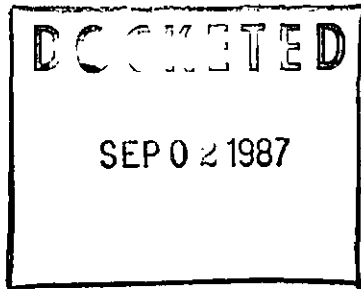




COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

August 31, 1987

IN REPLY PLEASE
REFER TO OUR FILE
A-00106803
F.1, Am-A



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

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 August 20, 1987 and dismiss the application without further proceedings.



Very truly yours,

Jerry Rich
Secretary

fao
Enclosure
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521

Kleins' Bus Service, Inc.
P.O. Box 334, Route 422
Douglassville, PA 19518

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 20, 1987

Commissioners Present:

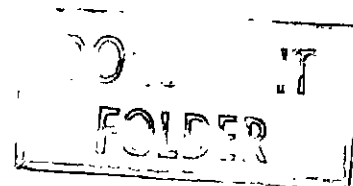
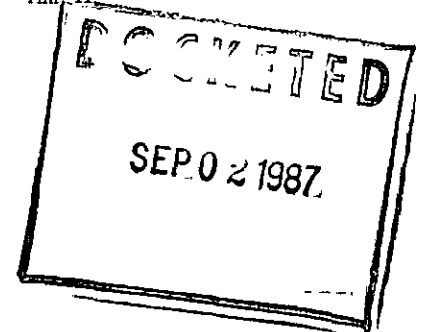
Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

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 and Coalbrookdale, and the borough of Birdsboro, Berks County, and from points in said territory to points in Pennsylvania and return to the points of origin, expressly excluding special excursions and tours or sight-seeing trips; groups and parties of persons between points in the townships of North Coventry and Warwick, Chester County and from points in said territory to points in Pennsylvania, and return; with the right immediately above subject to the following condition: That no right, power or privilege is granted to render tour, special excursion and sight-seeing trip service; groups and parties of persons, from points in the borough of Elverson, Chester County, the borough of Pottstown, and the townships of Lower Pottsgrove, Upper Pottsgrove and West Pottsgrove, Montgomery County, to points in Pennsylvania and return; with the right immediately above subject to the following condition: That no right, power or privilege is granted to render tour, special excursion and sight-seeing trip service; and groups and parties of persons and persons on tours or sight-seeing trips between points in the townships of Earl, Oley, Alsace, Muhlenberg, Bern, Lower Heidelberg, South Heidelberg, Spring,

A-00106803

F. 1

Am-A



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, West Lawn and the city of Reading, Berks County, the townships of Caernarvon, Brecknock, East Cocalico and West Cocalico the boroughs of Denver and Adamstown, Lancaster County, and from points in said area to points in the counties of Adams, Bucks, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Montgomery, Philadelphia and York; with the right immediately above subject to the following condition: That no right, power or privilege is granted to provide transportation in conventional school bus type equipment: SO AS TO PERMIT the transportation of 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.

Rhoads & Sinon by J. Bruce Walter for the applicant.
DeLong, Dry, Cianci & Beltzner by Lee F. High for the protestant,
Carl R. Bieber, Inc.
Kahn and Kahn by Jeremy Kahn for the protestant, Conestoga Transportation
Company.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 27, 1986. Public notice of the application was given in the Pennsylvania Bulletin of October 4, 1986. Additional public notice was given in the Reading Eagle-Times, Intelligencer Journal and the Philadelphia Inquirer, newspapers of general circulation within the area of application. Protests to the application were filed by Carl R. Bieber, Inc. and Conestoga Transportation Company. Both of the protests were withdrawn upon reconsideration, without amendment.

The application is now unprotested 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 11 supporting parties.

DISCUSSION AND FINDINGS

Kleins' Bus Service (applicant or Kleins'), P.O. Box 334, Route 422, Douglassville, Berks County, was issued a certificate of public convenience on September 10, 1986. Pursuant to said certificate, the applicant was granted the following rights:

- (1) To transport, as a common carrier, by motor vehicle, groups and parties of persons between points in the townships of Douglass, Union, Amity and Colebrookdale, and the borough of Birdsboro, Berks County, and from points in said territory to points in Pennsylvania and return to the point of origin, expressly excluding special excursions and tours or sight-seeing trips.
- (2) To transport, as a common carrier, groups and parties of persons between points in the townships of North Coventry and Warwick, Chester County, and from points in said territory to points in Pennsylvania, and return.

with the right immediately above subject to the following condition:

That no right, power or privilege is granted to render tour, special excursion and sight-seeing trip service.

- (3) To transport, as a common carrier, groups and parties of persons, from points in the borough of Elverson, Chester County, the borough of Pottstown, and the townships of Lower Pottsgrove, Upper Pottsgrove and West Pottsgrove, Montgomery County, to points in Pennsylvania and return.

with the right immediately above subject to the following condition:

That no right, power or privilege is granted to render tour, special excursion and sight-seeing trip service.

- (4) To transport, as a common carrier, groups and parties of persons and persons on tours or sight-seeing trips between points in the townships of 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, West Lawn and the city of Reading, Berks County, the townships of Caernarvon, Brecknock, East Cocalico and West Cocalico, the boroughs of Denver and Adamstown, Lancaster County, and from points in said area to points in the counties of Adams, Bucks, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Montgomery, Philadelphia and York.

with the right immediately above subject to the following condition:

That no right, power or privilege is granted to provide transportation in conventional school bus-type equipment.

The applicant seeks by the instant application to have the conditions removed from the four (4) paragraphs of operating authority currently held by the applicant. The applicant is also seeking to expand the destination territory in the fourth right set forth above from the listed counties to all points in Pennsylvania. In addition, Kleins' is also seeking to provide transportation between points in the borough of Elverson, Chester County and between points in the borough of Pottstown, and the townships of Lower Pottsgrove, Upper Pottsgrove and West Pottsgrove, Montgomery County, which was not authorized under Right No. 3 above. Kleins' is not seeking to expand the origin territory it is currently serving.

Operational facilities of the applicant are located in Douglassville, Berks County, and are available for maintenance and washing of vehicles, with parking for buses and customers on hand. Kleins' employs nine full-time coach drivers and 13 part-time drivers. Current equipment consists of one 22-passenger bus, 14 47-passenger buses, two 49-passenger buses and 20 school buses.

Statements in support of the pending application have been entered by Dorothy E. Trate, trip director for Twin Valley Seniors Club, Morgantown, Berks County; Charles H. McClary, treasurer, The Fishermans Club, Reading, Berks County; John D. Rausch, transportation director,

Wyomissing Area School district, Wyomissing, Berks County; Mary E. Haas, group leader for Ladies Auxiliary of Oley Fire Company, Douglassville, Berks County; Melvin B. Greth, president and tour guide, Tuckerton 50 Plus Travelers, Reading, Berks County; Ralphael Parise, director, Blind Association Sheltered Workshop, Reading, Berks County; Rita Tomashitis, teacher, Sacred Heart Elementary School, Shillington, Berks County; Salinda Cambria, assistant leader, Girl Scout Troop 353, Reading, Berks County; Mary Ulrich, president and tour director, League of Golden Agers, Mohnton, Berks County; John J. Stevenson, treasurer, Berkshire Travel Agency, Inc., Reading, Berks County; and David M. Nyce, manager, Pilgrim Tours & Travel, Inc., Morgantown, Berks County.

The supporting statements indicate that the various supporting groups have utilized the services of the applicant under its current authority, and that they would utilize the applicant to points in that portion of Pennsylvania that the applicant is not authorized to serve under the fourth right set forth above. Specific destination points which the applicant would be requested to serve would include Pittsburgh, Bedford, Allentown, State College, Wilkes-Barre, Pottsville, Scranton and Williamsport.

Since the applicant is not seeking to expand the origin territory it is now authorized to serve, we find that the evidence is sufficient to demonstrate that there is a public need for the additional service that will become available upon approval of the instant application. Although no specific mention was made by the supporting groups that they desire service in conventional school bus-type equipment, we are of the opinion that removal of this vehicle limitation which is found on the fourth right hereinbefore described would be in the public interest. We also find that elimination of the conditions which prevent the applicant from offering the public tour, special excursion and sight-seeing service to be in the public interest.

We find:

1. That the applicant is fit, willing and able to render the proposed transportation.
2. That the applicant has demonstrated that a public need exists for the proposed transportation.
3. That approval of the application is necessary for the accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued to the applicant on September 10, 1986, be amended so that the rights contained in the order adopted May 22, 1986 and entered May 29, 1986, shall now read as follows:

To transport, as a common carrier, 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.

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 this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days of the date of service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 20, 1987

ORDER ENTERED: AUG 31 1987

A 106803, F. I. AM-A G

3 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.

3. Article Addressed to: <i>J. Bruce Walter</i>	4. Article Number 44496
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	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X <i>J. Bruce Walter</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>J. Henderson</i>	
7. Date of Delivery SEP 1 1987	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

A 106803, F. I. AM-A G

3 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.

3. Article Addressed to: <i>Jeremy Kahn, Esq.</i>	4. Article Number 44497
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	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X <i>M. S. Hammel 726 M</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery <i>9-3-87</i>	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

A106803, F1A-A-A

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.

3. Article Addressed to:
Lee E. High, Esq.

4. Article Number: **44498**

Type of Service:
 Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X *[Signature]*

6. Signature - Agent
X *[Signature]*

7. Date of Delivery
Sept. 4, 1987

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

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

A106803, F1A-A-A

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.

3. Article Addressed to:
Dwight L. Kober, Jr.

4. Article Number: **44499**

Type of Service:
 Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X *[Signature]*

6. Signature - Agent
X *[Signature]*

7. Date of Delivery
SEP 1 1987

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

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT