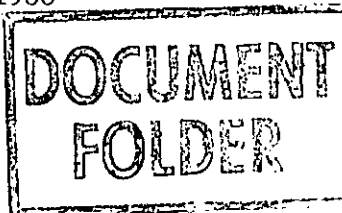




COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
BUREAU OF TRANSPORTATION  
P. O. BOX 3265, HARRISBURG, PA. 17120

November 25, 1988

A-00107645



IN REPLY PLEASE REFER TO OUR FILE R-16

Harold E. Miller  
Mellon Bank Building  
Altoona, PA 16601.

Re: James M. Simondale Trucking  
and Excavating  
Contract Pa. P.U.C. No. 1

TARIFF OR SUPPLEMENT RETURNED FOR THE FOLLOWING REASONS:

- Tariff is less than four pages and cannot be supplemented.
- Effective supplement(s) pages exceed 50% of original tariff pages.
- Omitted or not proper  Certificate No. A- \_\_\_\_\_  
 Permit No. A- \_\_\_\_\_  Folder No.(s) \_\_\_\_\_
- Designated improperly: should be (See NOTE) Pa. P.U.C. No. \_\_\_\_\_  
 cancels (See NOTE) Pa. P.U.C. No. \_\_\_\_\_

N	<input type="checkbox"/> Aero	<input type="checkbox"/> Experimental	<input type="checkbox"/> Limousine
O	<input type="checkbox"/> Airport Transfer	<input type="checkbox"/> Express	<input type="checkbox"/> Paratransit
T	<input type="checkbox"/> Call or Demand	<input type="checkbox"/> Freight	<input type="checkbox"/> Scheduled Route
E	<input type="checkbox"/> Contract	<input type="checkbox"/> Group and Party	<input type="checkbox"/> _____

- Designated improperly; should be Supplement No. \_\_\_\_\_  
to (See NOTE) Pa. P.U.C. No. \_\_\_\_\_  
 cancels Supplement No.(s) \_\_\_\_\_
- Designate; Supplement No.(s) \_\_\_\_\_ contain all changes.
- Carrier name not properly designated or proper.
- Operating authority  omitted  not complete or proper.
- Restriction(s) to operating authority  omitted  not complete or proper.
- New authority may be filed on one day's notice. Specify; issued under authority of Pa. Code, Title 52, Section 23.42; under effective date.
- Temporary Authority, designate; (Temporary Issue) directly under the Pa. P.U.C. No. \_\_\_\_\_

- Issued on \_\_\_\_\_ day's notice under authority of Special Permission No. \_\_\_\_\_.  
Specify; under effective date.
- Filing requires 30-day statutory notice.
- List of changes  required  not proper (Applies only for Passenger Tariffs).
- Symbols required for  (A) increase  (C) change or addition  (R) reduction.
- Explanation of abbreviations, reference marks and symbols not provided.
- Refers to Agency Publication(s). Power of attorney(s) required.
- Rule to determine mileage must be stated.
- Rule for advance reservations must be stated.
- Rates not provided for all  commodities  points, contained in operating authority.
- Page numbers not designated.
- Financial justification for proposed increases required by Pa. Code,  Title 52, Section 23.67 not provided. (Freight Tariffs)  Title 52, Section 23.63 and 23.64 not provided. (Passenger Tariffs)
- Tariff submitted is not acceptable. Adoption supplements must be provided, refer to instructions in our letter dated \_\_\_\_\_.
- Contract carrier  requires separate tariff for each shipper.
- Contract(s) must accompany tariff(s).  reductions require 60 days' statutory notice.
- When filing is resubmitted, change issued and effective dates. Use current dates, do not backdate. Show issued date two (2) days after mailing.
- Rates are provided for  commodities  points, not contained in operating authority.
- Other reasons:

See returned tariff for corrections.

Very truly yours,

G. L. Baker  
Tariff Section

**ORIGINAL**

LAW OFFICES

Harold E. Miller & J. Randall Miller

MELLON BANK BUILDING  
ALTOONA, PENNSYLVANIA 16601

Telephone (814) 943-1462

January 20, 1989

**RECEIVED**

Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

**JAN 24 1989**

**SECRETARYS OFFICE**  
**Public Utility Commission**

**DOCUMENT FOLDER**  
**DOCKETED**  
**JAN 25 1989**

RE: JAMES M. SIMONDALE t/d/b/a  
JAMES M. SIMONDALE TRUCKING  
AND EXCAVATING A-00107645

LETTER - PETITION

Gentlemen:

Pursuant to compliance order from commission contained in your letter of January 20, 1987, in the above-captioned matter, the contract was duly filed which contract contained tariff schedule.

Due to an error on my part, I mistakenly believed that the tariff contained in the contract was sufficient to comply with the order of the commission.

On or about the 31st day of October, 1988, my client, Mr. Simondale received a notice advising that the application for transfer had been dismissed for failure to comply with the order of commission.

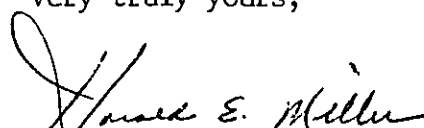
After contacting with the tariff section, I was then advised as to the proper manner and form of the tariff schedule which was required to comply with the commission requirements, and a proper schedule was forwarded on the 28th day of December, 1988 in accordance with the instructions of Gary Baker.

It was, therefore, my understanding as a result of my conversation with Mr. Baker that this was sufficient to meet the requirements of the commission, and, therefore, nothing further would be required.

However, my client was again this date notified that it was not only necessary that the tariff schedule be accepted and approved as filed, but in addition thereto, request that the application for transfer of rights be reinstated by the commission.

Therefore, on behalf of my client, James M. Simondale, I am requesting that the application for transfer of rights to him be reinstated inasmuch as all the requirements of the commission have been complied with.

Very truly yours,

  
Harold E. Miller  
Attorney for James M. Simondale

HEM/alr