



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

September 22, 1988

A-00108100

DOCKETED
SEP 27 1988

IN REPLY PLEASE
REFER TO OUR FILE

R-16

John A. Pillar, Esquire
312 Boulevard of the Allies
Pittsburgh, PA 15222

Edward R. Rathway Trucking, Inc.

Dear Sir:

Under date of August 23, 1988 the Secretary's office transmitted to you the Commission's compliance order of August 18, 1988, evidencing approval of the above carrier's application at A-00108100, which is in effect a transfer of the rights formerly held by Edward R. Rathway, t/d/b/a Edward R. Rathway Trucking, at A-00103854. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

PA Code, Title 52, Section 23.13(c) provides that in the case of change in ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator. In this instance, however, it is not possible to meet the tariff requirements by the adoption of the former schedule for the reason that new contracts will be executed between the shipper and the carrier. Also one of the present tariff's description of operating authority does not conform with the approval of this application.

It will be necessary, therefore, to prepare and file a new schedule to be designated as Contract - PA PUC Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9, to provide for the rates as named in the contract.

Very truly yours,
Barry L. Ernst, Director
Bureau of Transportation

By: Joseph M. Machulsky, Chief
Financial Document Section

MHD:lpw

cc: Applicant
R.D. 2, Box 174
Perryopolis, PA 15473

Contact Person: G. L. Baker
(717) 783-5936

**DOCUMENT
FOLDER**

EXTENSION OF TIME FOR COMPLIANCE ORDERS
MOTOR CARRIERS

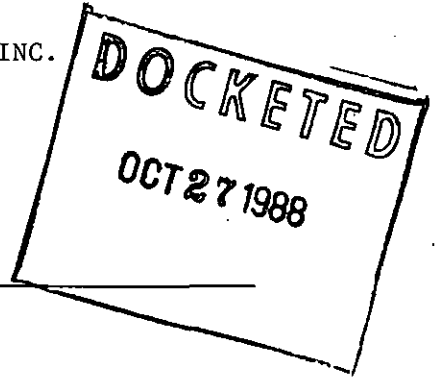
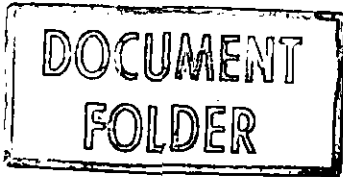
A. 00108100

Docket Number

John A. Pillar, Esquire
Pillar & Mulroy
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222

Applicant/Attorney

EDWARD R. RATHWAY TRUCKING, INC.



Commission Order Adopted: August 18, 1988

Extension of time until: December 1, 1988

Reason for Extension: needs more time

Outstanding Requirements: tariff, insurance & contracts

Requested By: Mark Tewes

EDWARD R. RATHWAY TRUCKING
R.D. #2, Box 174
Perryopolis, PA 15473

Approval given by:

Elizabeth McConnell Ditzler
Elizabeth McConnell Ditzler
PUC - Service Section
717-787-3366

EXTENSION OF TIME FOR COMPLIANCE ORDERS
MOTOR CARRIERS

A-108100
Docket Number

John Pillar, Esq.

Applicant/Attorney

DOCUMENT
FOLDER

Commission Order Adopted: 8-18-88

Extension of time until: Jan 15, 1989

Reason for Extension: needs more time

Outstanding Requirements: tariffs

Requested By: Mark Lewes

DOCUMENTED

DEC - 7 1988

Approval given by:

Elizabeth McConnell Ditzler

Elizabeth McConnell Ditzler
PUC - Service Section
717-787-3366

ORIGINAL

PILLAR AND MULROY, P.C.
ATTORNEYS-AT-LAW
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222
TELEPHONE (412) 471-3300

RECEIVED

JAN 6 1989

SECRETARYS OFFICE
Public Utility Commission

JOHN A. PILLAR
THOMAS M. MULROY

January 4, 1989

Re: Edward R. Rathway Trucking, Inc.
Docket No. A-108100
(Public Meeting August 18, 1988)
File No. 506-23

DOCKET
JAN 06 1989

Jerry Rich, Secretary
Pennsylvania Public Utility
Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Rich:

We represent the applicant in the above docketed proceeding. This application involved a transfer of operating rights originally issued to Edward R. Rathway, an individual, d/b/a Edward R. Rathway Trucking. By order entered August 23, 1988, the operating rights were transferred to Mr. Rathway's new corporation, Edward R. Rathway Trucking, Inc. All of the operating rights transferred to the corporation are contract carrier permits.

In order to comply with the Commission's order, it was necessary to obtain new contracts with each of the contract shippers. Some of the shippers are no longer in business and the applicant is unable to obtain contracts from them.

Accordingly, we request that you consider this letter as a petition to modify the Commission's order approving the transfer to Edward R. Rathway Trucking, Inc. by deleting the following paragraphs from the order:

1. Paragraph 1 of the order (at the bottom of page 2), since Tri-State Pallet & Repair, Inc. is no longer in business.
2. Paragraph 2 of the order, since Northbrook Mining, Inc. is no longer in business.

Jerry Rich, Secretary
Page Two
January 4, 1989

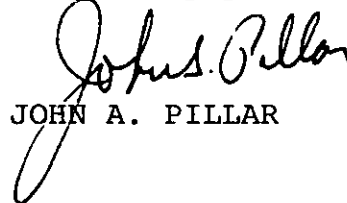
3. Paragraph 3 of the order, since R. P. Suto Coal & Minerals, Inc. is no longer in business.

4. Paragraph 5, since Burrell Group, Inc., Burrell Construction & Supply Company, Standard Terminals, Inc., Burrell Trucking, Inc. and Penn Builders Supply Company have sold all of their assets to a new company called Burrell Industries, Inc., and since applicant has already filed a new application to serve the purchaser of those assets.

In conclusion, as corrected, we request that the order approving the transfer of operating rights only contain paragraphs 4, 6, 7, 8 and 9, which we assume the Commission can renumber as paragraphs 1 through 5.

The applicant has obtained signed contracts with all of the shippers listed in paragraphs 4, 6, 7, 8 and 9 of the Commission's order and is prepared to comply to that extent with the Commission's order requiring the filing of a schedule of rates and contracts. This filing will be made upon amendment of the order by the Commission. If any further information is required, please advise.

Very truly yours,



JOHN A. PILLAR

SW
cc: Tim Ziegler
Edward R. Rathway