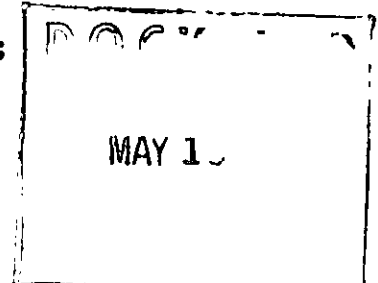


April 13, 1989

A-00093031

A. Graziani & Sons, Inc.
c/o Fred Graziani
1057 Butler Avenue
New Castle, PA 16101

A. Graziani & Sons, Inc.; New Castle, PA;
Letter-Petition to Reinstatement



To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in public meeting held April 6, 1989 in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

fao
Encls.
Cert. Mail

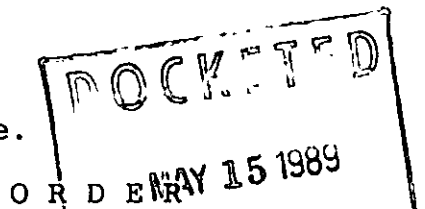
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 6, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Joseph Rhodes, Jr., Commissioner
Frank Fischl, Commissioner

A. Graziani & Sons, Inc.;
New Castle, PA;
Letter-Petition to Reinstate.



Docket No.
A-00093031

BY THE COMMISSION:

On February 12, 1988, the Commission entered an Order to Show Cause against A. Graziani & Sons, Inc. (Graziani) at A-00093031C881 alleging that it had failed to file its 1987 Annual Report and directing it to answer the allegations or to file the delinquent report within twenty (20) days. Graziani failed to file an answer and failed to file the report. Subsequently, on August 24, 1988, the Commission entered an Order which cancelled Graziani's certificate of public convenience for failure to file its report or answer the order. On March 8, 1989, Graziani filed a Letter-Petition for Reinstatement of its certificate. The report was attached to the Petition.

Decisions whether to grant Petitions to Reinstate are left to the discretion of the Commission and will be reversed only if that discretion is abused. Hoskins Taxi Service, Inc. v. Pa. P.U.C., 87 Pa. Commonwealth Ct. 30, 486 A.2d 1030 (1985). In ruling upon a Petition to Reinstate, the Commission will examine all relevant factors to reach an equitable result. Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983).

The Commission has identified three factors that are particularly relevant to the determination of a petition to reinstate: (1) the amount of time elapsed between the cancellation of the authority and the filing of the petition to reinstate, (2) the petitioner's compliance record with the Public Utility Code and the rules and regulations of the Commission, and (3) the reasonableness of the excuse given for the violation which caused the authority to be cancelled. See Re Bishop, 58 Pa. P.U.C. 519 (1984).

The first factor to be considered is the amount of time which elapsed between the cancellation of the certificate and the filing of the Petition to Reinstate. In the present case, Graziani filed its petition approximately six months after revocation of the certificate. This weighs in favor of reinstatement.

The second factor is whether Petitioner has a record of habitually violating the Public Utility Code. Graziani's record is not so bad as to preclude reinstatement.

The third factor considered is the reasonableness of the excuse given for the violation that caused the cancellation. In the present situation, Graziani alleges that the report was misplaced due to a change in office personnel. This is not a reasonable excuse. It is the obligation of the certificate holder to see that administrative filings have been made. However, the fact that Graziani is now in compliance weighs in favor of reinstatement.

The Commission's position when considering whether to reinstate is to balance the above factors to reach an equitable result. Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983). Weighing against reinstatement is the unreasonable excuse for the violation that caused the cancellation. On the other hand, Graziani has a fair record of compliance and has filed a timely petition.

It appears that overall the Petition to Reinstate has merit and should be granted; THEREFORE,

IT IS ORDERED:

1. That the Letter-Petition to Reinstate filed by A. Graziani & Sons, Inc. at A-00093031 on March 8, 1989 is hereby granted.
2. That the operating rights issued to Graziani at A-00093031 are hereby reinstated.

BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 6, 1989

ORDER ENTERED: APR 13 1989

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. (Extra charge)
 2. Restricted Delivery (Extra charge)

| | |
|---|---|
| 3. Article Addressed to: <i>A93031 O & Annual Report</i> <i>A. Graziani & Sons, Inc.</i> | 4. Article Number 44967 |
| Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise | |
| Always obtain signature of addressee or agent and DATE DELIVERED . | |
| 5. Signature - Address <i>X A. Graziani & Sons Inc JMT</i> | 8. Addressee's Address (ONLY if requested and fee paid) |
| 6. Signature - Agent <i>X</i> | |
| 7. Date of Delivery <i>MAR 15 1989</i> | |

COMMONWEALTH OF PENNSYLVANIA

DATE: March 17, 2005
SUBJECT: A-00093031
TO: Bureau of Transportation & Safety
FROM: James J. McNulty, Secretary *KB*

DOCKETED
APR 29 2005

**DOCUMENT
FOLDER**

A. Graziani & Sons Inc.

Per memo dated March 7, 2005, from Joseph J. Novobilski, Assessments Section, the above docketed proceeding is being reassigned to your Office for appropriate action.

ksb

cc: J. Novobilski

RJP

I N T E R

M E M O

O F F I C E

March 7, 2005

SUBJECT: 2005-2006 Out of Business Notices - T & S Memo #4

TO: Kay Best
Compliance and Assignment Supervisor

FROM: Joe Novobilski
Assessments Section



RECEIVED

MAR 07 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attached are (14) request to cancel notification notices that were received with General Assessment Reports for 2005-2006.

| | | |
|------------|---------------------------|--------|
| A-00084122 | Buzzard Jesse Jr | 721840 |
| A-00093031 | Graziani A & Sons Inc | 760900 |
| A-00097765 | Wood Chips Inc | 868480 |
| A-00112442 | Level Propane Gases Inc | 701565 |
| A-00112795 | M & M Transport Inc | 701785 |
| A-00113433 | Yorktowne Inc | 702165 |
| A-00114232 | OCI Inc | 702690 |
| A-00116226 | Seier Richard P | 703978 |
| A-00117287 | Vitali Clement | 704683 |
| A-00117590 | Top Hat Transport Inc | 704866 |
| A-00118229 | Snyder Fuels Inc | 705256 |
| A-00118482 | Shivers William D | 705415 |
| A-00119084 | Agway Energy Products LLC | 705793 |
| A-00119761 | Crash Products Inc | 706171 |

DOCKETED
APR 29 2005

**DOCUMENT
FOLDER**

Cc: Stephen M Reed

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORM PU-104

P.O. BOX 3265
 HARRISBURG PENNSYLVANIA 17105-3265

RECEIVED
 BUDGET, FISCAL & REVENUE
 05 MAR -7 AM 9:59
 PA PUC

ASSESSMENT REPORT

STATEMENT OF OPERATING REVENUES FOR GENERAL ASSESSMENT OF
 COMMON CARRIER OF PROPERTY AND/OR PERSONS BY MOTOR VEHICLE

GRAZIANI, A., & SONS, INC.
 C/O GRAZIANI, FRED
 1057 BUTLER AVE.
 NEW CASTLE, PA 16101-4246

760900

DOCKETED
 APR 29 2005

| |
|--|
| PUC Certificate No. A-00093031 |
| Utility Type CC |
| 2004 OPERATION PERIOD FROM 1-1-04 TO 12-31-04 |

