMPLIANCE ORDERS
MOTOR CARRIERS

A. 00107235

Docket Number

Lawrence L. Davis, Esquire

103 South Center Street

Ebensburg, PA 15931

Applicant/Attorney

TRI-COUNTY TRANSPORTATION & LEASING, INC.

Commission Order Adopted: March 12, 1987

Extension of time until: June 15, 1987

Reason for Extension: needs more time

Outstanding Requirements: tariff

Requested By: applicant

DOCKETED

MAY 11 1987

TRI-COUNTY TRANSPORTATION & LEASING, INC.
404 19th Street
Barnesboro, PA 15714

Approval given by:

**DOCUMENT
FOLDER**

Elizabeth McConnell Ditzler
Elizabeth McConnell Ditzler
PUC - Service Section
717-787-3366