

PUC-77

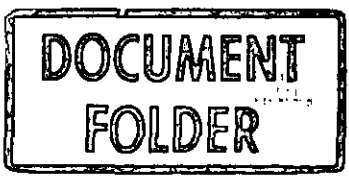
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
December 11, 1987	:	JAN-88-T-39*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	January 15, 1988
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u>	:	
White 7-4387	:	
9. <u>DOCKET NO.:</u>	:	
A-00107645	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

(a) Application of James M. Simondale, t/d/b/a James M. Simondale Trucking and Excavating, Tyrone, R.D. 4, Huntingdon County, for the transfer to him of the right authorized under the contract carrier permit issued at A-00106002 to Robert W. Himes, subject to the same limitations and conditions.

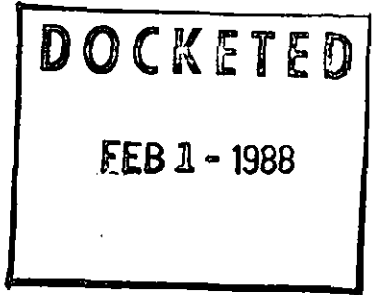
(b) The application is unopposed. The applicant proposes to purchase the contract carrier authority for the sum of \$1,000. No other assets of the transferor are involved. We find that approval of the application is in the public interest. We also find that the applicant is fit, ready, willing and able to render the service.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and that the contract carrier permit held by the transferor be cancelled by supplemental order.



11. MOTION BY:	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
		Commissioner Smith - Yes
SECONDED:	Commissioner Fischl	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.





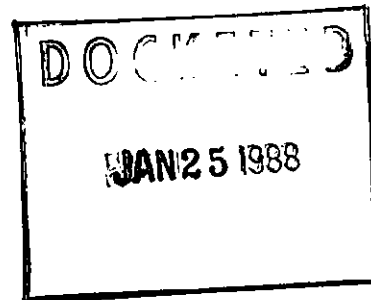
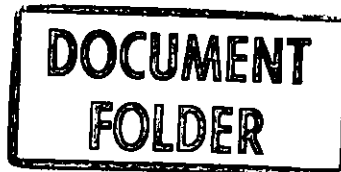
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

January 20, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

A-00107645

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



Application of James M. Simondale, t/d/b/a James M. Simondale Trucking  
and Excavating

Dear Sir:

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

A Contract Carrier Permit 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 with the Commission a Form E as evidence of  
public liability and property damage insurance coverage as  
shown on the back of this sheet.
- II. File a bilateral contract, if required by the order.
- III. Prepare and file a schedule of minimum rates and charges  
according to the enclosed instructions.

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 contract carrier permit has been issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

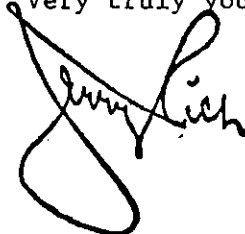
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty days will cause the Commission to rescind the action of January 15, 1988 and dismiss the application without further proceedings.

If you foresee any 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

JZ  
Encls.  
Certified Mail  
Receipt Requested

cc:applicant  
R.D. #4, Box 404D  
Tyrone, PA 16686

NAME: JAMES M. SIMONDALE,  
ADDRESS1: T/A JAMES M. SIMONDALE TRUCKING & EXCAV  
ADDRESS2: R.D. #4, BOX 4040  
CITY: TYRONE STATE: PA ZIP: 16686  
REPRESENTING: SELF

ENTRY NO.: 0002  
NAME: HAROLD E MILLER ESQ  
ADDRESS1: MELLON BANK BUILDING  
ADDRESS2:  
CITY: ALTOONA STATE: PA ZIP: 16601  
REPRESENTING: APPLICANT

ENTRY NO.: 0003  
NAME: ROBERT W HIMES  
ADDRESS1: R D 2  
ADDRESS2: BOX 446  
CITY: TYRONE STATE: PA ZIP: 16686  
REPRESENTING: TRANSFEROR

CU25 A-00107645

PRINT- P

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held January 15, 1988

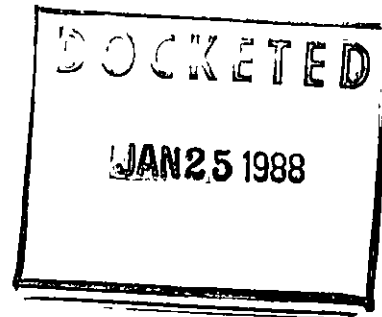
Commissioners Present:

