



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

October 11, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00107793F0002Am-E

JOHN A PILLAR ESQUIRE
312 BOULEVARD OF THE ALLIES
SUITE 700
PITTSBURGH PA 15222

DOCUMENT FOLDER DOCKETED
OCT 20 1994

Application of Trans American Trucking Service, Inc.

Dear Mr. Pillar:

Enclosed is the Corrected Compliance Order issued by the Commission in this proceeding.

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed corrected order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Commission.

Commission regulations require compliance with the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of and dismiss the application without further proceeding.

Very truly yours,

John G. Alford
Secretary

Enclosures
Certified Mail

Tariff Contact Person: Joseph Machulsky (717) 787-5521
JEP
TRANS AMERICAN TRUCKING SERVICE INC
115 ST NICHOLAS AVENUE
SOUTH PLAINFIELD NJ 07080

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 18, 1994

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

DOCUMENT
FOLDER

Application of Trans American Trucking Service, Inc., for the transfer of part of the operating rights of American Transport, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00108770, F. 2, subject to the same limitations and conditions.

A-00107793
F. 2
Am-E

DOCKETED
OCT 20 1994

John A. Pillar for the applicant.

CORRECTED
ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 18, 1994. Public notice of the application was given in the Pennsylvania Bulletin of May 14, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Trans American Trucking Service, Inc., is a currently certificated carrier in Pennsylvania domiciled at South Plainfield, New Jersey. It holds several grants of authority which permit it to provide the transportation of various classes of property from and to the facilities of named shippers. By the instant application, it seeks to acquire by transfer a part of the authority now held by American Transport, Inc.

As a currently certificated carrier, there is a presumption of fitness. Trans American Trucking Service, Inc., has supplied a balance sheet dated February 28, 1994 reporting total assets of \$1,978,660 with total liabilities of \$730,996.

Since only a part of the rights held by the transferor are being transferred in this proceeding, it is necessary to examine the rights being transferred and the rights being retained to determine if any duplication of authority will result. The transferor is retaining the right to transport, as a Class D carrier, paper and paper products from the facilities of Hammermill Papers Group in Clinton County to points in Pennsylvania, and vice versa. It is our determination that the authority to transfer should be conditioned to exclude the transportation of paper and paper products from and to Hammermill in Clinton County, to limit any possible duplication between the authority to be transferred and the authority to be retained.

The total consideration for the rights is \$42,500. The rights have been assigned a value of \$42,500. The applicant has placed \$2,500 into an escrow account. The balance of \$40,000 will be paid at closing which will occur within 30 days of approval of the transfer application by the Commission.

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

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing 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 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

1. To transport, as a Class B carrier, property between points in the city and county of Philadelphia serving railroad terminals, wholesalers, jobbers, manufacturers and to retailers, but excluding transportation from retail stores to their customers.
2. To transport, as a Class D carrier, machinery, pipe and heavy objects requiring rigging, skidding or special handling onto or off of trucks/and or in connection with the dismantling of machinery and the transportation of parts so dismantled between points in the county of Philadelphia, and points within one hundred and seventy (170) miles of the city of Philadelphia, subject to the

restriction that at any time any one truck shall carry the goods of not more than one shipper to not more than one consignee or destination.

3. To transport, as a Class D carrier, property from the facilities of American Coastal Industries, Inc. in the borough of Renovo, Clinton County, to points in Pennsylvania, and vice versa;

right 3 subject to the following condition:

That no right, power, or privilege is granted to transport paper and paper products from or to the facilities of Hammermill Papers Group in Clinton County.

4. To transport, as a Class D carrier, machinery, pipe and heavy objects requiring rigging, skidding or special handling onto or off of trucks and/or in connection with the dismantling of machinery and the transportation of parts so dismantled from points in the city of Philadelphia and points within an airline distance of one hundred seventy (170) statute miles of the limits thereof, to points in Pennsylvania beyond an airline distance of one hundred and seventy (170) statute miles of the limits of the city of Philadelphia and vice versa;

right 4 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport property on trailers where the loading bed is forty (40) inches or less above ground level to or from points in the counties of Cumberland, Dauphin, Perry and Lebanon, nor to or from points in the county of York within an airline distance of twenty-five (25) statute miles of the state capitol in Harrisburg, Dauphin County; provided that this restriction shall not preclude transportation to or from the facilities of York-Shipley, Inc., York, York County;
- (b) That no right, power or privilege is granted to transport pipe from the facilities of Phoenix Steel Corporation, Phoenixville, Chester County, to points in the city of Pittsburgh, Allegheny County, and points within an airline distance of thirty-five (35) statute miles of the City-County Building in the said city;
- (c) That no right, power or privilege is granted to transport pipe from the facilities of Babcox & Wilcox Co., Beaver Falls, Beaver County, the facilities of U.S.X. (formerly United States Steel Corporation), McKeesport, Allegheny County, and the facilities of Jones & Laughlin Steel Corporation, Aliquippa,

Beaver County, to points in the city of Philadelphia and points within an airline distance of thirty-five (35) statute miles of the City Hall in the said city.

5. To transport, as a Class D carrier, property, for the United States Government, from the facilities of the Defense Depot, Mechanicsburg and the Navy Ships Parts Control Center, Mechanicsburg, located in the county of Cumberland, to points in Pennsylvania and vice versa;

with right no. 5 subject to the conditions:

- (a) That no right, power or privilege is granted to transport property in van trailers or household goods in use and commodities in bulk.
 - (b) That no right, power or privilege is granted to transport paper or paper products to or from the facilities of Hammermill Papers Group in Clinton County.
- (6) To transport, as a Class D carrier, property, for NRG Barriers West, Inc. from its facilities located in the county of Luzerne to points in Pennsylvania, and vice versa;

right no. 6 subject to the conditions:

- (a) That no right, power or privilege is granted to transport petroleum, petroleum products and dry litharge in bulk.
- (b) That no right, power or privilege, is granted to transport paper or paper products to or from the facilities of Hammermill Papers Group in Clinton County.

subject to the following general conditions:

1. That the operating authority granted herein or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. 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/or 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.

3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.
5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition no. 3 above.
6. That the certificate holder shall not transfer, sell or in anyway convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a) (3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission.

1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate 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 upon compliance with this order, the rights granted the transferor, American Transport, Inc. at A-00108770, F. 2, Am-B be modified pursuant to the supplemental order.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: August 18, 1994

ORDER ENTERED: OCT 11 1994

ENTRY NO.: 0001
NAME: TRANS AMERICAN TRKG SERVICE,INC
ADDRESS1: 115 ST. NICHOLAS AVENUE
ADDRESS2:
CITY: SOUTH PLAINFIELD STATE: NJ ZIP: 07080
REPRESENTING: SELF TYPE

ENTRY NO.: 0002
NAME: JOHN A PILLAR ESQ
ADDRESS1: 312 BLVD OF THE ALLIES
ADDRESS2: SUITE 700
CITY: PITTSBURGH STATE: PA ZIP: 15222
REPRESENTING: APPLICANT TYPE

ENTRY NO.: 0003
NAME: AMERICAN TRANSPORT INC
ADDRESS1: ONE PARKRIDGE CENTER
ADDRESS2: SUITE 350
CITY: PITTSBURGH STATE: PA ZIP: 15275
REPRESENTING: TRANSFEROR TYPE

CU25 A-00107793 F 0002 AME PRINT-

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **A-00107793F2 AME C.O.**

4a. Article Number **044497**

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery **14 OCT 1994**

5. Signature (Addressee) **JOHN A. PILLAR EST**

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

6. Signature (Agent) **[Signature]**

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **A-107793F2 AME C.O.**

4a. Article Number **044498**

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery **10/13/94**

5. Signature (Addressee) **AMERICAN TRANSPORT INC**

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

6. Signature (Agent) **[Signature]**

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.