

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

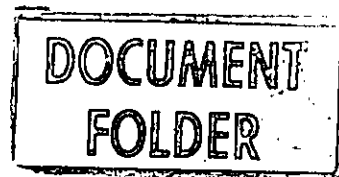
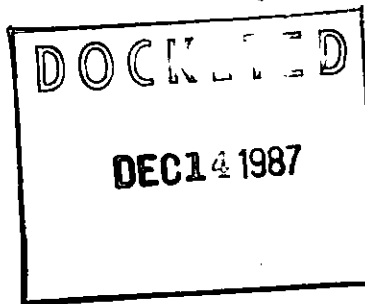
1. <u>REPORT DATE:</u>	November 16, 1987	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	DEC-87-T-1399*
4. <u>SECTION(S):</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	December 3, 1987
	Director: Ernst 7-2154	:	
	Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>		:	
	Keener-Farley 7-4386	:	
9. <u>DOCKET NO.:</u>	A-00107697	:	

10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation

(a) Application of R. P. Equipment Rentals, Inc., Ivyland, Bucks County, a corporation of the Commonwealth of Pennsylvania, for the transfer to it of all of the rights held by Rubin P. Blair, Jr., at A-00099574, subject to the same limitations and conditions.

(b) The transferor proposes to transfer all of his P.U.C. common carrier rights for a total consideration of of \$100.00; no tangible assets involved in the sale.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and that the transferor's certificate be cancelled by supplemental order and that a copy of the order be forwarded to the Department of Revenue.



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

December 11, 1987

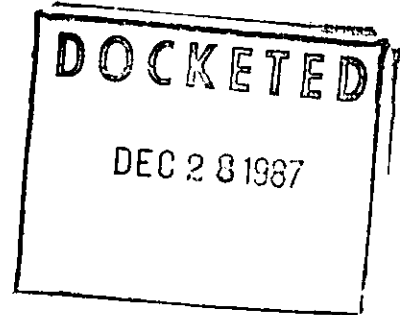
IN REPLY PLEASE  
REFER TO OUR FILE

A-107697

James W. Patterson, Esquire  
1800 Penn Mutual Tower  
510 Walnut Street  
Philadelphia, PA 19106

Application of R. P. Blair Equipment Rentals, Inc., a  
corporation of the Commonwealth of Pennsylvania.

To Whom It May Concern:



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

A Certificate of Public Convenience 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:

- I. 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 sheet.
  - b. A Form H or Form UCPC-31 as evidence of cargo insurance  
coverage in an amount not less than \$5,000 per vehicle.  
Under certain circumstances, exemption from the cargo  
insurance requirement may be secured by filing the  
enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed  
instructions except applicants for transfer of authority must  
file a tariff adoption supplement which will be forwarded by  
separate cover at a later date.

Effective date: August 1, 1987

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

15 passengers or less: \$35,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

\$25,000 first party medical benefits, \$10,000 first party wage loss benefits and \$1,500 first party funeral benefits for all passengers and pedestrians.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits for drivers (PA registered vehicles only).

16 passengers or more: \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

Property Carriers:

Common or Contract: \$300,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits (PA registered vehicles only).

Common only: \$5,000 per accident per vehicle for loss or damage to cargo.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate has been issued authorizing actual operations. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

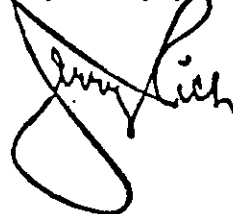
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of December 3, 1987 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section  
(717) 783-5933

Tariff Filings: Mr. Joseph Machulsky-Tariff Section  
(717) 787-5521

Very truly yours,



Jerry Rich, Secretary

cc:applicant  
R. P. Blair Equipment  
Rentals, Inc.  
1956 Stout Drive  
Ivyland, PA 18974

lg  
Enclosures  
Certified Mail  
Receipt Requested  
cc:applicant

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

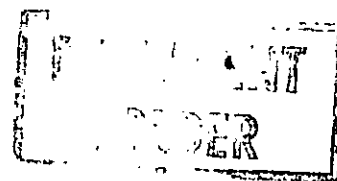
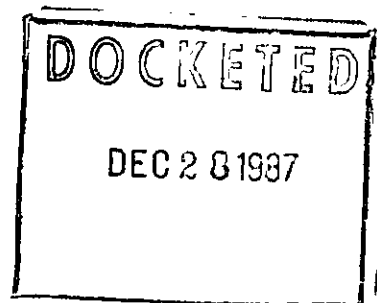
Public Meeting held December 3, 1987

Commissioners Present:

