

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
September 20, 1988	:	
3. <u>BUREAU:</u>	:	SEP-88-T-1073*
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	September 29, 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>	:	
Keener-Farley 7-4386	:	
9. <u>DOCKET NO.:</u>	:	
A-00107087, F. 1, Am-A	:	
10. (a) CAPTION (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

(a) Application of Independent Freightway, Inc., Rockford, Illinois, a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property between points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough: SO AS TO PERMIT the transportation of equipment, parts and supplies used in the manufacturing of stereo speakers, from points in Pennsylvania, to the facilities of Sanyo Audio Manufacturing (U.S.A.) Corp. located in the township of Armaugh, Mifflin County, and vice versa.

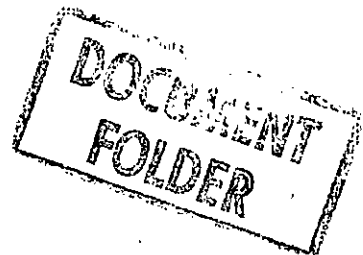
(b) No protests were filed and no oral hearings were held. The supporting shipper submitted a verified statement indicating a need for the proposed service.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application for permanent authority and dismissing the application for temporary authority and dismissing the exceptions filed to the tentative decision denying emergency temporary authority at A-00107087, F. 602.

LK-F:np

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

CONTENT OF MOTION: Staff recommendation adopted.





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

October 5, 1988

IN REPLY PLEASE
REFER TO OUR FILE

DOCKETED

A-00107087
F.l, Am-A

OCT 06 1988

Lloyd R. Persun, Esquire
Shearer, Mette, Evans & Woodside
P.O. Box 729
Harrisburg, PA 17108-0729

Application of Independent Freightway, Inc., a corporation of the State of Delaware

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 29, 1988 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich
Secretary



cc: Independent Freightway, Inc.
2330 23rd Avenue
P.O. Box 7013
Rockford, IL 61125-7013

fao

Enclosure

Certified Mail

Receipt Requested

Tariff Contact Person: Joseph Machulsky (717) 787-5521

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 29, 1988

Commissioners Present:

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

Application of Independent Freightway, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property between points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough: SO AS TO PERMIT the transportation of equipment, parts and supplies used in the manufacturing of stereo speakers, from points in Pennsylvania, to the facilities of Sanyo Audio Manufacturing (U.S.A.) Corp. located in the township of Armaugh, Mifflin County, and vice versa.

A-00107087
F. 1
Am-A

DOCKETED
OCT 06 1988

Shearer, Mette, Evans & Woodside, by Lloyd R. Persun, for the protestant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 28, 1988. Public notice of the application was given in the Pennsylvania Bulletin of August 20, 1988. No protests were filed and the application is now certified to the Commission for its decision without oral hearing. The record consists of verified statements submitted on behalf of the applicant and the supporting shipper.

Corresponding applications for emergency temporary and temporary authority were also filed. By Tentative Decision adopted August 18, 1988, we denied the applicant's request for emergency temporary authority. The application for temporary authority is still pending.



Independent Freightway, Inc. (IFI or applicant), is a Delaware corporation, with its corporate headquarters in Rockford, Illinois. The applicant was initially certificated in 1987 and currently operates under forty-five paragraphs of rights. IFI also holds common carrier authority from the Interstate Commerce Commission. By this application, IFI seeks authority to serve one additional shipper.

The proposed operation will be conducted from the applicant's terminal, located in Reedsville, Mifflin County. IFI has a fleet of fifty tractors and one hundred trailers available for service in Pennsylvania. A comprehensive safety program for drivers and vehicles is currently in operation. As evidence of its financial capacity to perform the additional service, the applicant reports assets of \$21,032,000, with liabilities of \$12,697,000, leaving a shareholders' equity of \$8,335,000. Gross intrastate operating revenue in 1987 was \$517,000.

William P. McCoy, manager of material control, production control and traffic for Sanyo Audio Manufacturing (U.S.A.) Corp. (Sanyo or shipper), submitted a verified statement in support of the application. Sanyo, formerly Fisher Corporation, manufactures stereo speakers at a plant in Armaugh Township, Mifflin County, approximately five miles from the applicant's terminal. The shipper plans to discontinue its private carriage operation and have all inbound and outbound shipments transported by common carrier. Raw materials and supplies are delivered to the factory at a rate of two or three full trailer loads each business day. Current Pennsylvania origins for inbound freight include Allentown, Bloomsburg, Harrisburg, Mount Carmel, Philadelphia, Pittsburgh and Williamsport. Much of the inbound freight will be moved as a backhaul for earlier intrastate and interstate outbound traffic of finished products.

After a complete review of the record before us, we find:

1. That the applicant has shown that there is a public need for the proposed service.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on July 1, 1987, be amended to include the following right:

To transport, as a Class D carrier, equipment, parts and supplies used in the manufacturing of stereo speakers, from points in Pennsylvania, to the facilities of Sanyo Audio Manufacturing (U.S.A.) Corp., located in the township of Armaugh, Mifflin County, and vice versa.

IT IS FURTHER ORDERED: That the exceptions filed to the tentative decision, adopted August 18, 1988, at A-00107087, F. 602, be and are hereby dismissed.

IT IS FURTHER ORDERED: That, upon compliance with the conditions set forth in this order, the application for temporary authority be and is hereby dismissed.

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 the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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.

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.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized flourish or scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 29, 1988

ORDER ENTERED: OCT 5 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 you with 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
↑(Extra charge)↑ ↑(Extra charge)↑

<p>3. Article Addressed to:</p> <p><i>A 107087, F.I, AM-A-TA</i></p> <p><i>Lloyd R. Person, Esq.</i></p>	<p>4. Article Number</p> <p>AA296</p> <p>Type of Service:</p> <table><tr><td><input type="checkbox"/> Registered</td><td><input type="checkbox"/> Insured</td></tr><tr><td><input type="checkbox"/> Certified</td><td><input type="checkbox"/> COD</td></tr><tr><td><input type="checkbox"/> Express Mail</td><td></td></tr></table> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>	<input type="checkbox"/> Registered	<input type="checkbox"/> Insured	<input type="checkbox"/> Certified	<input type="checkbox"/> COD	<input type="checkbox"/> Express Mail	
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<p>5. Signature - Addressee</p> <p>X</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p> <p><i>[Signature]</i></p>						
<p>6. Signature - Agent</p> <p>X <i>[Signature]</i></p>							
<p>7. Date of Delivery</p> <p><i>[Signature]</i></p>							