

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
May 11, 1993	:	JUN-93-T-527*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	June 10, 1993
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Pike 3-5947	:	
8. <u>DOCKET NO.:</u>	:	
A-00107087, F. 1, Am-D	:	

LDA

SEP 08 1993

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

(a) Application of 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 steel, for Ingersoll Rand Company, from the facilities of Lukens Steel Corporation, located in the city of Coatesville, Chester County, and in the borough of Conshohocken, Montgomery County, to the facilities of Ingersoll Rand Company, located in the borough of Shippensburg, Franklin County, and return.

(b) The application filed January 8, 1993 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:kmb

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER



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

June 21, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00107087
F.1, Am-D

LLOYD R PERSON ESQUIRE
METTE EVANS WOODSIDE
3401 NORTH FRONT STREET
PO BOX 5950
HARRISBURG PA 17110-0950

**DOCUMENT
FOLDER**

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

RLS

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 10, 1993 and dismiss the application without
further proceeding.

Very truly yours,

John G. Alford
John G. Alford, Secretary

DOCKETED
JUN 29 1993

smk
Encls.
Cert.Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
INDEPENDENT FREIGHTWAY INC
3842 PYRAMID DRIVE
PO BOX 7013
ROCKFORD IL 61125
MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 10, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
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, fire brick, and other refractory articles on flatbed trailers for E. J. Lavine & Company from its plant in the township of Plymouth, Montgomery County, to the city of Harrisburg, and the borough of Steelton, Dauphin County, and the city of Johnstown, Cambria County, and the return of empty shipping facilities and refused or rejected shipments: SO AS TO PERMIT the transportation of steel, for Ingersoll Rand Company, from the facilities of Lukens Steel Corporation, located in the city of Coatesville, Chester County, and in the borough of Conshohocken, Montgomery County, to the facilities of Ingersoll Rand Company, located in the borough of Shippensburg, Franklin County, and return.

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DOCKETED

JUN 29 1993

Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This application was filed January 8, 1993. Public notice of the application was given in the Pennsylvania Bulletin of February 6, 1993. There were no protests and the record, which consists of statements entered by the applicant and the supporting shipper, 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 three hundred (300) tractors, one hundred twenty (120) van trailers and one hundred eighty (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 balance sheet submitted by the applicant shows total assets of \$55,232,232 with total liabilities of \$30,700,650 leaving stockholders equity of \$24,531,582. An income statement shows total net income for 1992 to be \$4,106,915.

Don Gillen, traffic manager for Ingersoll Rand Company (Ingersoll), Shippensburg, Franklin County submitted a statement in support of the application. Ingersoll purchases steel from Lukens Steel Corporation (Lukens) at Lukens' plants which are located in Coatesville, Chester County, and in Conshohocken, Montgomery County. Ingersoll arranges for the transportation of that steel by flatbed trailers from Lukens' plants to Ingersoll's manufacturing plant in the borough of Shippensburg, Franklin County. Ingersoll desires the applicant to provide this transportation using its flatbed trailers. Ingersoll will offer applicant five full truckloads each week, averaging 20 truckloads per month. Thirty percent of the movements will originate in Coatesville and seventy percent of the movements will originate in Conshohocken. The destination point for each movement is Ingersoll's facilities in Shippensburg. Ingersoll also requires the return of damaged or rejected steel to its origin point.

Applicant presently transports Ingersoll's interstate finished products from its Shippensburg plant. These products consist of machinery such as forklifts, road construction equipment, pavers and milling machinery. Ingersoll is satisfied with this existing service. The proposed service will be coordinated with the existing service, conserving time and money and utilizing equipment and personnel to the maximum.

DISCUSSION AND FINDINGS:

The shippers 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 their 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. That 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:

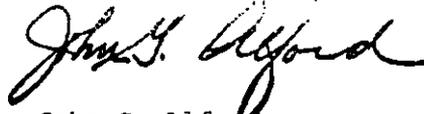
To transport as a Class D carrier steel, for Ingersoll Rand Company, from the facilities of Lukens Steel Corporation, located in the city of Coatesville, Chester County, and in the borough of Conshohocken, Montgomery County, to the facilities of Ingersoll Rand Company, located in the borough of Shippensburg, Franklin County.

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,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: June 10, 1993

ORDER ENTERED: JUN 21 1993

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4 & 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: *ADDIS ABABA, ETHIOPIA*

4a. Article Number: *044691*

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

Signature (Addressee): *Lloyd R. Peroun, Esq*

7. Date of Delivery: *6-22*

5. Signature (Addressee)

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

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

Thank you for using Return Receipt Service.

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