

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	May 4, 1990	:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation	:	MAY-90-T-605*	
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>		:	May 24, 1990	
Director:	Ernst 7-2154	:		
Supervisor:	Bigelow/Marzolf 3-5945	:		
7. <u>MONITOR:</u>		:		
8. <u>PERSON IN CHARGE:</u>	Zeigler 3-5946	:		
9. <u>DOCKET NO.:</u>	A-00108740	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

DOCKETED

AUG 27 1990

(a) Application of Bill Snyder Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, Gouldsboro, Wayne County, for the right to begin to transport, as a common carrier, by motor vehicle, sand, gravel, crushed stone, fill, dirt, anti-skid materials, paving materials and red shale, in bulk, in dump trucks, from points in the counties of Lackawanna, Monroe, Wayne and Pike, to points in Pennsylvania, and vice versa; subject to conditions more fully enumerated in the application.

(b) The application was opposed by two carriers which later withdrew predicated upon our acceptance of a restrictive amendment relative to specific commodities and territory. The applicant has the experience and equipment as well as the financial capacity to initiate the proposed service, as amended, and as further modified. The applicant has the support of two shippers in the four counties. Modification of the authority to permit service from and to the facilities of the two shippers in the four counties and from those facilities to points in Pennsylvania and vice versa will meet the stated needs of the shippers and is proper for the accommodation and convenience of the public. Several stipulations in the restrictive amendment have been combined for the sake of clarity without change to the spirit of the amendment.

(c) The Bureau of Transportation recommends the Commission adopt the proposed order approving the application as amended and as further modified.
TZ:rs

11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Rhodes - Yes
		Commissioner Smith - Yes
<u>SECONDED:</u>	Commissioner Fischl	Commissioner Rolka - Yes

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**

Billy



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

May 31, 1990

IN REPLY PLEASE
REFER TO OUR FILE

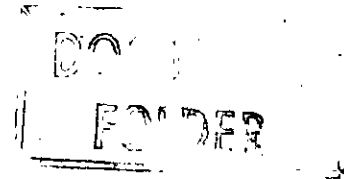
A-00108740

DOCKETED

JUN 20 1990

Mark S. Jennings, Esquire
303 Tenth Street
Honesdale, PA 18431

Application of Bill Snyder Trucking, Inc., a corporation of the
Commonwealth of Pennsylvania



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.

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 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

29 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 May 24, 1990 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

