

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	November 7, 1984	2. <u>BUREAU AGENDA NO.</u>	DEC-84-L-540*
3. <u>BUREAU:</u>	Law		
4. <u>SECTION(S):</u>	Non-Rail Transp.	5. <u>PUBLIC MEETING DATE:</u>	December 7, 1984
6. <u>APPROVED BY:</u>			
Director:	Hoffman 7-5000		
Supervisor:	Lowenstein 3-3713		
7. <u>MONITOR:</u>	Comm. Fischl		
8. <u>PERSON IN CHARGE:</u>	House 3-3713		
9. <u>DOCKET NO:</u>	A-00093048		

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation
- (a) Application of Harold E. Trego, Inc., Petition for Reinstatement.

(b) This matter comes before the Commission by way of a Petition to Reinstatement filed on April 12, 1984 by Harold E. Trego, Inc. (Trego). On February 6, 1984, the Commission entered an order (adopted January 20, 1984) at A-00093048 cancelling Trego's certificate of public convenience for failure to file its 1982 Assessment Report. Trego filed its letter petition on April 12, 1984. On July 12, 1984, a Secretarial letter was issued to Trego advising it that it must file its 1983 Annual Report, 1983 Assessment Report and pay its 1982 Assessment before action would be taken on the letter petition. Trego has met the requirements of the July 12, 1984 Secretarial letter and has filed its 1982 Assessment Report.

(c) The Law Bureau recommends that the Commission grant the letter petition for reinstatement filed by Harold E. Trego, Inc. and adopt the proposed order reinstating Trego's certificate of public convenience.

DOCKETED
DEC 13 1984

DOCUMENT
FOLDER

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

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120
December 18, 1984

IN REPLY PLEASE
REFER TO OUR FILE

A-00093048

Harold E. Trego
P.O. Box 204
Lionville, PA 19353

Application of Harold E. Trego, Inc.; Petition for Reinstatement.



To Whom It May Concern:

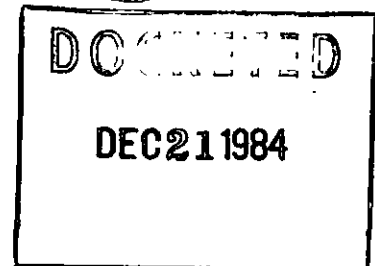
This is to advise you that an Order has been adopted by the Commission in public meeting held December 7, 1984.

An Executed Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

lg
Encls.
Cert. Mail
Law Bureau
Bureau of Non-Rail Transportation
Frances Jones
McCarthy
Tariff

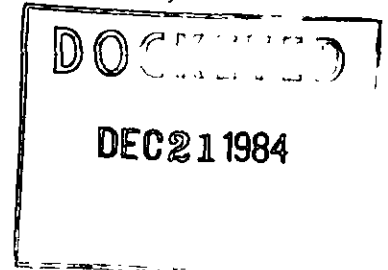


PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 7, 1984

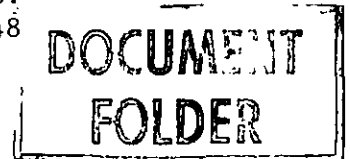
Commissioners Present:

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



Application of Harold E. Trego, Inc;
Petition for Reinstatement

Docket No.
A-00093048



O R D E R

BY THE COMMISSION:

This matter comes before the Commission by way of a petition to Reinstatement filed by Harold E. Trego, Inc. (Trego) on April 12, 1984. By Order entered November 1, 1983 (adopted September 30, 1983) at A-00093048, the Commission issued an Order To Show Cause for Failure to File Assessment Report to Trego. That Order To Show Cause directed Trego to show cause why its certificate of public convenience should not be cancelled for failure to file its 1982 Assessment Report. The Order To Show Cause required Trego to file an answer within twenty (20) days from the date of service or, in the alternative, to file the 1982 Assessment Report within thirty (30) days from the date of service of the Order To Show Cause. Trego did not file an answer or its 1982 Assessment Report.

