

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: March 18, 1985	2. BUREAU AGENDA NO.:
3. BUREAU: Non-Rail Transportation	APR-85-TNR-392*
4. SECTION(S): Technical Review	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	April 4, 1985
7. MONITOR: Commissioner Cawley	
8. PERSON IN CHARGE: Honegger 7-4386	
9. DOCKET NO: A-00105933	

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

(a) Application of Robert Molnar, t/d/b/a Robert Molnar Hauling, Suttersville, Westmoreland County, for the right to begin to transport, as a contract carrier, coal for Mikel Coal Company, from its facilities located in the borough of Smithton, Westmoreland County, to Bentley Coal Company, located in the townships of Burrell and West Wheatfield, Indiana County, and Gallatin Fuel Company, located in the township of Fallowfield, Washington County.

(b) This unprotested application seeks initial limited contract carrier authority to render the transportation of coal from the shipper's coal yard and loading facilities in Westmoreland County, to two specific points of destination in adjacent counties. No inbound service is desired. The applicant possesses the requisite fitness to render the service proposed herein. Approval of the application appears to be in the public interest and will not interfere with the safety and accommodation of common carriers.

(c) The Bureau of Non-Rail Transportation recommends that the Commission adopt the proposed order approving the application for contract carriage.

BH:gm

11. MOTION BY: Commissioner Chm. Taliaferro	Commissioner Cawley - Yes Commissioner Fischl - Yes
SECONDED: Commissioner Shane	Commissioner _____

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED

APR 17 1985



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

April 10, 1985

IN REPLY PLEASE
REFER TO OUR FILE

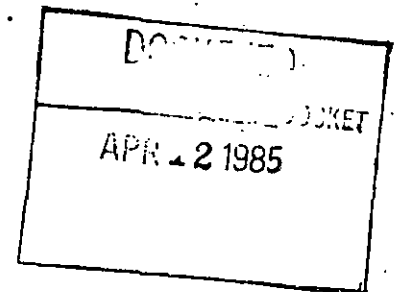
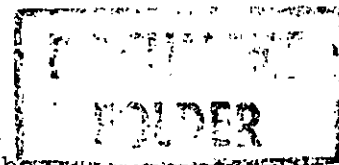
A-00105933

Donald D. Saxton, Jr.
63 South Main Street
Washington, PA 15301-6881

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

A Contract Carrier Permit evidencing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements:

1. Arrange through an insurance agent to have an insurance company file the following forms with the Commission:
 - a. A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this page.
 - b. A Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than that provided by contract with each shipper. Exemption from the cargo insurance requirement may be secured by having the shipper(s) file the enclosed UCPC-34.
- II. Prepare and file a schedule of minimum rates and charges according to the enclosed instructions.



Public Liability and Property Damage Insurance
Minimum Limits for Pa. Public Utility Commission Authority

Common Carriers and Contract Carriers

		Limit for Bodily Injuries to or Death Of One Person	Limit for Bodily Injuries to or Death of All Persons in Any One Accident	Limit for Loss or Damage in Any One Accident to Property of Others, Excluding Cargo
Passenger Carriers (seating capacity)	7 or less	\$25,000	\$100,000	\$10,000
	8 to 12	25,000	150,000	10,000
	13 to 20	25,000	200,000	10,000
	21 to 30	25,000	250,000	10,000
	31 or more	25,000	300,000	10,000
Property Carrier		25,000	100,000	10,000

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a contract carrier permit issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of April 4, 1985 and dismiss the application without further proceedings.

If you foresee any problems with any of the requirements please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section (717)787-1227

Tariff Filings: Mr. Joseph McDevitt-Tariff Section (717)787-5521

Very truly yours,



Jerry Rich, Secretary

1g
Enclosures
Certified Mail
Receipt Requested
cc:applicant
R. D. #1, Box 38-A
Suttersville, PA 15038

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

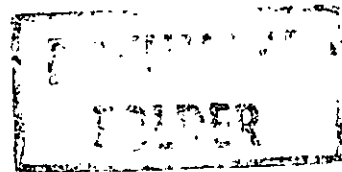
Public Meeting held April 4, 1985

Commissioners Present:

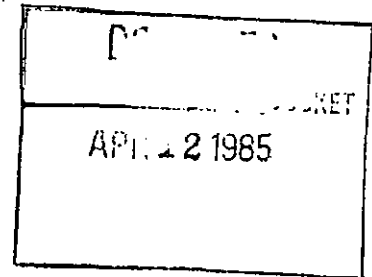
Linda C. Taliaferro, Chairman
James H. Cawley
Frank Fischl
Bill Shane

Application of Robert Molnar, t/d/b/a
Robert Molnar Hauling, for the right
to begin to transport, as a contract
carrier, by motor vehicle, coal for
Mikel Coal Company, from its facilities
located in the borough of Smithton,
Westmoreland County, to Bentley Coal
Company, located in the townships of
Burrell and West Wheatfield, Indiana
County, and Gallatin Fuel Company,
located in the township of Fallowfield,
Washington County.

