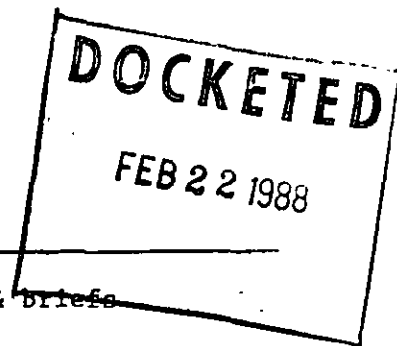


PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
January 22, 1988	:	FEB-88-T-157*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	February 11, 1988
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. 2	:	
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., a Delaware corporation, for the right to begin to transport, as a common carrier by motor vehicle, property from the facilities of Atlas Energy Products in the borough of Camp Hill, to points in Pennsylvania, and vice versa; subject to the condition: That no right, power or privilege is granted to transport property in bulk.

(b) The application was unopposed. Atlas Energy Products purchased the facilities from Owens-Corning and needs to continue the carriers which were in place. Approval of the application is necessary for the convenience of the public.

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

11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
		Commissioner Smith - Yes
<u>SECONDED:</u>	Commissioner Fischl	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.





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

February 19, 1988

IN REPLY PLEASE
REFER TO OUR FILE

DOCUMENT
FOLDER

A-107087
F. 2

John Fullerton, Esquire
407 North Front Street
Harrisburg, PA 17101

Application of Independent Freightway, Inc.

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

The Certificate of Public Convenience evidencing the Commission's approval of the right to operate will not be issued until the applicant has prepared and filed a tariff, instructions for which are enclosed.

No motor carrier shall operate or engage in any transportation until compliance with the above requirement and a certificate of public convenience has been issued authorizing actual operations. 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 day period will cause the Commission to rescind the action of February 11, 1988 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich, Secretary

DOCKETED
FEB 26 1988

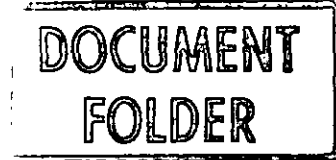
lg
Enclosure
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
cc:applicant
Independent Freightway, Inc.
3842 Pyramid Drive
P.O. Box 7013
Rockford, IL 61125

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 11, 1988

Commissioners Present:

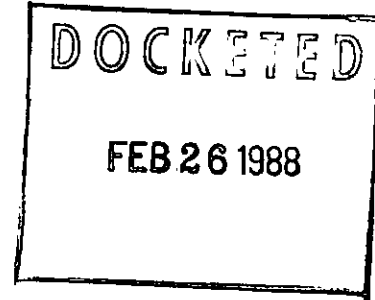
Bill Shane, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Frank Fischl



Application of Independent Freightway, Inc., for the right to begin to transport, property, from the facilities of Atlas Energy Products, Division of Atlas Roofing Corporation, in the borough of Camp Hill, Cumberland County, to points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport property in bulk.

A-00107087
F. 2

John E. Fullerton for the applicant.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission through an application filed March 13, 1987. Public notice of the application was given in the Pennsylvania Bulletin of April 4, 1987. There were no protests and the record is now certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and the supporting shipper.

Independent Freightway, Inc. currently operates the sought authority under emergency temporary authority granted April 2, 1987. The applicant also holds authority granted May 7, 1987, to operate the authority formerly held by Noerr Motor Freight, Inc.

Applicant conducts its Pennsylvania operations out of facilities located at Lewistown, PA. These facilities include a maintenance and repair garage. Applicant conducts a comprehensive safety program and a strict preventative maintenance and inspection program is in effect. The applicant has 15 tractors and 25 semi trailers in use in its Pennsylvania operation.

The unaudited balance sheet submitted by the applicant shows a net operating profit in 1986 of \$2,688 and in the first six months of 1987 \$2,053.

The authority sought here is necessary since the authorization in the above mentioned transfer grants the right to perform service from the facilities of Owens-Corning Fiberglass Corporation (O-C) (Emphasis added). O-C has sold the facilities to Atlas Energy Products, Division of Atlas Roofing Corporation (Atlas). The same operations will be conducted by Atlas as previously were performed by O-C. Emergency temporary authority was granted so that Atlas could continue the O-C operation without lack of carrier service.

A review of the record shows that the applicant has the equipment, experience, ability and fitness necessary to provide the service proposed. The previous use of the carrier by O-C has demonstrated that there is a need for the service requested.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted May 7, 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 so that the right No. 45 entered by supplemental order August 20, 1987, shall be amended to read as follows:

To transport, as a Class D carrier, by motor vehicle, property, from the facilities of Atlas Energy Products, Division of Atlas Roofing Corporation, in the borough of Camp Hill, Cumberland County, to points in Pennsylvania and vice versa;

subject to the following condition:

No right, power or privilege is granted to transport property in bulk.

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

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 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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large, sweeping loop at the end.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 11, 1988

ORDER ENTERED: February 19, 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 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.

3. Article Addressed to:
John Fullerton, Esq

4. Article Number **44222**

Type of Service:

- Registered Insured
 Certified COD
 Express Mail

*Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee
X *John Fullerton*

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

6. Signature - Agent
X

7. Date of Delivery
FEB 24 1988

A-107087 E-2
 0800