fao
Enclosures

Certified Mail

Receipt Requested

cc: Bill Snyder Trucking Inc.
R.D. 1, Box 283
Gouldsboro, PA 18424

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

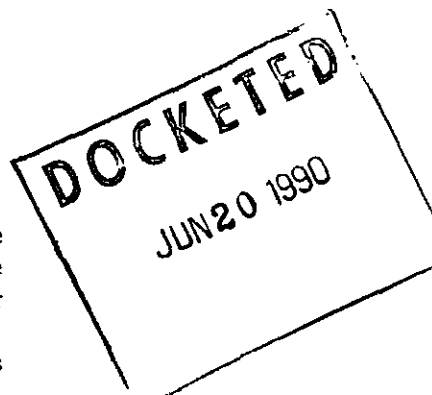
Public Meeting held May 24, 1990

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

Application of Bill Snyder Trucking, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for the right to begin to
transport, as a common carrier, by motor
vehicle, sand, gravel, crushed stone,
fill, dirt, anti-skid materials, paving
materials and red shale, in bulk in dump
trucks, from points in the counties of
Lackawanna, Monroe, Wayne and Pike, to
points in Pennsylvania, and vice versa;
subject to the following conditions:
That no right, power or privilege is
granted to transport property to or from
the facilities of New Enterprise Stone
and Lime Co., Narehood Limestone Company,
Detwiler Industries, Inc., Martin Lime-
stone, Inc., Anthracite Industries, Inc.,
National Gypsum Company, Asbury Graphite
Mills, Inc., McKesson Chemical Company,
Midstate Chemicals and Lumax Industries,
Inc.; That no right, power or privilege
is granted to transport property to
points in Pennsylvania within an airline
distance of 50 statute miles of the
limits of the borough of Homestead,
Allegheny County; That no right, power
or privilege is granted to transport
sand in bulk in truckloads to or from
the Pennsylvania Glass & Sand
Corporation in the boroughs of Mapleton,
Huntingdon County and McVeytown, Mifflin
County; That no right, power or privilege
is granted to transport crushed limestone
in bulk and unpackaged, in dump trucks or
dump semi-trailers from points in the
counties of York and Lancaster, to points
in Pennsylvania; That no right, power or
privilege is granted to transport

A-00108740



limestone and limestone products, in bulk, in dump semi-trailers, tank and hopper vehicles and air unloading bulk vehicles, from points in the county of York, to points in Pennsylvania.

Mark S. Jennings for Bill Snyder Trucking, Inc.
John E. Fullerton for Roy A. Ayers and R. J. Glass, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 20, 1989. Public notice of the application was given in the Pennsylvania Bulletin of May 12, 1989. Protests filed by Roy A. Ayers and R. J. Glass, Inc., were later withdrawn predicated upon our acceptance of a restrictive amendment which excludes the transportation of ground limestone; excludes the transportation of limestone and limestone products from points in the county of York; excludes the transportation of sand from the facilities of U.S. Silica Company in the counties of Mifflin and Huntingdon; and excludes the transportation of ground limestone, limestone or crushed stone to or from the facilities of Corson Lime Company, Glasscow Quarry, Inc., White Haven Redrock Company, Airport Sand & Gravel Company, M & M Quarries, Rowker's Cinder & Stone, Cliffthorne, Inc., and Godino West Mountainview Quarry.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by William J. Snyder, president of the applicant; Richard P. Myers, office manager for Eureka Stone Quarries, Inc., its Moscow, Lackawanna County plant; Joseph Lynn, on behalf of Eureka Stone Quarries, Inc., its Hamilton Township, Monroe County plant; DeAnn Fellman, office manager for Eureka Stone Quarries, Inc., its Dingmans Township, Pike County plant; Maxey Brink, office manager for Eureka Stone Quarries, Inc., its Sterling Township, Wayne County plant; and Roy Thorpe, on behalf of Wayco, Inc., Waymart, Wayne County.

DISCUSSION AND FINDINGS

The applicant seeks to initiate Pennsylvania service transporting specific commodities in bulk in dump trucks in the counties of Lackawanna, Monroe, Wayne and Pike, and from those counties to points in Pennsylvania, and vice versa. The applicant has provided various stipulations to the application to secure the withdrawal of two protestants. Snyder will operate from facilities at R.D. 1, Box 283, Gouldsboro, Wayne County. The corporation currently owns two tri-axle dump trucks, two tractors and two trailers. The vehicles are routinely maintained and are safety inspected.

The applicant sets forth total assets of \$563,500 with total liabilities of \$178,000.

The applicant has the support of Eureka Stone Quarries, Inc., with plants located in the four counties here subject being Lackawanna, Monroe, Wayne and Pike. In addition to the four quarries operated by Eureka, the applicant has the support of Wayco, Inc., which operates a facility at Waymart, Wayne County. The verified statements may be characterized as supporting the applicant for bulk service from the various quarry locations to job sites. The statements indicate that the shippers have experienced a shortage in dump trucks to meet construction demands. The shippers would find the availability of the applicant's dump truck service an aid to them in meeting their transportation requirements for commodities in bulk.

Upon review of the record, we determine that the applicant has the equipment, experience and financial capacity to initiate service. Looking at the support for the application, however, it is our determination that the authority to issue in this matter should be limited so that the applicant is providing service from and to the facilities of the shippers supporting the application. The verified statements of the shippers indicate that service will be from their facilities to various job sites, inclusion of the vice versa provision will permit the applicant to bring materials back to the shipper locations.

