

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u> June 30, 1989	:	2. <u>BUREAU AGENDA NO.</u> JUL-89-T-751*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> July 20, 1989
6. <u>APPROVED BY:</u> 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-00106803, F. 1, Am-C	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

(a) Application of Kleins' Bus Service, Inc., a corporation of the Commonwealth of Pennsylvania, Douglassville, Berks County, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of persons in group and party service between points in the county of Berks, and from points in said county to points in Pennsylvania and return, provided that no right, power or privilege is granted to provide transportation from points in the borough of Kutztown, Berks County.

(b) The application is unopposed. The applicant now provides extensive service from specific points in Berks County and desires to amend its certificate to permit service from all points in Berks County except Kutztown. The applicant has a large fleet of coach vehicles and has the necessary experience to provide service. The applicant has the support of individuals and persons representing groups desiring additional Berks County service. It is our determination that approval of the application is necessary for the accommodation and convenience of the public.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application.

TZ:11

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

CONTENT OF MOTION: Staff recommendation adopted.



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

July 25, 1989

DOCKETED

SEP 14 1989

IN REPLY PLEASE
REFER TO OUR FILE

A-106803

F. 1, Am-C

J. Bruce Walter, Esquire
410 North Third Street
Harrisburg, PA 17108

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

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 July 20, 1989 and dismiss the application
without further proceedings.

Very truly yours,

Jerry Rich
Secretary



lg
Enclosure
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
cc:applicant
Kleins' Bus Service, Inc.
P.O. Box 334, Route 422
Douglassville, PA 19519

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 20, 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, 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, Laureldale, Temple, St. Lawrence, Mt. Penn, Wernersville, Leesport, Birdsboro and West Lawn and 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 points in the county of Berks, and from points in said county, to points in Pennsylvania, and return, provided that no right, power or privilege is granted to provide transportation from points in the borough of Kutztown, Berks County.

A-00106803
F. 1
Am-C

DOCKETED
SEP 14 1989

DOCUMENT
FOLDER

J. Bruce Walter for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 17, 1989. Public notice of the application was given in the Pennsylvania Bulletin of February 11, 1989. Additional notice was given in the Reading Eagle, edition of February 20, 1989, which is a newspaper of general circulation published in Reading, Berks County.

The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by William J. Klein, president of Kleins' Bus Service, Inc.; Evelyn L. Gibson, Shoemakersville; Wayne R. Weidner, president of National Bank of Boyertown; John J. Stevenson, co-owner and treasurer of Berkshire Travel Agency, Inc.; Thomas E. Roberts, president of Travel-Time, Inc.; Mrs. Donald Brubaker, Mohrsville Camp Fire Girls, Stanley R. Snyder a teacher in Hamburg Area School District; David M. Nyce, manager Pilgrim Tours & Travel, Inc.; Linda H. Althouse, a teacher in Tulpehocken High School; and Helene G. Singer, president Singer Travel.

DISCUSSION AND FINDINGS

By the instant application, Kleins' Bus Service, Inc., seeks to amend its common carrier certificate so that it may provide group and party service between all points in Berks County and from points in that county to points in Pennsylvania, and return, but providing that no service originate in the borough of Kutztown, Berks County. The applicant now holds extensive authority in Berks County which permits the transportation of groups and parties of persons between points in the townships of Douglas, Union, Amity, Colebrookdale, Earl, Oley, Alsace, Muhlenburg, 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, Laureldale, Temple, St. Lawrence, Mt. Penn, Wernersville, Leesport, Birdsboro and West Lawn and the city of Reading, Berks County.

The applicant operates from facilities at Douglasville, Berks County. It currently employs 22 persons at this site with nine full-time drivers and 13 part-time drivers. The company owns 22 motor coaches.

As evidence of its financial capacity to provide additional service in Berks County, the applicant incorporated its annual report on file with the Commission for calendar year 1988.

The applicant has the support of individuals, travel agents and representatives of groups, desiring transportation from points in Berks County to other points within the county and beyond to Pennsylvania destinations. The additional townships and boroughs mentioned by the supporting parties include Bernville, Boyertown, Hamburg, Robesonia, Shoemakersville, Centre, Jefferson, Perry and Windsor.

We must point out, however, that we are giving little weight to the statements of Thomas E. Roberts, president of Travel-Time, Inc., David M. Nyce, manager-owner of Pilgrim Tours, and Helene Singer, president of Elan Ltd., t/d/b/a Singer Travel, as Commission records do not show these three companies licensed as travel brokers for the arrangements of trips within Pennsylvania.

It is our determination that the evidence provided by six of the nine supporting parties is representative of a desire to have service available from additional Berks County origins and considering the extensive service now provided by the applicant from points in Berks County, we find no bar to permitting the applicant to serve all of Berks County, except the borough of Kutztown, which the applicant had excluded upon filing the application. As a currently certificated and established carrier with coach equipment, we find the applicant suited to provide service between all points in Berks County and from all points in that county (except Kutztown) to points in Pennsylvania; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued September 10, 1986, as amended, be further amended to include the following right:

To transport, as a common carrier, persons in group and party service, between points in the county of Berks, and from points in the said county to points in Pennsylvania, and return.

subject to the following condition:

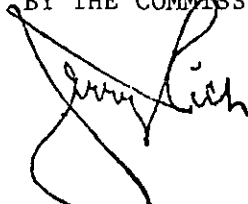
That no right, power or privilege is granted to provide transportation from points in the borough of Kutztown, Berks County.

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 the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of service of the 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", is written over the typed name below.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 20, 1989

ORDER ENTERED: JUL 25 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>A-106803, F.1, Am-C order J. Bruce Walter, Co</i>	4. Article Number 44336
5. Signature - Addressee <input checked="" type="checkbox"/>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent <input checked="" type="checkbox"/> <i>R. Henderson</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery JUL 27 1999	8. Addressee's Address (ONLY if requested and fee paid)