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



A-00107645

Application of James M. Simondale, t/d/b/a James M. Simondale Trucking and Excavating, for the right to begin to transport, as a contract carrier, by motor vehicle, limestone and lime, in dump vehicles, for Narehood Limestone, Inc., from its facilities located in the township of Snyder, Blair County, to points in the counties of Blair, Centre, Huntingdon, Cambria, Clearfield, Mifflin and Jefferson, no haul to exceed an airline distance of fifty (50) statute miles from point of origin to point of destination, with the right to return refused, damaged or returned shipments to the point of origin; which is to be a transfer of the right authorized under the permit issued at A-00106002 to Robert W. Himes, subject to the same limitations and conditions.



\_\_\_\_\_  
Harold E. Miller for the applicant.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on May 22, 1987, and published in the Pennsylvania Bulletin of August 8, 1987. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

James M. Simondale operates as an individual under the trade name of James M. Simondale Trucking and Excavating from facilities located at Tyrone, R.D. 4, Huntingdon County. He holds no other authority from this Commission, but now seeks to acquire the contract carrier authority held by Robert W. Himes at A-00106002.

The applicant's statement of financial condition shows that he has total assets of \$96,824 with total liabilities of \$43,117, leaving a net worth of \$53,707. Included in the assets is one 1975 Mack conventional dump truck with which the service will be provided.

The transferor, Robert W. Himes, has held a contract carrier permit from this Commission since September 10, 1985, under which he had been serving Narehood Limestone, Inc. Our records indicate that some time during the middle of 1987, he discontinued service, electing to concentrate solely on the excavating business. He allowed his insurance coverage to lapse in October of 1987, but the matter is being held in abeyance pending disposition of this application.

As evidence of the shipper's continued need for service and its desire to use the applicant, a copy of a bilateral contract between the two parties has been submitted with the application. The contract is undated and does not reflect the applicant's complete operating name. These omissions must be corrected and a revised contract submitted accordingly. In all other respects, the contract complies with the provisions at 52 Pa. Code §31.45.

Pursuant to the terms of an agreement of sale dated May 5, 1987, the applicant will pay the sum of \$1,000 for the operating authority, payable immediately upon notice that the application has been approved. No other assets of the transferor are involved.

We find:

1. That the applicant is fit, ready, willing and able to render the service.
  2. That approval of the application is in the public interest;
- THEREFORE,

IT IS ORDERED: That the application for the transfer of the right held by Robert W. Himes at A-00106002, be and is hereby approved granting the applicant the following right:

To transport, as a contract carrier, by motor vehicle, limestone and lime, in dump vehicles, for Narehood Limestone, Inc., from its facilities located in the township of Snyder, Blair County, to points in the counties of Blair, Centre, Huntingdon, Cambria, Clearfield, Mifflin and Jefferson, no haul to exceed an airline distance of fifty (50) statute miles from point of origin to point of destination, with the right to return refused, damaged or returned shipments to the point of origin;

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 right to be acquired by applicant from the present permit 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 his utility accounts any amount representing the right herein granted in excess of the actual cost of such right to the original holder thereof.
3. That the \$1,000 consideration paid by applicant for the right and/or going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
4. That the permit 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 permit.

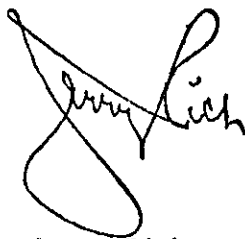
IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of evidence of insurance, a revised bilateral contract and a schedule of minimum rates and charges, a permit issue evidencing the Commission's approval of the right to operate as above-determined.

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 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 upon compliance with this order, the right granted the transferor, Robert W. Himes at A-00106002, be cancelled and the record marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the end.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: January 15, 1988

ORDER ENTERED: January 20, 1988

**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.      2.  Restricted Delivery.

3. Article Addressed to: <i>A. 00107645</i> <i>Compliance Order</i>	4. Article Number <b>44226</b>
5. Signature - Addressee <i>Harold E. Miller, Esq.</i> <input checked="" type="checkbox"/>	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
6. Signature - Agent <input checked="" type="checkbox"/> <i>Maria G. Bennett</i>	Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
7. Date of Delivery <i>1-21-88 47 E</i>	8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT