

March 1, 1989

A-00107747
F.2

Kenneth D. Sataloff, Executive Vice President
Motor Carriers Service Bureau, Inc.
P.O. Box 9023
Lester, PA 19113

SEARCHED
SERIALIZED
INDEXED
FILED

Robert P. Scott Professional Moving Van Service Co.; Bristol, PA;
Letter-Petition for Reinstatement of Operating Authority.

To Whom It May Concern:

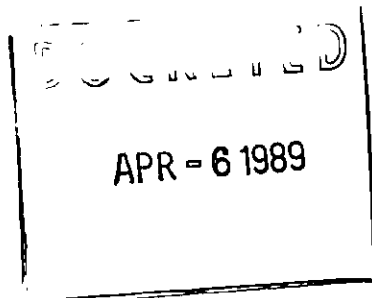
This is to advise you that an Order has been adopted by the Commission in public meeting held February 16, 1989 in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

fao
Encls.
Cert. Mail



DOCKETED

APR - 6 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 16, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Joseph Rhodes, Jr., Commissioner
Frank Fischl, Commissioner

Robert P. Scott Professional
Moving Van Service Co.; Bristol, PA;
Letter-Petition for Reinstatement
of Operating Authority.

Docket No.
A-00107747,
F.2

O R D E R

BY THE COMMISSION:

On August 25, 1988, the Commission entered an Order at A-00107747, F.2, approving the application of Robert P. Scott Professional Moving Van Service Co. (Scott). The Order was conditioned on the filing and acceptance of evidence of insurance, a tariff, and the transferor's 1988 assessment within sixty (60) days.

By Secretarial Letter dated December 12, 1988, the Commission notified Scott by certified mail that the assessment and evidence of insurance still had not been filed and that its application had been dismissed for failure to do so. On December 27, 1988, Scott filed a Letter-Petition to Reinstate the August 25, 1988 Order approving its application for a transfer of authority. On January 4, 1989, the assessment was paid.

Decisions whether to grant a Petition to Reinstate are left to the Commission's discretion and will be reversed only if that discretion is abused. Hoskins Taxi Service v. Pennsylvania Public Utility Commission, 87 Pa. Commonwealth Ct. 30, 486 A.2d 1030 (1985). In ruling upon a petition to reinstate, the Commission will examine all relevant factors to reach an equitable result. Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983).

The Commission has identified three factors that are particularly relevant to the determination of a petition to reinstate: (1) the amount of time elapsed between the cancellation of the authority or the dismissal of the compliance

order and the filing of the petition to reinstate, Falcone Cab Co., A-00095400 (Order adopted January 22, 1982); (2) the petitioner's record of compliance with the Public Utility Code and the rules and regulations of the Commission, Radio Cab Co., A-00094012 (Order adopted January 14, 1982); and (3) the reasonableness of the excuse given for the violation which caused the authority to be cancelled, Radio Cab Co., supra.

The first factor to be considered is the amount of time which elapsed between the dismissal of the compliance order and the filing of the petition to reinstate. In the present case, Scott filed its Petition approximately two weeks after dismissal of the application. This weighs in favor of reinstatement.

The second factor is whether Petitioner has a record of habitually violating the Public Utility Code. Scott does not have any violations of record.

The third factor is the reasonableness of the excuse given for the violation that caused the dismissal of the application. Scott alleges that its evidence of insurance was not filed due to a misunderstanding with its insurance company. The assessment was not paid due to the transferor's illness. This is not a reasonable excuse for the failure to file the insurance or pay the assessment. However, the fact that it is now ready, willing and able to file the insurance, and the fact that the assessment has been paid, weighs in favor of reinstatement.

Overall, Scott's Petition appears to have merit and should be granted. However, a review of Scott's record indicates that it must still file evidence of liability insurance. Reinstatement should be conditioned upon the filing of this insurance within sixty (60) days from entry of this Order. THEREFORE,

IT IS ORDERED:

1. That the Letter-Petition to Reinstate an Order filed by Robert P. Scott Professional Moving Van Service Co. on December 27, 1988 at A-00107747, F.2, is hereby granted.

2. That this Commission's letter dated December 12, 1988, dismissing Scott's application, is hereby rescinded.

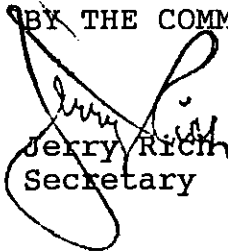
3. That the August 25, 1988 Order at A-00107747, F.2, approving Scott's application for a transfer of authority is hereby reinstated.

4. That reinstatement of the August 25, 1988 Order is expressly conditioned upon the filing and acceptance of evidence

of liability insurance within sixty (60) days from entry of this Order.

5. That, if evidence of liability insurance is not filed and accepted by this Commission within the prescribed time period, the Petition for Reinstatement of the Order shall be deemed denied without further Commission action.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 16, 1989

ORDER ENTERED: MAR 0 1 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-107747</i> <i>Lonny Cooks Esq F2</i>	4. Article Number 44051 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 Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
--	--

5. Signature - Address
 X

6. Signature - Agent
 X *P. M. F. Cooley*

7. Date of Delivery
MAR 1 0 1980

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