

1. <u>REPORT DATE:</u>	January 22, 1990	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	FEB-90-T-148*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	February 8, 1990
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Zeigler 3-5946	:	
9. <u>DOCKET NO.:</u>	A-00105933, F. 1, Am-B	:	

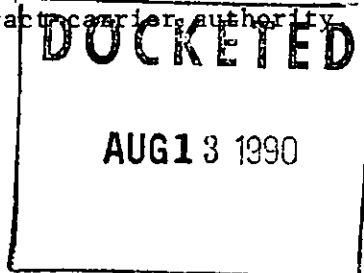
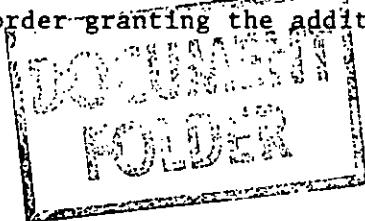
10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) Application of Robert Edward Molnar, t/d/b/a Robert Molnar Hauling, Sutersville, Westmoreland County, for amendment to his contract carrier permit: SO AS TO PERMIT the transportation of coal for Tanoma Coal Sales Co., between points in that part of Pennsylvania on and west of U.S. Highway Route 15.

(b) The application is unopposed. The applicant has the necessary equipment, experience and financial capacity to provide the service for the shipper. He has demonstrated that he stands ready, willing and able to properly render service and has demonstrated his fitness. We find that approval of the application is in the public interest.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order granting the additional contract carrier authority.

TZ:rs



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

CONTENT OF MOTION: Staff recommendation adopted.



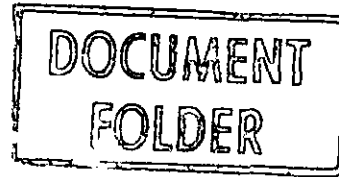
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

February 20, 1990

IN REPLY PLEASE
REFER TO OUR FILE

A-00105933
F.1, Am-B

Robert Edward Molnar
R.D.1
Box 38-A
Sutersville, Pa. 15083



Application of Robert Edward Molnar,
t/d/b/a Robert Molnar Hauling

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

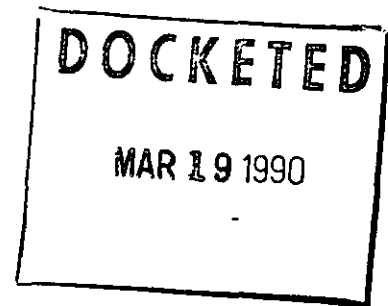
The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

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 February 8, 1990 and dismiss the application without further proceedings.

Very truly yours,

Jerry Rich
Secretary



smk
Enclosure
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 8, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

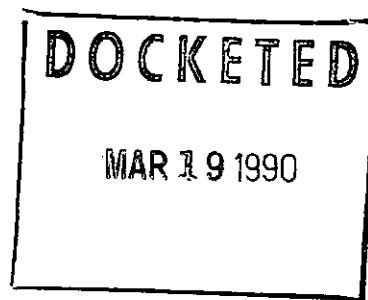


Application of Robert Edward Molnar, t/d/b/a Robert Molnar Hauling, for amendment to his contract carrier permit, to transport, by motor vehicle, coal for Tanoma Coal Sales Co., between points in that part of Pennsylvania on and west of U.S. Highway Route 15.

A-00105933
F. 1
Am-B

Robert Edward Molnar, pro se.

O R D E R



BY THE COMMISSION:

This matter comes before the Commission on an application filed November 15, 1989. Public notice of the application was given in the Pennsylvania Bulletin of December 23, 1989. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of a verified statement entered by Robert Molnar, the applicant.

DISCUSSION AND FINDINGS

The applicant is a currently permitted contract carrier initially receiving authority May 28, 1985. He holds authority to transport coal for Mikel Coal Company and Amerikohl Mining, Inc. His operations center around the transportation of coal in and about Westmoreland County and the western parts of Pennsylvania.

Robert Edward Molnar trades as Robert Molnar Hauling and operates from facilities at R.D. 1, Sutersville, Westmoreland County. He currently operates a fleet of dump equipment comprised of two tri-axle dump trucks and five tractor and dump trailer units. In addition to this owned equipment, he

has three tri-axle dump trucks and one tractor-trailer unit under long-term lease. All equipment is subject to a safety program and all equipment is routinely maintained.

The applicant states he is familiar with the requirements of the shipper, Tanoma Coal Sales Co., and is prepared to provide whatever service that is required.

As evidence of his financial capacity to provide the additional service, Molnar entered a current balance sheet reporting total assets of \$620,500 with total liabilities of \$121,000.

As further evidence of the intention of the parties to enter into this contract carrier-shipper arrangement, a contract carrier agreement dated September 14, 1989, was submitted with the application. A review of the contract reveals that it will require some modification to meet the Commission's requirements at 52 Pa. Code §31.45. The contract must be revised to contain the exact language of the authority to issue by this order and state a minimum guarantee of business during the life of the contract. A revised contract will be required before the permit will issue.

After due consideration of the record, we find that:

1. The applicant has demonstrated that he stands ready, willing and able to provide the additional service proposed as a contract carrier and that he has the equipment and experience to properly provide the service to the single additional shipper.
2. The applicant has demonstrated his fitness to provide the additional service as a contract carrier and, in accordance with the provisions of 66 Pa. C.S. §2501, it is in the public interest to grant the additional contract carrier authority; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved so that the permit issued May 28, 1985, as amended, be further amended to include the following right:

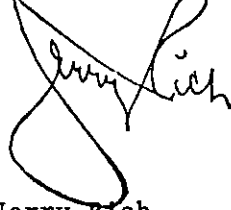
To transport, as a contract carrier by motor vehicle, coal for Tanoma Coal Sales Co., between points in that part of Pennsylvania on and west of U.S. Highway Route 15.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have filed a schedule of minimum rates and charges in accordance with 66 Pa. C.S. §2502 and a revised contract in compliance with the Commission's requirements at 52 Pa. Code §31.45.

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 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, looped flourish.

Jerry Rich
Secretary

(SEAL) -

ORDER ADOPTED: February 8, 1990

ORDER ENTERED: FEB 20 1990