THIS REPORT MUST BE FILED NOT LATER THAN MARCH 31, 2005.
 IF NOT FILED, THE COMMISSION WILL ESTIMATE YOUR INTRASTATE OPERATING REVENUES AND
 WILL BASE YOUR ASSESSMENT ON THE ESTIMATED TOTAL. FAILURE TO FILE BY THE MARCH 31
 DEADLINE MAY RESULT IN FINES OF UP TO \$1,000 FOR EACH DAY OF A VIOLATION (66Pa. C.S. §3301).
 (Complete the back of this form if claiming exemptions)

OPERATING REVENUES FOR CALENDAR YEAR 2004:
 (ROUND TO NEAREST DOLLAR.)

| | AMOUNT |
|---|--------|
| 1. <u>TOTAL GROSS OPERATING REVENUES</u> Earned from operating as a household goods carrier and a common carrier of property and passengers | -0- |
| 2. <u>GROSS OPERATING REVENUES</u> From INTERSTATE operations | -0- |
| 3. <u>TOTAL GROSS INTRASTATE</u> operating revenue (line 1 minus line 2.) | -0- |
| 4. <u>DEDUCTIONS</u> based on exemptions itemized on back of form | -0- |
| 5. <u>GROSS INTRASTATE REVENUE</u> on which your assessment will be based (line 3 minus line 4.) | -0- |

DOCUMENT FOLDER

Indicate the method used to compute Intrastate operating revenue
 Actual Records Estimated Other Describe

2/15/99 Palmyra
 Estimated - 0-

AFFIDAVIT
 The information reported above is true and correct.

A. Grazianni 3-3-05 170-32-3615
 Signature of Individual or Officer Date SS#

Trade or Corporate Name of Utility
 A. GRAZIANI & CO., INC.

| | |
|-----------------------------------|----------------------------------|
| Federal I.D. Number 25-1441520 | Telephone Number 724-654-5535 |
|-----------------------------------|----------------------------------|

New Address - If different from above

CERTIFICATION
 Subscribed and sworn to before me
 this 3 day of March 2005

Rose M. Herr
 SIGNATURE

OFFICIAL *Notary*
 SEAL (Official Title)

Notarial Seal
 Rose M. Herr, Notary Public
 City Of New Castle, Lawrence County
 My Commission Expires Apr. 12, 2007
 Member, Pennsylvania Association Of Notaries

| EXEMPTIONS (LIST) | AMOUNT |
|---------------------------------------|--------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| TOTAL (Enter on Line 4 of front page) | |

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
MOTOR CARRIER SERVICES AND ENFORCEMENT**

To Whom It May Concern:

In accordance with the final decision at P-00940884, Regulation of Motor Carriers of Property, adopted December 15, 1994 and entered December 20, 1994:

I hereby request that my Certificate of Public Convenience issued at A-00 093031 be cancelled, and that all rights, powers and privileges conveyed thereby cease and terminate.

I understand that my request and subsequent cancellation of the certificate will require the refiling of an application and payment of a filing fee should I decide to again initiate common carrier service.

CARRIER NAME
A. GRAZIANI & CO., INC.

CARRIER ADDRESS
1057 BUTLER AVE., NEW CASTLE, PA 16101

Alfred Graziani Alfred Graziani, president 3-3-05
 AUTHORIZED SIGNATURE PRINT NAME - TITLE DATE
3/1/05 Phone conversation Das want to Cancel etc

AUTHORIZATION FOR RELEASE OF STATE TAX RECORDS

In accordance with Sections 505 and 506 of the Public Utility Code, as a means to verify the accuracy of financial information supplied to the Public Utility Commission, I hereby authorize the Pennsylvania Department of Revenue to release to the Public Utility Commission, any tax records filed by or compiled with regard to the below-listed utility and/or individual.

Notarial Seal
 Rose M. Herr, Notary Public
 City Of New Castle, Lawrence County
 My Commission Expires Apr. 12, 2007
 Member, Pennsylvania Association Of Notaries

Rose M Herr
 Utility Name
ROSE M HERR
 Name (Printed) Title
Rose M Herr
 x Signature

Date March 3, 2005