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

Application of R. P. Blair Equipment Rentals, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, sand and road and building construction materials between points not to exceed a distance of twenty-five (25) statute miles from point of origin to point of construction or disposal in the counties of Montgomery and Bucks; baled wastepaper for Heinway Paper Company, from the city of Bethlehem, Northampton County, to the city of Philadelphia, excluding intermediate points; mushroom soil for Mascaro Brothers, from points in the borough of Kennett Square, Chester County, to points within fifty (50) miles, by the usually traveled highways, of the limits of the said borough, and vice versa; cast iron, pipe fittings and plumbing supplies for the Sanitary Company of America, from plants in the borough of East Greenville, Montgomery County, and the village of Linfield, Montgomery County, to points within one hundred (100) miles, by the usually traveled highways, of the limits thereof and vice versa; as a Class B carrier, property between points within the boroughs of Ambler, Hatboro and Jenkintown and the villages of Elkins Park, Glenside, Oak Lane and Willow Grove, Montgomery County, and within five (5) miles by the usually traveled highways of the limits of each of the said boroughs and villages, including property moving under bills of lading for the Reading Company in collection and delivery service in the said area; and as a Class D carrier, lumber from the yard of William H. Lear and from railroad cars in the

A-00107697



village of Willow Grove, Montgomery County, to points within an airline distance of sixty-five (65) miles of said village; which is to be a transfer of the rights authorized under the certificate issued at A-00099574 to Rubin P. Blair, Jr., subject to the same limitations and conditions.

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Rubin, Quinn & Moss, by James W. Patterson, for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 20, 1987. Public notice of the application was given in the Pennsylvania Bulletin of September 12, 1987. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

R. P. Blair Equipment Rentals, Inc. (applicant), is a Pennsylvania corporation, chartered June 7, 1985, with its principal place of business in Ivyland, Bucks County. Rubin P. Blair, Jr., the transferor, is the sole officer and shareholder of the applicant. The purpose of this transfer is to change the business from a sole proprietorship to a corporation.

The applicant reports assets of \$743,680, with liabilities of \$663,720, leaving a shareholders' equity of \$79,960. The total consideration for the transfer is one hundred dollars (\$100.00). Ten dollars was paid at the execution of the sales agreement on August 14, 1987; the ninety dollars balance is due at closing, after Commission approval of the transfer. No tangible assets are involved in the sale. The applicant will assume all of the transferor's business debts.

The transferor reported gross intrastate operating revenue of \$286,198 in 1984, \$62,275 in 1985, and \$7,670 in 1986. The transferor is currently in good standing with the Commission, having filed all required information and reports.

A review of the record before us indicates that the applicant possesses the requisite experience and financial ability to provide the proposed service.

The authority to be transferred has been recently operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In

re Byerly, 440 Pa. 521 (1970), Hostetter v. Pa. P.U.C., 160 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide common carrier service.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of all of the rights held by Rubin P. Blair, Jr., at A-00099574, be and is hereby approved and that a certificate be issued the applicant granting the following authority:

1. To transport, as a Class D carrier, sand and road and building construction materials between points not to exceed a distance of twenty-five (25) statute miles from point of origin to point of construction or disposal in the counties of Montgomery and Bucks.
2. To transport, baled wastepaper for Heinway Paper Company as a Class D carrier, from the city of Bethlehem, Northampton County, to the city of Philadelphia, excluding intermediate points.
3. To transport mushroom soil for Mascaro Brothers, as a Class D carrier, from points in the borough of Kennett Square, Chester County, to points within fifty (50) miles, by the usually traveled highways, of the limits of the said borough, and vice versa.
4. To transport cast iron, pipe fittings and plumbing supplies for the Sanitary Company of America, as a Class D carrier, from plants in the borough of East Greenville, Montgomery County, and the village of Linfield, Montgomery County, to points within one hundred (100) miles, by the usually traveled highways, of the limits thereof and vice versa.
5. To transport, as a Class B carrier, property between points within the boroughs of Ambler,

Hatboro and Jenkintown and the villages of Elkins Park, Glenside, Oak Lane and Willow Grove, Montgomery County, and within five (5) miles by the usually traveled highways of the limits of each of the said boroughs and villages, including property moving under bills of lading for the Reading Company in collection and delivery service in the said area.

6. To transport, as a Class D carrier, lumber from the yard of William H. Lear and from railroad cars in the village of Willow Grove, Montgomery County, to points within an airline distance of sixty-five (65) miles of said village.

with all of the rights above subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$100.00, being the amount of the consideration payable by for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff adoption supplement in accordance with 52 Pa. Code §23.13(c).

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.

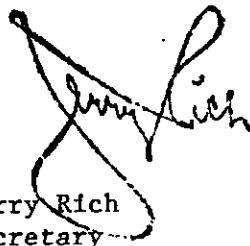
IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1987 annual report of the transferor.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the right granted herein.

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

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Rubin P. Blair, Jr., at A-00099574, be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: December 3, 1987

ORDER ENTERED: DEC 11 1987

**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 with 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>James W. Patterson,</i> <i>Esq.</i>	4. Article Number <i>44767</i>
5. Signature — Addressee <i>X</i>	Type of Service: <input type="checkbox"/> Registered <i>65</i> <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
6. Signature — Agent <i>X Olivia Leary</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery <i>12/14/87</i>	

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

*order*  
*A-107697*

*11 3.30*