

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	June 22, 1989	2. <u>BUREAU AGENDA NO.:</u>	JUL-89-T-726*
3. <u>BUREAU:</u>	Transportation		
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	July 6, 1989
6. <u>APPROVED BY:</u>			
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzelf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Hoshour 7-5513		
9. <u>DOCKET NO.:</u>	A-00106803, F. 1, Am-B		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

DOCKETED
 AUG 07 1989

(a) Application of Kleins' Bus Service, Inc., Douglassville, Berks County, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of persons, in group and party service, between the facilities owned or utilized by Boscov's Department Stores, located in West Lebanon Township, Lebanon County, Norwegian Township, Schuylkill County, Monroe Township, Snyder County, city of Wilkes-Barre and township of Hazle, Luzerne County, Hampden Township, Cumberland County, Lower Paxton Township, Dauphin County, city of Lancaster, Lancaster County, city of York, York County and the borough of Norristown, Montgomery County, and from said facilities, to points in Pennsylvania.

(b) The application was protested by 11 certificated carriers, however, all protests were withdrawn when the applicant restrictively amended the application as set forth in the proposed order. Verified statements have been submitted by the applicant and Travel Center, Inc., a passenger broker. We have determined that it is not in the public interest to grant the applicant the right to serve a broker, as more fully described in the order.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order denying the application, for not being in the public interest.

WH:rs

DOCKETED
 AUG 14 1989

11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Rhodes - Yes
		Commissioner Fischl - Yes
<u>SECONDED:</u>	Commissioner Smith	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

July 10, 1989

A-00106803
F.1, Am-B

J. Bruce Walter, Esquire
410 North Third Street
P.O. Box 1146
Harrisburg, PA 17108

Application of Kleins' Bus Service, Inc., a corporation of the Commonwealth
of Pennsylvania

To Whom It May Concern:

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

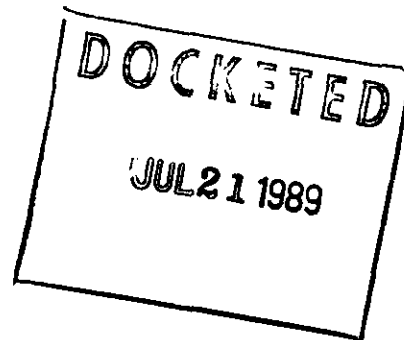
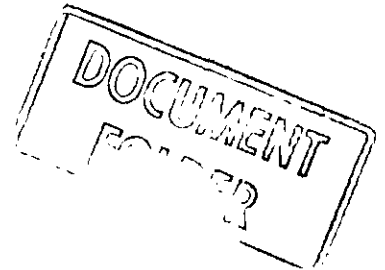
A copy of this Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

fao
Encls.
Certified Mail

Copy of order to: Refer to attached list.



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

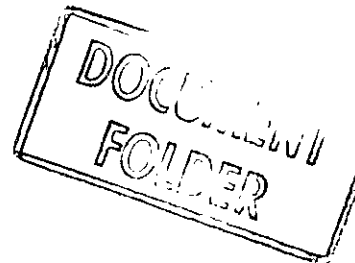
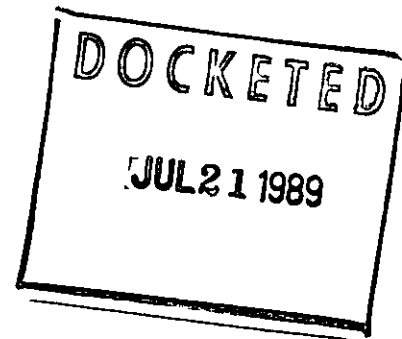
Public Meeting held July 6, 1989

Commissioners Present:

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

Application of Kleins' Bus Service, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, groups and parties of persons between points in the townships of Douglass, Union, Amity, Colebrookdale, Earl, Oley, Alsace, Muhlenberg, Bern, Lower Heidelberg, South Heidelberg, Spring, Brecknock, Cumru, Lower Alsace, Robeson, Caernarvon and Exeter, the boroughs of Sinking Springs, Wyomissing, Adamstown, Mohnton, Shillington, Kenhorst, West Reading, Wyomissing Hills, Laurel-dale, Temple, St. Lawrence, Mt. Penn, Wernersville, Leesport, Birdsboro and West Lawn in the city of Reading, Berks County, the boroughs of Elverson, and the townships of North Coventry and Warwick, Chester County, the borough of Pottstown, and the townships of Lower Pottsgrove, Upper Pottsgrove and West Pottsgrove, Montgomery County, the townships of Caernarvon, Brecknock, East Cocalico and West Cocalico, the boroughs of Denver and Adamstown, Lancaster County, and from points in said territory, to points in Pennsylvania, and return: SO AS TO PERMIT the transportation of persons, in group and party service between the facilities owned or utilized by Boscov's Department Stores, located in West Lebanon Township, Lebanon County, Norwegian Township, Schuylkill County, Monroe Township, Snyder County, city of Wilkes-Barre and township of Hazle, Luzerne County, Hampden Township, Cumberland County, Lower Paxton Township, Dauphin County, city of

A-00106803
F. 1
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Lancaster, Lancaster County, city of York, York County and the borough of Norristown, Montgomery County, and from facilities, to points in Pennsylvania.