On February 6, 1984, the Commission entered an Order (adopted January 20, 1984) at A-00093048 sustaining the allegations of the Order To Show Cause and cancelling Trego's certificate of public convenience. Trego filed a letter petition to reinstate on April 12, 1984 and filed its 1982 Assessment Report. A review of Trego's record at that time revealed that its 1983 Annual and Assessment Reports had not been filed and its 1982 Assessment had not been paid. Accordingly, a Secretarial letter was issued on July 12, 1984 advising Trego that no action would be taken on the petition to reinstate until the two reports were filed and the Assessment was remitted. Trego filed the two reports shortly thereafter and paid the 1982 Assessment in October, 1984.

By its letter petition, Trego indicates that it had been erroneously advised by its accountant that the 1982 Assessment Report had been filed in a timely fashion. The petition also states that Trego has changed accountants and its bookkeeper, which transition is presumably the reason for the late filing of the 1983 reports and payment of the 1982 Assessment. No reason is given for the failure to respond to the Order To Show Cause issued at A-00093048 on November 1, 1983.

Decisions such as whether to grant a petition to reinstate are left to the discretion of the Commission, and will be reversed only if that discretion is abused. Merz White Way Tours v. Pennsylvania Public Utility Commission, 204 Pa. Superior Ct. 43, 201 A.2d 246 (1964). In deciding whether to grant such a petition, the Commission will examine all relevant factors to reach an equitable result. Re Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983). As held in Re Medical Transportation, Inc., Supra, three factors are included in such an examination: the length of time elapsed between cancellation and the filing of the petition; Petitioner's record of compliance with the Public Utility Code; and the reasonableness of the excuse given for the violation which caused the cancellation (see also Re Falcone Cab Co., A-95400; Re Radio Cab Co., A-94012, 1982).

Here, Trego's certificate of public convenience was cancelled on February 6, 1984. The letter petition for reinstatement was filed on April 12, 1984, two months after cancellation. A period of two months between cancellation and filing of the petition mitigates in favor of reinstatement where it appears Trego was of the impression that there was no violation.

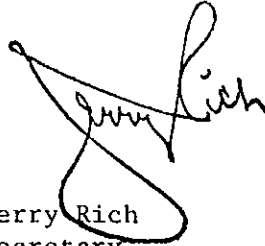
A review of Trego's record indicated that it does not warrant a denial of the instant petition. We must note, however, that Complaints for failure to file Assessment Reports in 1979 and 1982 were issued against Trego and were sustained. In addition, a complaint for failure to file the 1982 Annual Report was sustained. While Trego's record at this time does not dictate against reinstatement, future violations of this nature would present a more difficult case.

The final element to be considered is the excuse given for the violation giving rise to cancellation. Trego states that it had been erroneously informed by its accountant that the 1982 Assessment Report had been timely filed. The record reveals that the report was filed shortly after cancellation of the certificate. This mitigates in favor of reinstatement but Trego's position would have been more appropriately stated in a timely reply to the Order To Show Cause.

Trego has filed its 1982 Assessment Report and satisfied all the conditions set forth in the Secretarial letter of July 12, 1984. Its letter petition for Reinstatement was filed within two months of the cancellation and the violation appeared to arise from a lack of timely filing of which Trego was misinformed. Finally, while there are past violations in Trego's record, at this time the factors considered mitigate in favor of reinstatement; THEREFORE,

IT IS ORDERED: That the Petition for Reinstatement of the Certificate of Public Convenience filed by Harold E. Trego, Inc., on April 12, 1984 at A-00093048, be and is hereby granted.

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, looping initial "J".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 7, 1984

ORDER ENTERED: DEC 18 1984

A-93048

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) for service(s) requested.

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

2. Restricted Delivery. *order*

3. Article Addressed to:
Harold E. News

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	44873

Always obtain signature of addressee or agent and DATE DELIVERED.

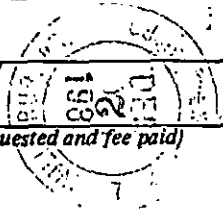
5. Signature - Addressee
X *[Signature]*

6. Signature - Agent
X

7. Date of Delivery
12-20-84

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

DOMESTIC RETURN RECEIPT



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

December 18, 1984

Harold E. Trego, Inc.
Box 204
Chester County
Lionville, PA 19353

FILE

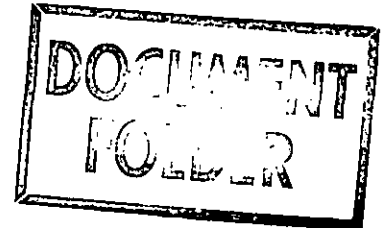
IN REPLY PLEASE
REFER TO OUR FILE
A. 93048
R.C. 25291

RECEIVED
DEC 21 1984

Gentlemen:


This is to advise you that on or about November 8, 1984, a certain motor vehicle, herein identified as a Mack truck, bearing Pennsylvania License No. CJ76771, Identification No. R685ST14510, was checked by Ralph Cooper, a duly authorized enforcement officer of this Commission, at Route 372, Coatesville, Chester County, Pennsylvania, and it was found that you failed to remove your PUC A# as required by Section 31.33(d) of the Commission's Motor Carrier Property Transportation Regulations, 52 Pa. Code §31.33(d), which provides:

"In the event that the certificate of any common carrier or permit of any contract carrier be cancelled or revoked by the Commission or where a motor vehicle is permanently removed from service, such carrier shall immediately cause the certificate or permit number to be removed from its vehicle."



In light of the above, you are hereby directed to comply with the aforesaid regulation within fifteen (15) days of receipt of this letter and submit proof of compliance to this office forthwith. Failure to comply may subject you to the penalties as may be imposed by this Commission for violation of its regulations.

Very truly yours,


Manuel S. Chavey
Administrative Supervisor
Bureau of Safety and Compliance

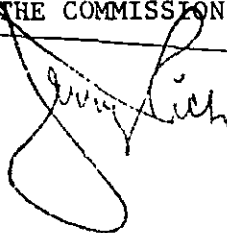
DB:tm

cc: Philadelphia District Office/Cooper

See enclosed copy.

IT IS ORDERED: That the Petition for Reinstatement of the Certificate of Public Convenience filed by Harold E. Trego, Inc., on April 12, 1984 at A-00093048, be and is hereby granted.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 7, 1984

ORDER ENTERED: DEC 18 1984

RECEIVED
PUBLIC UTILITY COM. CO. 1
DEC 20 1984
LARRY AD

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 7, 1984

Commissioners Present:

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

Application of Harold E. Trego, Inc;
Petition for Reinstatement

Docket No.
A-00093048

RECEIVED
DEC 20 1984

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by way of a petition to Reinstate filed by Harold E. Trego, Inc. (Trego) on April 12, 1984. By Order entered November 1, 1983 (adopted September 30, 1983) at A-00093048, the Commission issued an Order To Show Cause for Failure to File Assessment Report to Trego. That Order To Show Cause directed Trego to show cause why its certificate of public convenience should not be cancelled for failure to file its 1982 Assessment Report. The Order To Show Cause required Trego to file an answer within twenty (20) days from the date of service or, in the alternative, to file the 1982 Assessment Report within thirty (30) days from the date of service of the Order To Show Cause. Trego did not file an answer or its 1982 Assessment Report.

On February 6, 1984, the Commission entered an Order (adopted January 20, 1984) at A-00093048 sustaining the allegations of the Order To Show Cause and cancelling Trego's certificate of public convenience. Trego filed a letter petition to reinstate on April 12, 1984 and filed its 1982 Assessment Report. A review of Trego's record at that time revealed that its 1983 Annual and Assessment Reports had not been filed and its 1982 Assessment had not been paid. Accordingly, a Secretarial letter was issued on July 12, 1984 advising Trego that no action would be taken on the petition to reinstate until the two reports were filed and the Assessment was remitted. Trego filed the two reports shortly thereafter and paid the 1982 Assessment in October, 1984.