The applicant is seeking authority to provide service essentially between points in the four counties and from those points to all points in Pennsylvania, and vice versa. Although we have five supporting statements before us, there are only two shippers supporting this proposed authority. Permitting the applicant to provide service from and to the facilities of Eureka Stone Quarries, Inc. and Wayco, Inc., in the counties of Lackawanna, Monroe, Wayne and Pike will meet the stated needs of the shippers and will be proper for the accommodation and convenience of the public.

Turning our attention to the various restrictive amendments entered to secure the withdrawal of two protestants, we find that several may be combined to simplify the amendments and provide more clarity. The combination of the various paragraphs of stipulations does not change the intent of the application or the restrictions entered for the withdraw of the protests.

We find:

1. The applicant stands ready, willing and able to provide the proposed service, as amended, and as further modified.
2. The applicant has the support of two shippers, which are representative of the commodities involved and the territory proposed, as amended.

3. Approval of the application, as amended, and as further modified, is proper for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, as further modified, be and is hereby approved granting the following right:

To transport, as a Class D carrier, sand, gravel, crushed stone, fill, dirt, anti-skid materials, paving materials and red shale, in bulk, in dump trucks, from the facilities of Eureka Stone Quarries, Inc., and Wayco, Inc., in the counties of Lackawanna, Monroe, Wayne and Pike, to points in the said counties and to other points in Pennsylvania, and vice versa;

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport ground limestone.
- (2) That no right, power or privilege is granted to transport limestone and limestone products from points in the counties of York and Lancaster.
- (3) That no right, power or privilege is granted to transport sand from the facilities of U.S. Silica Company and Pennsylvania Glass & Sand Corporation in the counties of Huntingdon and Mifflin.
- (4) That no right, power or privilege is granted to transport commodities in bulk in dump trucks to points in the borough of Homestead, Allegheny County, and within an airline distance of fifty (50) statute miles of the limits thereof.
- (5) That no right, power or privilege is granted to transport commodities in bulk in dump trucks to or from the facilities of New Enterprise Stone and Lime Co., Narehood Limestone Company, Detwiler Industries, Inc., Martin Limestone, Inc., Anthracite Industries, Inc., National Gypsum Company, Asbury Graphite Mills, Inc., McKesson Chemical Company, Mid-state Chemicals and Lumax Industries, Inc.
- (6) That no right, power or privilege is granted to transport limestone and crushed stone to or from the facilities of Corson Lime

Company, Glasscow Quarry, Inc., White Haven
Redrock Company, Airport Sand & Gravel
Company, M & M Quarries, Rowker's Cinder &
Stone, Cliffthorne, Inc. and Godino West
Mountainview Quarry.

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 the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relating to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a certificate 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, on or before sixty (60) days from the date of service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 24, 1990

ORDER ENTERED: MAY 31 1990

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 108 740 O</i> <i>Mark S Jennings, Esq.</i>	4. Article Number 044520
5. Signature - Address X	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 <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X <i>M Conte</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery <i>6-1-90</i>	

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT **A**

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 108 740 O</i> <i>John E. Fullerton, Esq.</i>	4. Article Number 74521
5. Signature - Address X	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 <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X <i>R. Seidel</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery <i>6-1-90</i>	

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT **A**

N

0001
BILL SNYDER'S TRUCKING INC
R D # 1, BOX 283
GOULDSBORO PA 18424
SELF

0002
MARK S JENNINGS ESQ ✓
303 TENTH STREET
HONESDALE PA 18431
APPLICANT

0003
JOHN E FULLERTON ESQ ✓
407 NORTH FRONT STREET
HARRISBURG PA 17101
ROY A AYERS PROTESTANT

0004
JOHN E FULLERTON ESQ
407 NORTH FRONT STREET
HARRISBURG PA 17101
R J GLASS INC PROTESTANT