


PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: May 16, 1994	2. BUREAU AGENDA NO. JUN-94-T-485*
3. BUREAU: Transportation	
4. SECTION(S): Technical Review	5. PUBLIC MEETING DATE: June 2, 1994
6. APPROVED BY:  Director: Ernst 7-2154 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Pike 3-5947	
8. DOCKET NO.: A-00107087, F. 1, Am-F	

- 9. (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, IL, a corporation of the State of Delaware, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of (1) mining equipment from the facilities of Steel Systems Installation, Inc., located in the borough of Quarryville, Lancaster County, to points in Pennsylvania, and return; and (2) steel joists from the facilities of New Columbia Joist Co. located in the township of White Deer, Union County, to points in Pennsylvania, and return.

(b) The application filed January 14, 1994 is 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.

DAP:rs/em

**DOCUMENT
FOLDER**

DOCKETED

JUN 28 1994

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

CONTENT OF MOTION: Staff recommendation adopted.



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

June 9, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00107087F0001Am-F

■
LLOYD R. PERSUN ESQUIRE
3401 NORTH FRONT STREET
P O BOX 5950
HARRISBURG PA 17110
■

DOCUMENT
FOLDER

BUCKETED
JUN 30 1994

Application of Independent Freightway, Inc.

Enclosed is the compliance order issued by the Commission in this proceeding.

The application 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 Commission.

Commission regulations require compliance with the above requirements 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 June 2, 1994 and dismiss the application without further proceeding.

Very truly yours,

John G. Alford
Secretary

Encls.

Cert. Mail

Receipt Requested

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

INDEPENDENT FREIGHTWAY INC
P O BOX 7013
ROCKFORD IL 61125

JEP

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 2, 1994

Commissioners Present:

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

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, for Owens-Corning Fiberglass Corporation, between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport petroleum products, in bulk, in tank vehicles: SO AS TO PERMIT the transportation of (1) mining equipment from the facilities of Steel Systems Installation, Inc., located in the borough of Quarryville, Lancaster County, to points in Pennsylvania, and return; and (2) steel joists from the facilities of New Columbia Joist Co. located in the township of White Deer, Union County, to points in Pennsylvania, and return.

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JUN 30 1994

Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This application was filed January 14, 1994. Public notice of the application was given in the Pennsylvania Bulletin of February 19, 1994. There were no protests and the record, which consists of statements entered by the applicant and the supporting shippers, is now certified to the Commission for its decision without oral hearing.

The applicant, Independent Freightway, Inc., is a Delaware corporation with terminals located in Coatesville, Chester County and Beavertown, Huntingdon County. Applicant's available fleet consists of 300 tractors, 120 van trailers and 180 flatbed trailers. Applicant employs two dispatchers and clerical support personnel at each terminal.

Applicant's fleet is inspected monthly. Drivers' daily write-ups for inspection and repair are submitted. Four times each year, applicant conducts safety meetings with its drivers. Equipment is dispatched by telephone and communications with shippers is by phone. An unaudited 1993 I.C.C. report Form M submitted by the applicant shows total assets of \$64,657,830 with total liabilities of \$35,411,874 leaving stockholders' equity of \$29,245,956. An income statement shows total net income for 1993 to be \$4,940,374.

Dwight Kauffman, manager of Steel Systems Installation, Inc., (Steel Systems), Quarryville, Lancaster County, entered a statement in support of the applicant. Steel Systems manufactures mining equipment which includes conveyors, screen towers, crusher bases, chutes and bends. This equipment is used to mine limestone. Shipments are made to points such as: Annville, Lebanon County, Tamaqua, Schuylkill County, Devalt, Chester County, Lancaster, Lancaster County and western Pennsylvania points. Damaged or rejected shipments are also returned to the point of origin. Applicant's service is needed to supplement carriers now used. Current carriers cannot respond on short notice and do not always have adequate equipment available. Applicant presently serves Steel Systems in interstate service and provides satisfactory service.

Edward Zakszeski, traffic manager of New Columbia Joist Co., (New Columbia), submitted a statement in support of the applicant. New Columbia maintains manufacturing facilities in White Deer Township, Union County. New Columbia ships steel joists averaging 48 feet in length. Shipments are made to points throughout Pennsylvania represented by 25 points in 19 counties listed by the shipper. Damaged or rejected shipments are also returned to the point of origin. Applicant's service is needed to supplement the carriers currently utilized. These carriers do not always have adequate equipment available and are not available on less than 24 hours' notice. The applicant currently serves New Columbia in interstate commerce and provides satisfactory service.

DISCUSSION AND FINDINGS

The shipper's statement sets forth a need to return damaged or rejected steel to its origin point. The application reads "and return". The term "and return" in the authority is unnecessary as 52 Pa. Code §31.37 authorizes all property carriers to transport refused, rejected or damaged shipments, in a return move, to the point of origin. Therefore, the words "and return" will be eliminated from the authority herein granted.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted July 1, 1987.
2. That the authority granted be modified to remove the term "and return".
3. That the applicant has the equipment, experience and fitness necessary to provide the proposed service as modified.

4. Approval of the application as modified, is necessary for the accommodation and convenience of the public; THEREFORE,

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

To transport, as a Class D carrier:

- (1) mining equipment from the facilities of Steel Systems Installation, Inc., located in the borough of Quarryville, Lancaster County, to points in Pennsylvania,
- (2) steel joists from the facilities of New Columbia Joist Co. located in the township of White Deer, Union County, to points in Pennsylvania.

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.

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,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: June 2, 1994

ORDER ENTERED: JUN 9 1994

ENTRY NO.: 0001
NAME: INDEPENDENT FREIGHTWAY, INC.
ADDRESS1: P.O. BOX 7013
ADDRESS2:
CITY: ROCKFORD STATE: IL ZIP: 61125
REPRESENTING: SELF TYPE

ENTRY NO.: 0002
NAME: LLOYD R PERSUN ESQ
ADDRESS1: 3401 NORTH FRONT STREET
ADDRESS2: P O BOX 5950
CITY: HARRISBURG STATE: PA ZIP: 17110
REPRESENTING: APPLICANT TYPE

ENTRY NO.:
NAME:
ADDRESS1:
ADDRESS2:
CITY: STATE: ZIP:
REPRESENTING: TYPE

CU25 A-00107087 F 0001 AMF PRINT-

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a, & 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):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-107087FIAMF

4a. Article Number

044674

4b. Service Type

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

7. Date of Delivery

JUN 10 1994

5. Signature (Addressee)

Lloyd R. Pearson Esq.

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

6. Signature (Agent)

Edward A. ...

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.