Rhoads & Sinon by J. Bruce Walter for the applicant.
Graf, Andrews & Radcliff, P.C. by Christian V. Graf for the protestants,
R & J Transportation, Inc., H. E. Rohrer, Inc., t/d/b/a Rohrer Bus
and BKW Coach Lines, Inc.
Shearer, Mette, Evans & Woodside by Lloyd R. Persun for the protestant,
Wolf's Bus Lines, Inc.
McNees, Wallack & Nurick by S. Berne Smith for the protestants, Penn
Highway Transit Company, Conestoga Tours, Inc., Capitol Bus
Company, Overland Coach Service, Inc., Capitol International
Tours, Inc. and Frank Martz Coach Company.
Siegrist, Koller, Brightbill & Long by David J. Brightbill for the
protestant, Donald B. and Effie G. Fisher.
Rubin, Quinn, Moss & Heaney, by James W. Patterson for the protestant,
Catawese Coach Lines, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 19, 1987. Public notice of the application was given in the Pennsylvania Bulletin of January 30, 1988. Additional public notice was given in the Times Herald, Montgomery County; the Intelligencer Journal, Lancaster County; the Wilkes-Barre Times Leader, Luzerne County; the Patriot & Evening News, Dauphin County; the York Dispatch, York County; and the Daily News, Lebanon County. Protests to the application were filed by 11 certificated carriers.

The protests were withdrawn when the applicant restrictively amended the application so that the applicant now seeks the following authority:

To transport, as a common carrier, by motor vehicle, groups and parties of persons on a non-exclusive basis for special excursions and tours or sight-seeing trips, for Travelcenter, Inc. between the facilities owned or utilized by Boscov's Department Stores, located in West Lebanon Township, Lebanon County, Norweigian Township, Schuylkill County, Monroe Township, Snyder County, city of Wilkes-Barre and township of Hazle, Luzerne County, Hampden Township, Cumberland County, Lower Paxton

Township, Dauphin County, city of Lancaster, Lancaster County, and from said facilities to points in Pennsylvania, and return, provided however:

That service is limited to excursions, tours and trips for which Travelcenter, Inc. has sold individual tickets.

The application is now unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and one supporting shipper.

DISCUSSION AND FINDINGS

Kleins' Bus Service, Inc. (Kleins' or applicant) sought by the instant application to expand its current group and party operations to include the transportation of groups and parties of persons, between the facilities owned or utilized by Boscov's Department Stores located in West Lebanon Township, Lebanon County, Norwegian Township, Schuylkill County, Monroe Township, Snyder County, the city of Wilkes-Barre and township of Hazle, Luzerne County, Hampden Township, Cumberland County, Lower Paxton Township, Dauphin County, the city of Lancaster, Lancaster County, the city of York, York County and the borough of Norristown, Montgomery County, and from said facilities, to points in Pennsylvania.

In responding to protests, the applicant has restrictively amended the application. First, the applicant has limited transportation to groups and parties of persons on a non-exclusive basis for special excursions and tours or sight-seeing trips for Travelcenter, Inc. Secondly, the applicant has excluded from the application the city of York, York County and the borough of Norristown, Montgomery County, as origin points. Finally, the applicant limited the proposed service to excursions, tours and trips for which Travelcenter, Inc. has sold individual tickets.

Kleins' operates from facilities located in Douglassville, Berks County. To provide transportation, the applicant has available 28 coach buses and 20 school buses. Employed by Kleins' are nine full-time coach drivers and 13 part-time coach drivers.

As a certificated group and party carrier in both intrastate and interstate commerce, the applicant provides tours, special excursions and sight-seeing type services. Currently, services include transportation, the arranging of room accommodations, entrance fees to attractions and the arranging of meals.

The applicant is currently authorized to render group and party service between points in portions of Berks County, Chester County, Montgomery County and Lancaster County, and from specifically named points in the four counties to points in Pennsylvania, and return. The applicant is now seeking to expand the number of municipalities in the four counties it

can currently serve. The additional authority being sought will permit the applicant to better coordinate its interstate service with Travelcenter, Inc.

Ike Matza, president of Travelcenter, Inc., states in support of the pending application that Travelcenter, Inc. is a travel agency/broker. The broker's license was issued December 12, 1975, and as amended, currently authorizes the broker to arrange transportation of persons and their baggage from points in the counties of Berks, Schuylkill, Lebanon, Lancaster, Cumberland, Dauphin, Luzerne and Snyder, to points in Pennsylvania, and vice versa.

Travelcenter, Inc. utilizes transportation services of the applicant on an interstate basis. These tours originate at stores owned or utilized by Boscov's Department Stores, of which Travelcenter, Inc. is affiliated. Boscov's Stores are located in West Lebanon Township, Lebanon County; Norwegian Township, Schuylkill County; Monroe Township, Snyder County; the city of Wilkes-Barre and the township of Hazle, Luzerne County; Hampden Township, Cumberland County; Lower Paxton Township, Dauphin County; and the city of Lancaster, Lancaster County. Destinations would be any point in Pennsylvania.

As originally filed, Kleins' was proposing to render group and party service from specific facilities owned or operated by Boscov's Department Stores. However, the applicant has limited the proposed service to the transportation of groups and parties of persons on a non-exclusive basis, for Travelcenter, Inc., a licensed passenger broker.

Issuance of the amended authority sought by this applicant, would abrogate the customary role of a broker, be it a passenger broker or a property broker, to search out the appropriate carrier, be it for rates, schedules, type of motor carrier or which for other reasons, best meets the needs of the shipper/passenger. "We do not, therefore, believe that it is in the broker's interest or the public interest to allow a carrier to hold authority to transport for a broker." Re Cressona Trucking Company, 65 Pa. P.U.C. 265, 267 (1987); Application of Avery Transportation, Inc., A-00097769, F. 2, Am-C, order adopted June 22, 1989. Approval of the amended application would not be in the public interest to grant the applicant authority to serve a broker.


We find:

1. That the applicant has restrictively amended its application so that all of the proposed group and party service is to be provided for Travel Center, Inc., a passenger broker.

2. That it is not in the public interest to grant a carrier authority to transport for a broker; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby denied for not being in the public interest.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over a large, stylized, circular scribble or flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 6, 1989

ORDER ENTERED: JUL 10 1989

001
KLEINS' BUS SERVICE, INC.
P. O. BOX 246
ROUTE 422
DOUGLASSVILLE PA 19518
SELF

0002
J BRUCE WALTER ESQ
410 NORTH THIRD STREET
P O BOX 1146
HARRISBURG PA 17108-1146
APPLICANT

0003
CHRISTIAN V GRAF ESQ
407 NORTH FRONT STREET
HARRISBURG PA 17101
R & J TRANSPORTATION INC PROTESTANT

0004
~~CHRISTIAN V GRAF ESQ~~
407 NORTH FRONT STREET
HARRISBURG PA 17101
H E ROHRER INC PROTESTANT

0005
~~CHRISTIAN V GRAF ESQ~~
JAMES W. PATTERSON, ESQ
407 NORTH FRONT STREET
HARRISBURG PA 17101
CATAWESE COACH LINES INC PROTESTANT

0006
LLOYD R PERSON ESQ
1801 NORTH FRONT STREET
P O BOX 729
HARRISBURG PA 17108-0729
WOLF'S BUS LINES INC PROTESTANT

0007
S BERNE SMITH ESQ
100 PINE STREET
P O BOX 1166
HARRISBURG PA 17108-1166
PENN HIGHWAY TRANSIT CO PROTESTANT

0008
S BERNE SMITH ESQ
100 PINE STREET
P O BOX 1166
HARRISBURG PA 17108-1166
CONESTOGA TOURS INC PROTESTANT

0009
~~S BERNE SMITH ESQ~~
100 PINE STREET
P O BOX 1166
HARRISBURG PA 17108-1166
CAPITOL BUS COMPANY PROTESTANT

0013
DAVID J BRIGHTBILL ESQ
315 SOUTH EIGHTH STREET
P O BOX 1604
LEBANON PA 17042
DONALD B & EFFIE G FISHER PROTESTANT

0014
ROBERT L WALSH ESQ
ARCH AT FRONT
P O BOX 556
SUNBURY PA 17801
BKW COACH LINES INC PROTESTANT

A106803 F.I.A.M.-B

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. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Christian V. Gurf

4. Article Number **44501**

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X
K. Seidel

6. Signature - Agent
X
K. Seidel

7. Date of Delivery
7/10/77

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

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

A106803 F.I.A.M.-B

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. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
J. Bruce Walter, Esq

4. Article Number **44499**

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X
J. Bruce Walter

6. Signature - Agent
X
J. Bruce Walter

7. Date of Delivery
7/11/77

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

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

A106803 F.I.A.M.-B

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
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1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Sloyd R Person, Esq

4. Article Number **44502**

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X
Sloyd R Person

6. Signature - Agent
X
Sloyd R Person

7. Date of Delivery
7/11/77

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

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

A106803 F.I.A.M.-B

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
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1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Clain's Bus Service, Inc

4. Article Number **44500**

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X
Clain's Bus Service

6. Signature - Agent
X
Clain's Bus Service

7. Date of Delivery
7/12/77

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

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

A 106803 F.L.A.M.-B O

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:
Robert I. Walsh, Esq

4. Article Number **44504**
Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise
Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Address
X

6. Signature - Agent
X *Barne Smith*

7. Date of Delivery
JUL 11 1988

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

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

A 106803 F.L.A.M.-B O

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
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1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
S. Berne Smith, Esq

4. Article Number **44503**
Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise
Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Address
X

6. Signature - Agent
X *BS Smith*

7. Date of Delivery
JUL 11 1988

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

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

A 106803 F.L.A.M.-B O

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
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1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
David J. Brightbill

4. Article Number **44505**
Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise
Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Address
X

6. Signature - Agent
X *Kenneth D. Beauchamp*

7. Date of Delivery
7-11

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

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT