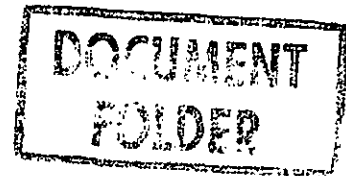


PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

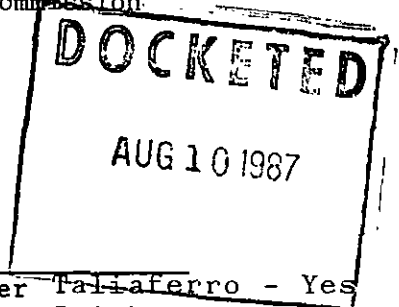
1. <u>REPORT DATE:</u>	June 12, 1987	2. <u>BUREAU AGENDA NO.</u>	JUL-87-T-728*
3. <u>BUREAU:</u>	Transportation		
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	July 16, 1987
6. <u>APPROVED BY:</u>			
Director:	Ernst 7-2154		
Supervisor:	Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Tim Zeigler 3-5946		
9. <u>DOCKET NO.:</u>	A-00107365		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			



(a) Application of H. Fred Barefoot Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, Alum Bank, Bedford County, for the right to begin to transport, as a contract carrier by motor vehicle, property for Galliker Dairy, from its facilities in the city of Johnstown, Cambria County, to points in Pennsylvania, and vice versa.

(b) The application was opposed by one carrier which later withdrew upon the applicant's restrictive amendment which excluded the transportation of petroleum and petroleum products in bulk in tank vehicles. The applicant has demonstrated its fitness to hold a contract carrier permit.

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



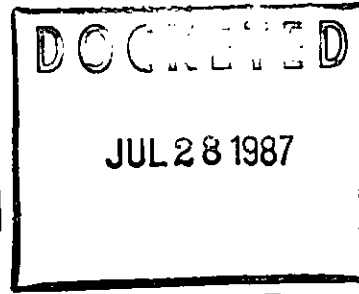
11. MOTION BY:	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
		Commissioner Smith - Yes
SECONDED:	Commissioner Fischl	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
July 23, 1987

IN REPLY PLEASE
REFER TO OUR FILE
A-00107365



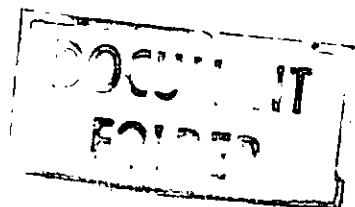
J. Bruce Walter, Esquire
410 North Third Street
P.O. Box 1146
Harrisburg, PA 17108

Application of H. Fred Barefoot Trucking, Inc., a corporation of the
Commonwealth of Pennsylvania

Enclosed is the compliance order issued by the Commission in this
proceeding.

A Contract Carrier Permit evidencing the Commission's approval
of the right to operate will not be issued until the applicant has
complied with the following insurance and tariff requirements:

1. Arrange through an insurance agent to have an
insurance company file the following forms with
the Commission:
 - a. A Form E as evidence of minimum public
liability and property damage insurance
coverage as shown on the back of this
page.
 - b. A Form UCPC-31 as evidence of cargo insurance
coverage in an amount not less than that
provided by contract with each shipper.
Exemption from the cargo insurance requirement
may be secured by having the shipper(s) file the
enclosed UCPC-34.
- II. Prepare and file a schedule of minimum rates and
charges according to the enclosed instructions.



Public Liability and Property Damage Insurance
Minimum Limits for Pa. Public Utility Commission Authority

Common Carriers and Contract Carriers

		Limit for Bodily Injuries to or Death Of One Person	Limit for Bodily Injuries to or Death of All Persons in Any One Accident	Limit for Loss or Damage in Any One Accident to Property of Others, Excluding Cargo
Passenger Carriers (seating capacity)	7 or less	\$25,000	\$100,000	\$10,000
	8 to 12	25,000	150,000	10,000
	13 to 20	25,000	200,000	10,000
	21 to 30	25,000	250,000	10,000
	31 or more	25,000	300,000	10,000
Property Carrier		25,000	100,000	10,000

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

A-00107365

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a contract carrier permit issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of July 16, 1987 and dismiss the application without further proceedings.

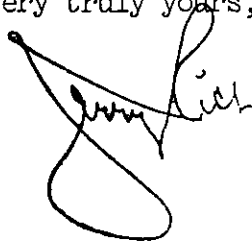
If you foresee any problems with any of the requirements please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section (717)787-1227

Tariff Filings: Tariff Section (717)787-5521

fao
Enclosures
Certified Mail
Receipt Requested
cc: H. Fred Barefoot Trucking, Inc.
Box 25
alum Bank, PA 15521

