

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	July 3, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	AUG-91-T-702*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	August 1, 1991
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-00107087, F. 1, Am-B	:	
10. (a) <u>CAPTION</u> (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: SO AS TO PERMIT the transportation of roofing materials and roofing accessories from the facilities of Goodyear Tire & Rubber Co., in the borough of Carlisle, Cumberland County, to points in Pennsylvania; and metal building products from the facilities of Billy Penn Corporation in the city and county of Philadelphia, to points in Pennsylvania.

(b) The application filed December 13, 1990 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.

DAP:11

11. <u>MOTION BY:</u>	Commissioner V.Chm. Rhodes	Commissioner Holland - Yes
		Commissioner
<u>SECONDED:</u>	Commissioner Rolka	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

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FOLDER

DOCKETED

NOV 18 1991



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

August 2, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-00107087

Folder 1, Am-B

Lloyd R. Persun, Esquire
1801 N. Front Street-P.O. Box 729
Harrisburg, PA 17108

BTL

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

Dear Sir:

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.

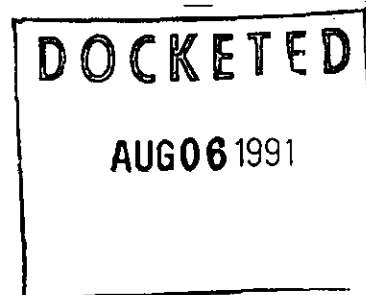
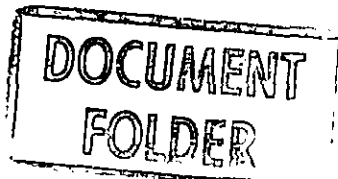
Commission regulations require compliance with the above
requirement within sixty (60) days of the date of this letter. Failure
to comply within the sixty (60) day period will cause the Commission
to rescind the action of August 1, 1991 and dismiss the
application without further proceedings.

Very truly yours,

Jerry Rich, Secretary

jz
Encls.
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717)787-5521
cc:applicant
P.O. Box 7013
Rockford, IL 61125

Modification



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

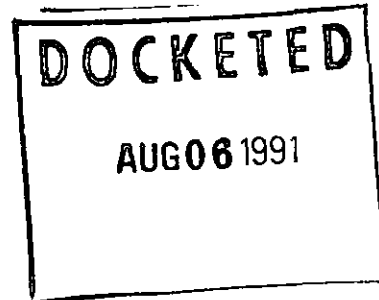
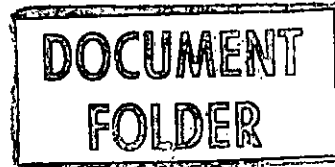
Public Meeting held August 1, 1991

Commissioners Present:

Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

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 from the facilities of Carlisle Tire & Rubber Co. and Carlisle Syntec Systems in the county of Cumberland to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of roofing materials and roofing accessories from the facilities of Goodyear Tire & Rubber Co., in the borough of Carlisle, Cumberland County, to points in Pennsylvania; and metal building products from the facilities of Billy Penn Corporation in the city and county of Philadelphia, to points in Pennsylvania.

A-00107087
F. 1
Am-B



Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This application, filed December 13, 1990, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of February 9, 1991. There were no protests and the record, which consists of statements entered by the applicant and the two supporting shippers is now certified to the Commission for its decision.

The applicant, Independent Freightways, Inc., is a Delaware corporation with terminals located on Route 665, Reedsville, Mifflin County and 641 North Easton Road, Glenside, Montgomery County. The shippers, Goodyear Tire & Rubber Co., Carlisle, Cumberland County and Billy Penn Corporation, city and county of Philadelphia, will be served by these terminals. Applicant's available fleet consists of fifty (50) tractors, seventy-five (75) flatbed trailers and one hundred (100) van trailers. Applicant employs two dispatchers and clerical support personnel at each terminal.

Applicant's fleet is inspected monthly at Hunter's Garage in Maitland, Mifflin County. The drivers' daily write-ups for inspection and repair are also serviced there. 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 balance sheet submitted by the applicant shows total assets of \$41,571,000 with total liabilities of \$23,638,000 leaving stockholders' equity of \$17,933,000. An income statement shows total net income for the first three months of 1991 to be \$336,000.

Eric Hersh, controller of Billy Penn Corporation submitted a verified statement on its behalf. Billy Penn is engaged in the business of manufacturing and selling residential metal building products such as downspouts, gutters, heating-ventilating-air conditioning (HVAC) products and accessories thereto. Billy Penn requires the transportation of four full truckloads of residential metal building products each week, using vans. Movements will originate at its warehouse in the city of Philadelphia. The destination points are over two hundred retail lumber yards at points throughout the Commonwealth of Pennsylvania. Each truckload involves up to ten stops for delivery at various lumber yards. Damaged or rejected merchandise is returned to the shipper.

Louis R. Macedo, warehouse manager of Goodyear Tire & Rubber Co., Carlisle, Cumberland County, submitted a verified statement on its behalf. Goodyear ships roofing materials, adhesives, screws, flashings and fasteners on flatbed equipment. The roofing materials and accessories are distributed from this facility to points throughout Pennsylvania. Goodyear requires the transportation of six to seven full truckloads of roofing materials and accessories each week. Among the destination points are Philadelphia, Pittsburgh, Milford, Concordville, McKees Rock, New Castle, Greensburg, Bethlehem, Washington, Altoona, Duncansville, Ambridge, Bakerstown, Beaver Falls, Roaring Springs, West Mifflin and Cheswick. Shipments often require multiple stops enroute to the final destination. Damaged and rejected merchandise is returned to the shipping point.

A review of the record shows that the applicant has the ability, equipment, experience and fitness necessary to provide the proposed service. The supporting shipper has demonstrated a need for the services of the applicant.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted July 1, 1987.

2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service; THEREFORE,

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

1. To transport, as a Class D carrier, roofing materials and roofing accessories from the facilities of Goodyear Tire & Rubber Co., in the borough of Carlisle, Cumberland County, to points in Pennsylvania;
2. To transport, as a Class D carrier, metal building products from the facilities of Billy Penn Corporation, in the city and county of Philadelphia, to points in Pennsylvania.

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 carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event the 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,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 1, 1991

ORDER ENTERED: August 2, 1991

BTL

DOCUMENT
FOLDER

This 2nd day of August
the undersigned hereby acknowledges receipt of

COMPLIANCE ORDER

rendered by the Commission in Docket No. A-00107087, Folder 1, Am-B
Under date of August 1, 1991 and accepts service
in behalf of INDEPENDENT FREIGHTWAY, INC., a corporation of the
Commonwealth of Pennsylvania

Ruth A. Yezzer