


PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

43

1. REPORT DATE: August 18, 1994	2. BUREAU AGENDA NO.: SEP-94-T-745*
3. BUREAU: Transportation	
4. SECTION(S): Technical Review	5. PUBLIC MEETING DATE: September 9, 1994
6. APPROVED BY:  Director: Ernst 7-2154 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Pike 3-5947	
8. DOCKET NO.: <del>A-00107215, F. 1, Am-B</del>	<u>A-00107235 F0001 RMB</u>

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

(a) Application of Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Barnesboro, Cambria County, a corporation of the Commonwealth of Pennsylvania, for approval of the transfer to applicant of part of the rights held by Greater Johnstown Yellow Cab, Inc., at A-00098496, F. 5, subject to the same limitations and conditions.

(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total of \$8,000, no tangible assets are involved in the sale.

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

DAP:rs/rn

**DOCKETED**  
SEP 26 1994

10. MOTION BY: Commissioner Chm. Rolka      Commissioner Quain - Yes  
                  Commissioner Rhodes      Commissioner Crutchfield - Yes  
                  Commissioner Hanger - Yes

CONTENT OF MOTION:      Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

SEPTEMBER 16, 1994

A-00107235  
F.1Am-B

LAWRENCE L DAVIS ESQUIRE  
103 SOUTH CENTER STREET  
EBENSBURG PA 15931

8 T 14

APPLICATION OF TRI-COUNTY TRANSPORTATION, INC.,  
t/a HAPPY TIMES CHARTER

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 September 9, 1994 and dismiss the application without further proceedings.

Very truly yours,

*John G. Alford*  
John G. Alford, Secretary

DOCUMENT  
FOLDER

smk  
encls.  
cert.mail

**Tariff Contact Person:** Joseph Machulsky (717) 791-0301  
TRI-COUNTY TRANSPORTATION INC  
T/A HAPPY TIMES CHARTER  
404 19TH STREET BOX 13  
BARNESBORO PA 15714

DOCKETED  
OCT 05 1994

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held September 9, 1994

Commissioners Present:

David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
John M. Quain  
Lisa Crutchfield  
John Hanger

DOCUMENT  
FOLDER

Application of Tri-County Transportation, Inc.,  
t/d/b/a Happy Times Charter, for the transfer of  
part of the operating rights of Greater Johnstown  
Yellow Cab, Inc., a corporation of the  
Commonwealth of Pennsylvania, under the  
certificate issued at A-00098496, F. 5, subject to  
the same limitations and conditions.

A-00107235  
F. 1  
Am-B

DOCKETED  
OCT 05 1994

\_\_\_\_\_  
Lawrence L. Davis for the applicant.

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

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 13, 1994. Public notice of the application was given in the Pennsylvania Bulletin of June 25, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, Tri-County Transportation, Inc., t/d/b/a Happy Times Charter (Happy Times) is a Pennsylvania corporation domiciled at 409 19th Street, Barnesboro, Cambria County. Applicant will utilize a 1994 Dodge van to provide service. Girard W. Tibbott is president and holds 40 shares of outstanding stock. William M. Tibbott is vice president and holds the remaining 60 shares of outstanding stock. Ann L. Hanwell is secretary/treasurer. Applicant refers to its most recent annual report on file with this Commission as proof of its financial fitness.

The rights to be transferred will be amended to read "persons in group and party service" in lieu of "groups and parties of persons, and persons on special excursions

and tours or sightseeing trips". Commission regulations now read as the amended authority states. 52 Pa. §29.13(3).

The rights have been assigned a value of \$8,000.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

To transport, as a common carrier, by motor vehicle, persons in group and party service, between points in the county of Cambria, and from points in said county to points in Pennsylvania and return;

subject to the following conditions:

1. That the service herein authorized is limited to transportation in vehicles having a seating capacity not to exceed fifteen (15) persons, including the driver.
2. That the service herein authorized shall be rendered in vehicles without the use of taximeters or dome lights.
3. That no right, power or privilege is granted to provide transportation in school buses.
4. That no right, power or privilege is granted to transport relief engine and train crews and other employees of Consolidated Rail Corporation for that corporation, its successors or assigns from points in Cambria County, except as presently authorized.

subject to the following general conditions:

1. That the operating authority granted herein or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. 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 property and/or 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.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.
5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) no. 2 and 3 above.
6. That the certificate holder shall not transfer, sell or in anyway convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a) (3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission.

1. A tariff establishing just and reasonable rates.
2. 1994 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, Greater Johnstown Yellow Cab, Inc. at A-00098496, F. 5 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: September 9, 1994

ORDER ENTERED: **SEP 16 1994**

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a, & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A-00107235, F.I.A.M.B.*

*Greater Johnstown Yellow Cab*

4a. Article Number: *044575*

4b. Service Type:

- Registered  Insured
- Certified  COD
- Express Mail  Return Receipt for Merchandise

7. Date of Delivery: *9-20-94*

5. Signature (Addressee): *[Signature]*

6. Signature (Agent): *[Signature]*

8. Addressee's Address (Only if requested and fee is paid):

PS Form 3811, December 1991 ★U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a, & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A-00107235, F.I.A.M.B.*

*Lawrence L. Davis Esq.*

4a. Article Number: *044576*

4b. Service Type:

- Registered  Insured
- Certified  COD
- Express Mail  Return Receipt for Merchandise

7. Date of Delivery: *SEP 19 1994*

5. Signature (Addressee): *[Signature]*

6. Signature (Agent): *[Signature]*

8. Addressee's Address (Only if requested and fee is paid):

PS Form 3811, December 1991 ★U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

ENTRY NO.: 0001  
NAME: TRI-COUNTY TRANSPORTATION, INC.  
ADDRESS1: T/A HAPPY TIMES CHARTER, ET AL  
ADDRESS2: 404 19TH STREET, BOX 13  
CITY: BARNESBORO STATE: PA ZIP: 15714  
REPRESENTING: SELF TYPE

ENTRY NO.: 0002  
NAME: LAWRENCE L. DAVIS, ESQUIRE  
ADDRESS1: 103 S. CENTER STREET  
ADDRESS2:  
CITY: EBENSBURG STATE: PA ZIP: 15931  
REPRESENTING: APPLICANT TYPE

ENTRY NO.: 0003  
NAME: GREATER JOHNSTOWN YELLOW CAB  
ADDRESS1: 1301 GRANKSTOWN ROAD  
ADDRESS2:  
CITY: JOHNSTOWN STATE: PA ZIP: 15902  
REPRESENTING: TRANSFERDR TYPE

CU25 A-00107235 F 0001 AMB PRINT-