Very truly yours,



Jerry Rich, Secretary

0001
H. FRED BAREFOOT TRUCKING, INC.
BOX 25
ALUM BANK PA 15521
SELF

0002
J. BRUCE WALTER, ESQ. ✓
410 NORTH THIRD STREET
P. O. BOX 1148
HARRISBURG PA 17108
APPLICANT

0003 ✓
PETER G LOFTUS ESQ
SUITE 424 BANK TOWERS
SCRANTON PA 18503
SEABOARD TANK LINES INC PROTESTANT

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 16, 1987

Commissioners Present:

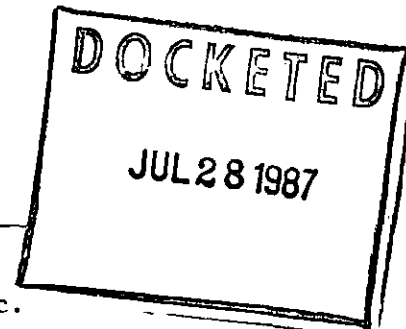
Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith



Application of H. Fred Barefoot
Trucking, Inc., a corporation
of the Commonwealth of Pennsyl-
vania, for the right to begin
to transport, as a contract
carrier by motor vehicle, property
for Galliker Dairy, from its
facilities in the city of
Johnstown, Cambria County, to points
in Pennsylvania, and vice versa.

A-00107365

J. Bruce Walter for the applicant.
Peter G. Loftus for Seaboard Tank Lines, Inc.



ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 11, 1987. Public notice of the application was given in the Pennsylvania Bulletin of March 28, 1987. A protest filed by Seaboard Tank Lines, Inc., was later withdrawn predicated upon our acceptance of a restrictive amendment which excludes the transportation of petroleum and petroleum products, in bulk, in tank vehicles.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of a verified statement entered by H. Fred Barefoot, president of H. Fred Barefoot Trucking, Inc.

DISCUSSION AND FINDINGS

The applicant seeks to initiate contract carrier service in Pennsylvania for one shipper. The applicant now holds authority from the Interstate Commerce Commission to transport food and related

products between points in Pennsylvania on the one hand and on the other hand points in New Jersey, Maryland, Virginia, West Virginia and Ohio.

The applicant will operate from an office and shop situated on one acre of land at Alum Bank, Bedford County. The facility is equipped with a two-way radio base station and each vehicle is equipped with a two-way radio. Currently, Barefoot owns six tractors, six trailers, one tri-axle truck and two pick up trucks. All equipment is maintained and safety inspected on a regular basis.

Under the service proposed, Barefoot will transport the shipper's products in bulk tank service and in refrigerated van service. The applicant's facilities are located approximately 22 miles from the shippers location and it is able to respond to the shippers need for pre scheduled deliveries on a weekly basis. Although most bulk traffic is one way in nature, there is some return traffic involved with the shipper as it purchases sugar for use in the manufacture of its products.

As evidence of its financial capacity to render the proposed service, the applicant entered a balance sheet and income statement dated November 30, 1986, reporting total current assets of \$133,181, total assets of \$373,332, and total liabilities of \$2,279.00. Income of \$597,680 produced a net income of \$29,761 after deduction of expenses.

In a contract carrier proceeding for initial authority, it is our primary responsibility to determine that the applicant is fit, ready, willing and able to provide the service proposed. In this instance, we have an applicant with the type of equipment required by the shipper and which has expressed a desire to provide service for the shipper to aid in meeting its transportation requirements in both tank and refrigerated van equipment. The financial capacity of the applicant appears sound and it appears capable of obtaining any additional equipment, facilities and personnel to meet the needs of its shipper.

The applicant will be required to file a bilateral contract with its shipper evidencing the desire of the parties to enter into the contract carrier-shipper arrangement. This contract must meet Commission requirements as outlined at 52 Pa. Code §31.45. Issuance of the permit is made contingent upon the applicant filing and our accepting the contract.

We find:

1. The applicant has demonstrated that its stands ready, willing and able to provide service as a contract carrier.

2. The applicant has demonstrated its fitness to provide service as a contract carrier and in accordance with the provisions of 66 Pa. C.S. §2501, it is in the public interest to grant the contract carrier permit; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following right:

To transport, as a contract carrier by motor vehicle, property for Galliker Dairy, from its facilities in the city of Johnstown, Cambria County, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport petroleum or petroleum products in bulk in tank vehicles.


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 issuance of the permit is contingent upon the applicant filing an acceptable contract in accordance with the requirements of the Public Utility Code and the rules and regulations of the Commission at 52 Pa. Code §31.45.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Code and the rules and regulations of the Commission relative to the filing of evidence of insurance and the filing and acceptance of a schedule of minimum rates and charges, a permit shall issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event the applicant has not complied with the requirements hereinbefore set forth, within sixty (60) days of the date the order is entered, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1987

ORDER ENTERED: JUL 23 1987

A 107765 0

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, Esq</i>	4. Article Number 44780
	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>Susan J. Somers</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery JUL 2 1987	

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

A 107365 0

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>Peter S. Joffe, Esq</i>	4. Article Number 44781
	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	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>R. H. Hancock</i>	
7. Date of Delivery 7-24-87	

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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