By its letter petition, Trego indicates that it had been erroneously advised by its accountant that the 1982 Assessment Report had been filed in a timely fashion. The petition also states that Trego has changed accountants and its bookkeeper, which transition is presumably the reason for the late filing of the 1983 reports and payment of the 1982 Assessment. No reason is given for the failure to respond to the Order To Show Cause issued at A-00093048 on November 1, 1983.

Decisions such as whether to grant a petition to reinstate are left to the discretion of the Commission, and will be reversed only if that discretion is abused. Merz White Way Tours v. Pennsylvania Public Utility Commission, 204 Pa. Superior Ct. 43, 201 A.2d 246 (1964). In deciding whether to grant such a petition, the Commission will examine all relevant factors to reach an equitable result. Re Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983). As held in Re Medical Transportation, Inc., Supra, three factors are included in such an examination: the length of time elapsed between cancellation and the filing of the petition; Petitioner's record of compliance with the Public Utility Code; and the reasonableness of the excuse given for the violation which caused the cancellation (see also Re Falcone Cab Co., A-95400; Re Radio Cab Co., A-94012, 1982).

Here, Trego's certificate of public convenience was cancelled on February 6, 1984. The letter petition for reinstatement was filed on April 12, 1984, two months after cancellation. A period of two months between cancellation and filing of the petition mitigates in favor of reinstatement where it appears Trego was of the impression that there was no violation.

A review of Trego's record indicated that it does not warrant a denial of the instant petition. We must note, however, that Complaints for failure to file Assessment Reports in 1979 and 1982 were issued against Trego and were sustained. In addition, a complaint for failure to file the 1982 Annual Report was sustained. While Trego's record at this time does not dictate against reinstatement, future violations of this nature would present a more difficult case.

The final element to be considered is the excuse given for the violation giving rise to cancellation. Trego states that it had been erroneously informed by its accountant that the 1982 Assessment Report had been timely filed. The record reveals that the report was filed shortly after cancellation of the certificate. This mitigates in favor of reinstatement but Trego's position would have been more appropriately stated in a timely reply to the Order To Show Cause.

Trego has filed its 1982 Assessment Report and satisfied all the conditions set forth in the Secretarial letter of July 12, 1984. Its letter petition for Reinstatement was filed within two months of the cancellation and the violation appeared to arise from a lack of timely filing of which Trego was misinformed. Finally, while there are past violations in Trego's record, at this time the factors considered mitigate in favor of reinstatement; THEREFORE,

RECEIVED
DEC 28 1984
SECRET



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

May 1, 1985

IN REPLY PLEASE
REFER TO OUR FILE

A. 93048

Protective Insurance Company
3100 North Meridian Street
Indianapolis, IN 46208

SUBJECT: Form E UCPC-31 UCPC-33 _____

The enclosed insurance filing is being returned for the following reason(s):

- Incorrect name of insured. Insurance should be issued in the name of: Harold E. Trego, Inc.
- Incorrect form issued. Reissue using:
- Unacceptable proof of insurance. Have insurance company submit a:
- Form has not been signed by authorized company representative.
- No amount of coverage shown.
- Amount of coverage does not meet required minimum of \$2500.
- No effective date shown.
- No termination date shown.
- No record of insurance on file.
- Need reinstatement notice, Form IRB 2271.
- Reinstatement date does not match cancellation date.

Please submit the correct and proper insurance filing to our office as soon as possible. Failure to do so may result in suspension and/or cancellation of authorized PUC rights.

If you have any questions concerning the above, please contact the Insurance Section at (717) 787-3114.

DOCKETED
MAY 2 1985

Sincerely,
Jackie [Signature]
Insurance Section

DOCUMENT
FOLDER