

1. <u>REPORT DATE:</u>	June 25, 1992	2. <u>BUREAU AGENDA NO.</u>	JUL-92-T-672*
3. <u>BUREAU:</u>	Transportation	5. <u>PUBLIC MEETING DATE:</u>	July 23, 1992
4. <u>SECTION</u>	Technical Review		
6. <u>APPROVED BY:</u>			
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>PERSON IN CHARGE:</u>	Pike 3-5947		
8. <u>DOCKET NO.:</u>	A-00107793, F. 2, Am-B		

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

(a) Application of Trans American Trucking Service, Inc., S. Plainfield, New Jersey, a corporation of the State of New Jersey, for the approval of the transfer to applicant of all the rights held by Industrial Transportation, Inc., at A-00107196, Folders 1 and 2, subject to the same limitations and conditions.

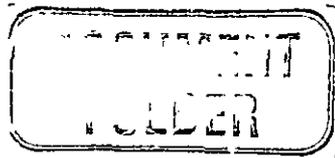
(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total of \$22,000, no tangible assets are involved in the sale.

(c) The Bureau of Transportation recommends that the Commission adopt the attached proposed order approving the transfer application and cancelling the certificate issued to the transferor by supplemental order.

DAP:np

10. MOTION BY: Commissioner Chm. Rolka      Commissioner Holland - Yes  
 SECONDED: Commissioner Rhodes      Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



NOV 12 1992



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 4, 1992

KJR

IN REPLY PLEASE  
REFER TO OUR FILE

A-00107793, F.2  
Am-B

LOUIS J CARTER ESQUIRE  
7300 CITY LINE AVENUE  
PHILADELPHIA PA 19151-2291



Application of Trans American Trucking Service, Inc.

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.

**DOCKETED**  
AUG 21 1992

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 shall conform to 75 Pa. C.S. §§1701-1798 (relating to Motor Vehicle Financial Responsibility Law).
- First party coverage of the driver of certificated vehicles shall meet the requirements of 75 Pa. C.S. §1171 (relating to required benefits).
- 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.
- Insurance coverage of motor carriers of property shall meet the requirements of 75 Pa. C.S. §1701-1798 (relating to Motor Vehicle Financial Responsibility Law).
- 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 July 23, 1992 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. William P. Hoshour-Insurance Section  
(717) 783-5933

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

Very truly yours,



John G. Alford  
Secretary

Enclosures

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

TRANS AMERICAN TRUCKING SERVICE INC  
115 ST NICHOLAS AVENUE  
SOUTH PLAINFIELD NJ 07080

**DOCKETED**

**AUG 21 1992**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held July 23, 1992

Commissioners Present:

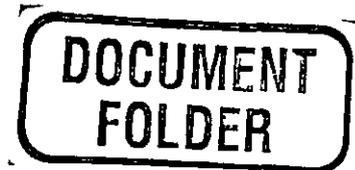
David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner

Application of Trans American Trucking Service, Inc., for the transfer of all of the operating rights of Industrial Transportation, Inc., under the certificate issued at A-00107196, F. 1 & F. 2 subject to the same limitations and conditions.

A-00107793  
F. 2  
Am-B

\_\_\_\_\_  
Louis J. Carter for the applicant.

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



BY THE COMMISSION:

This matter comes before the Commission on an application filed May 19, 1992. Public notice of the application was given in the Pennsylvania Bulletin of June 20, 1992. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant Trans American Trucking Service, Inc. is a New Jersey corporation. Ronald McGraw is president and sole stockholder. Applicant owns and operates fourteen tractors and eighty-three trailers. An unaudited balance sheet submitted by the applicant shows total assets of \$2,691,940 with total liabilities of \$1,313,442 leaving stockholders' equity of \$1,378,498.

The total consideration for the rights is \$22,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: \$2,200 on May 7, 1992 with the remainder, \$19,800 due fifteen (15) days after notice of approval by this 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 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 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 right(s):

1. To transport, as a Class B carrier, property between points in the city and county of Philadelphia;
2. To transport, as a Class C carrier, automobiles, airplanes, lift vans, machinery, boats and exhibits, to and from convention halls in Philadelphia, scenery, trailers, acoustic boards and tanks, from points in the city and county of Philadelphia, to other points in Pennsylvania within an airline distance of one hundred twenty-five (125) miles of the Philadelphia City Hall and vice versa;
3. To transport, as a Class D carrier, tanks of all kinds and descriptions, iron and steel products, machinery, patterns, objects or structures requiring rigging or special handling such as boats, airplanes, automobiles, motor and other vehicles, contractors' equipment and machinery, acoustic boards, scenery and materials for exhibit and show purposes, including all types of mill work and building materials, lift vans or containers containing household goods, works of art and paintings in the manner of their original shipment, between points in the city and county of Philadelphia;
4. To transport, as a Class D carrier, tanks of all kinds and descriptions, iron and steel products, machinery, patterns, objects or structures requiring rigging or special handling such as boats, airplanes, automobiles, motor and other vehicles, contractors' equipment and machinery, acoustic boards, scenery and materials for exhibit and show purposes, including all types

of mill work and building materials, lift vans or containers containing household goods, works of art and paintings in the manner of their original shipment, from points in the city and county of Philadelphia, to points within two hundred (200) miles by the usually traveled highways of the limits of said city, and vice versa;

5. To transport, as a Class B carrier, food and food products for Thomas C. Fluke Company, and electrical equipment and appliances for Electric Heating and Equipment Company, between points in the city of Philadelphia;
6. To transport, as a Class D carrier, food and food products for Thomas C. Fluke Company and electrical equipment and appliances for Electric Heating and Equipment Company, from points in the city of Philadelphia to points within two hundred (200) miles by the usually traveled highways of the limits thereof, and vice versa, excluding transportation to or from points on United States Highway Route No. 22, and within two (2) miles of the said highway, between the cities of Harrisburg, Dauphin County, and Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the borough of Lewistown, Mifflin County;

with rights no. 1, 2, 3, 4, 5 and 6 subject to the following condition:

That no right, power or privilege is granted to provide service from retail stores to their customers.

7. To transport, as a Class D carrier, iron and steel, iron and steel articles and products and materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products, from the property of United States Steel Company located in Falls Township, Bucks County, to points in Pennsylvania, and vice versa;

with the above Right No. 7 subject to the following condition:

That no right, power or privilege is granted to transport liquids, in bulk in tank vehicles.

8. To transport, as a Class C carrier, automobiles, airplanes, lift vans, machinery, boats and exhibits, to and from convention halls in Philadelphia, scenery, trailers, acoustic boards and tanks, between points in that part of Pennsylvania on and east of U.S. Highway Route 15, and from points in said territory to points in Pennsylvania and vice versa.
9. To transport, as a Class D carrier, tanks of all kinds and descriptions, iron and steel products, machinery, patterns, objects or structures requiring special rigging or special handling such as boats, airplanes, automobiles, motor and other vehicles, contractors' equipment and machinery, acoustic boards, scenery and materials for exhibit and show purposes, including all types of mill work and building materials, lift vans or containers containing household goods, works of art and paintings in the manner of their original shipment, between points in that part of Pennsylvania on and east of U.S. Highway Route 15, and from points in said territory to points in Pennsylvania and vice versa;
10. To transport, as a Class D carrier, electrical equipment and appliances between points in that part of Pennsylvania on and east of U.S. Highway Route 15, and from points in said territory to points in Pennsylvania and vice versa, excluding transportation to or from points on U.S. Highway Route 22, within two (2) miles of said highway between the city of Harrisburg, Dauphin County, and borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the said limits of the borough of Lewistown, Mifflin County.

with rights no. 8, 9 and 10 subject to the following conditions:

- a. That no right, power or privilege is granted to provide service from retail stores to their customers;
- b. That no right, power or privilege is granted to transport oil, gasoline, kerosene or petroleum products in bulk in tank vehicles or household goods in use;
- c. That no right, power or privilege is granted to serve facilities of Owens Corning Fiberglass

Corp., Jones & Hunt, Inc. and Standard Steelworks;

- d. That no right, power or privilege is granted to transport limestone, limestone products, or sand;
- e. That all services granted herein shall be performed with tractor-trailer combinations or trucks with hydraulic tilting trailer beds and winches or straight trucks equipped with pintle hooks, hitches or bolts; and
- f. That all service granted herein shall be for the account of Modern Handling Equipment Co.; Material Handling Equipment Co.; Master Equipment Rentals; Modern Equipment Rentals; Modern HiLift Equipment; HI Lift; Mobile Lifts, Inc.; Ingersoll-Rand Equipment Sales; Henkels & McCoy; Case Power & Equipment; C. Rich Co.; Riggs Distler; John Ashe Associates, Inc.; Basic Equipment Company; Malason-McCarrick Equipment Co.; Danella Companies, Inc.; Haverford Machine Company; Del-Val International Trucks, Inc.; Blue Bell Associates, Conrail; Mercer Supply, aka, Mercer Building Supplies; McDale Corporation; High Reach, aka, High Reach Co.; Colonial Lift Truck Co., aka, Bakerlift of Pennsylvania, Inc.; Boehlinger, Inc.; Elliott & Frantz, Inc.; Peter Recchi & Son; Gran Turk Equipment Co.; David Erb Contractors, Inc.; Koller Brothers; J & R Puleo and Wholesale International, Inc.

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, \$22,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. 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.
6. 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(a)(3).

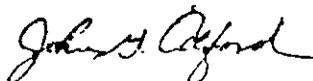
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff 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, Industrial Transportation, Inc. at A-00107196, F. 1 and F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: July 23, 1992

ORDER ENTERED: AUG 4 1992

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1, 2 for additional services.
- Complete items 3, 4a & b.
- 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.

HLS

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A. 00107793, F. 2, AM-B* *C.O.*

*Louis J. Carter, Esq*

4a. Article Number *MAA592*

4b. Service Type

Registered  Insured

Certified  COD

Express Mail  Return Receipt for Merchandise

7. Date of Delivery *8-6-92*

5. Signature (Addressee) *T. Carter*

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

6. Signature (Agent)

Thank you for using Return Receipt Service.