A-00105933



Donald D. Saxton, Jr., for the applicant.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed on December 10, 1984. Public notice of the proceeding appeared in the Pennsylvania Bulletin of January 19, 1985. The application was unopposed. The record has now been certified to the Commission for disposition under modified proceedings. The record consists of a verified statement submitted on behalf of the applicant.

A verified statement has been entered by Robert Molnar, t/d/b/a Robert Molnar Hauling (Molnar or applicant), who is domiciled at R.D. 1, Box 38A, Suttersville, PA 15083. The applicant seeks authority as a contract carrier in order to transport coal under contract with Mikel Coal Company from its Smithton facilities to Bentley Coal Company in Indiana County and Gallatin Fuel Company in Washington County. Molnar will base his operations at the above address and will maintain communications by telephone or CB radio.

The fleet of equipment owned and to be operated by the applicant pertinent to the subject transportation consists of a 1971 White 4,000 tri-axle truck, a 1975 GMC 9,500 tri-axle truck, a 1974 MAC R700 tractor and a 1974 Penn Body 26 foot dump trailer. Flares and fire extinguishers are stored in these vehicles and drivers are required to wear hard hats and safety shoes. The applicant states he is familiar and intends to comply with all pertinent State and Federal regulatory requirements.

Molnar will be picking up raw run-of-the-mine coal from Mikel's processing yard and loading facility at Smithton and transporting it to specific processing facilities in adjacent counties. The shipper currently handles this transportation via private carriage and now desires the service of the applicant as a contract carrier.

As proof of his financial fitness to operate, Molnar enters an undated balance sheet showing total assets of \$258,300 total liabilities of \$21,600 and a net worth of \$236,700.

DISCUSSION AND FINDINGS

Initial entry as a contract carrier for a coal company is being sought herein by Robert Molnar. The nature of transportation is very limited in scope. Coal will be picked up from the shipper's coal yard and delivered to two coal processing companies in adjacent counties. Transportation is outbound only and Molnar requests no inbound traffic since trucks will be returning empty to the point of origin.

From the fiscal information provided, the applicant appears to be in excellent financial condition, his ratio of assets over liabilities being more than ten to one. Molnar already owns the equipment and maintains the terminal facilities he will require for the proposed service. He is aware of his obligations regarding Federal and State regulatory agencies and stands ready to comply with these respective requirements. In short, the applicant appears to possess the requisite fitness to operate as a contract carrier in the service proposed herein.

A bilateral contract was submitted with the application. A review of this document reveals it is not entirely satisfactory. The contract should be revised to indicate a minimum amount of business to be tendered to the applicant during a stated period of time by the shipper and the term of the contract should be clearly specified. Any authority hereinafter approved will be contingent upon submission by the applicant of a revised, acceptable bilateral contract in accordance with the requirements of 52 Pa. Code §31.45.

We find:

1. The applicant has demonstrated he is fit, willing and able to render the transportation proposed herein.

2. A desire by the shipper for the applicant's service is implicit with the contract submitted.

3. The bilateral contract is deficient and does not meet Commission requirements.

4. Approval of the application is in the public interest and will not interfere with the accommodation and safety of common carriers; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following right:

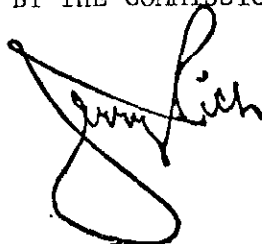
To transport, as a contract carrier, coal for Mikel Coal Company, from its facilities located in the borough of Smithton, Westmoreland County, to Bentley Coal Company, located in the townships of Burrell and West Wheatfield, Indiana County, and the Gallatin Fuel Company, located in the township of Fallowfield, Washington County.

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 upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relating to the filing of evidence of insurance, the filing of a schedule of minimum rates and charges in accordance with 66 Pa. C.S. §2502, and the filing of an acceptable contract with the Commission in accordance with 52 Pa. Code §31.45, a permit issue evidencing the Commission's approval of the right to operate as above-determined.

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,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 4, 1985

ORDER ENTERED: APR 10 1985

PS Form 3811, July 1983

SENDER: Complete items 1, 2, 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) if service(s) requested: *A-105933*

1. Show to whom, date and address of delivery.

2. Restricted Delivery. *order*

3. Article Addressed to:
Donald D. Lorton, Jr.

4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	Article Number 44628
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Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
E.S.

6. Signature - Agent
J. H. [unclear]

7. Date of Delivery
4-12-85

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

DOMESTIC RETURN RECEIPT

