

1. REPORT DATE: April 1, 1992 : 2. BUREAU AGENDA NO.
 3. BUREAU: ALJ : APR-92-ALJ-53*
 4. SECTION(S): :
 6. APPROVED BY: :
 Chief ALJ: Allison K. Turner : April 9, 1992
 Director: Ext. 7-6108 :
 Supervisor: :
 7. MONITOR: :
 8. PERSON IN CHARGE: ALJ Cohen :
 783-5453 :
 9. DOCKET NO: A-00107365, F001, Am-A :
 10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

DOCKETED
 JUN 24 1992

- (a) Application of H. Fred Barefoot Trucking, Inc.
- (b) On March 28, 1991, Applicant filed an Application seeking amendment to its existing authority at Docket No. A-00107365, F001, Am-A. A timely protest to the Application was filed by Dan Fleegle Trucking. An evidentiary hearing was held on July 19, 1991. No briefs were filed.
- (c) Judge Cohen has ordered (1) that the Application for additional operating authority is hereby approved in part and denied in part; (2) that upon compliance with the Public Utility Code and Commission rules and regulations, a permit be issued evidencing the Commission's approval of the right to operate; (3) that the issuance of the permit is subject to the Applicant filing an acceptable contract with the Commission; (4) that the Application shall be dismissed without further proceedings in the event Applicant has not complied with the requirements set forth in the Order of this Initial Decision; and (5) that the authority granted herein shall not be construed as conferring more than one operating right.

DOCUMENT FOLDER

RECEIVED
 APR 16 1992

Initial Decision served: February 6, 1992.

Commission Review requested by: Chairman Rolka and Commissioner Holland by OSA memo dated February 25, 1992.

SECRETARY'S BUREAU
 Information Control Division

10. MOTION BY: Commissioner Chm. Rolka Commissioner
 Commissioner
 SECONDED: Commissioner Holland Commissioner
 Commissioner

CONTENT OF MOTION: In keeping with our standard contract carrier language, the second paragraph of authority should be changed to read: "to transport, as a contract carrier, property, for Mayfair Creamery, from points in Johnstown, Uniontown and Pittsburgh to its facilities in Somerset, Somerset County and vice versa"; the Initial Decision shall be modified consistent with this Motion; and the Office Of Special Assistants shall be directed to prepare the appropriate Order.

X-tal
4-9-92
ED
KUP

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105

APPLICATION OF H. BAREFOOT
TRUCKING, INC.

PUBLIC MEETING - APRIL 9, 1992
APR-92-ALJ-53*
DOCKET NO. A-00107365,
F001, AM-A

MOTION OF CHAIRMAN DAVID W. ROLKA

I agree with the Judge's decision granting this Application in modified form; however, the second right requires clarification. This right fails to state that the transportation is being provided "for Mayfair Creamery." In keeping with our standard contract carrier language, the second paragraph of authority should be changed to read:

To transport, as a contract carrier, property, for Mayfair Creamery, from points in Johnstown, Uniontown and Pittsburgh to its facilities in Somerset, Somerset County and vice versa.

THEREFORE, I move that:

1. the Initial Decision shall be modified consistent with this Motion; and
2. the Office of Special Assistants shall be directed to prepare the appropriate Order.

April 8, 1992
DATE

David W. Rolka
DAVID W. ROLKA, CHAIRMAN

DOCUMENT
FOLDER



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

April 21, 1992

1003

IN REPLY PLEASE
REFER TO OUR FILE

A-00107365

Folder 1, Am-A

J BRUCE WALTER ESQUIRE
RHOADS & SINON
PO BOX 1146
HARRISBURG PA 17108

Application of H. Fred Barefoot Trucking, Inc.

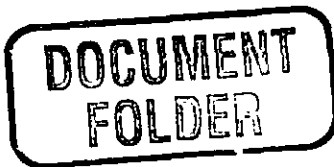
Dear Sir:

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.

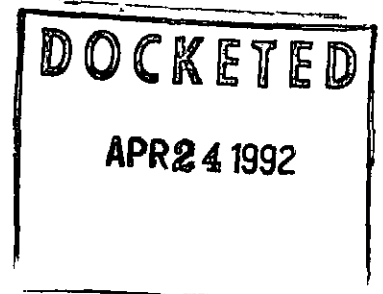
Commission regulations require compliance with the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of April 9, 1992 and dismiss the application without further proceedings.



Very truly yours,

John G. Alford, Acting Secretary

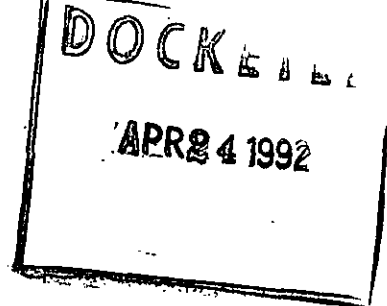
jz
Encls.
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717)787-5521
cc:applicant
Box 25
Alum Bank, Pennsylvania 15521



Modification

P.S. - Kindly refer to Initial Decision dated February 6, 1992 for parties of record.

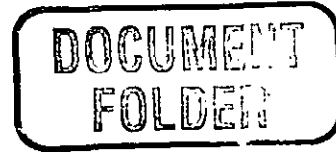
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



Public Meeting held April 9, 1992

Commissioners Present:

David W. Rolka, Chairman
Wendell F. Holland



Application of H. Fred Barefoot
Trucking, Inc.

A-00107365,
F001, Am-A

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge Herbert S. Cohen dated December 13, 1991, modified only to conform to our standard contract carrier language; **THEREFORE,**

IT IS ORDERED:

1. That the Application of H. Fred Barefoot Trucking, Inc., at A-00107365, F001, Am-A for additional operating authority is hereby approved in part and denied in part. The following operating authority is hereby granted:

To transport, as a contract carrier, property, for Mayfair Creamery, from its facilities located in the borough and township of Somerset, Somerset County, to and from the facilities of Hershey Creamery in Harrisburg, Pennsylvania.

To transport, as a contract carrier, property, for Mayfair Creamery, from points in Johnstown, Uniontown and Pittsburgh to the facilities of Mayfair Creamery in Somerset, Somerset County and vice versa.

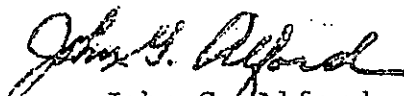
2. That upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relating to the filing of evidence of insurance and the filing of a schedule of minimum rates and charges in accordance with 66 Pa. C.S.A. §2506, a permit issue evidencing the Commission's approval of the right to operate as above determined.

3. That the issuance of the permit is subject to the Applicant filing an acceptable contract with the Commission in accordance with 66 Pa. C.S.A. §2506 and 52 Pa. Code §31.45.

4. That in the event Applicant has not, on or before 60 days from the date of the service of this order, complied with the requirements set forth above, the Application shall be dismissed without further proceedings.

5. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: April 9, 1992

ORDER ENTERED: April 21, 1992

SENDER:

- Complete items 1 a. & 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A-107365*
F.1-Am-A.

Order

4a. Article Number

044639

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

APR 22 1992

5. Signature (Addressee)

John A. Gray, Esquire

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

KJR

6. Signature (Agent)

SENDER:

- Complete items 1 a. & 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A-107365*
Order F.1-Am-A.

John Bruce Walter

5. Signature (Addressee)

4a. Article Number

044630

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

APR 21 1992

6. Signature (Agent)

Harold Staff

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