

# MARK L. TEWES

44 Hemphill Street  
Pittsburgh, PA. 15214

TELEPHONE (412) 322-8555

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93 NOV -1 PM 1:37

PA PUC  
BUREAU OF  
TRANSPORTATION  
RECEIVED  
NOV -3 AM 11:45  
PA. P. U. C.  
INFO. CONTROL DIV.

October 27, 1993

Pete Marzoff  
Technical Review  
Pennsylvania Public Utility Commission  
Transportation & Safety Bldg. - Rm. 409  
Commonwealth & Forster  
Harrisburg, PA. 17120

**IN RE: TRANS AMERICAN TRUCKING SERVICE, INC.  
CERTIFICATE NO. A-107793, F.2, Am-C  
PUBLIC MEETING HELD SEPTEMBER 23, 1993**

Dear Mr. Marzoff:

I am the Tariff Publisher for Trans American Trucking Service, Inc. Per our phone conversation today, the following irregularities are contained in their Compliance Order A-107793 F.2, Am-C, Public Meeting held September 23, 1993.

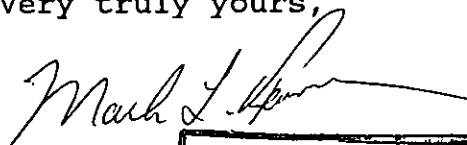
Right No. 3, the fourth line, the word "three" should appear before the "(3)".

Right No. 5, the fifth line, the word "the" should appear between the words "by usually".

Right No. 8, the second line, the word "of" should be "by".

Please issue corrected pages to this Compliance Order. Feel free to call me if you have any questions or comments.

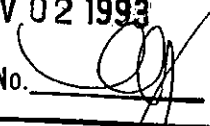
Very truly yours,



Mark L. Tewes

MLT/jap

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
NOV 02 1993  
ENTRY No. 

**PILLAR AND MULROY, P.C.**

ATTORNEYS-AT-LAW  
SUITE 700

312 BOULEVARD OF THE ALLIES  
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300  
FAX: (412) 471-6068

ORIGINAL

JOHN A. PILLAR  
THOMAS M. MULROY  
LYNN E. MACBETH

November 1, 1993

Of Counsel:  
ANTHONY A. SEETHALER, JR.  
MARIA M. VERARDI

Re: Trans American Trucking Service, Inc.  
Docket No. A-00107793, F.2, Am-B  
File No. 1342

RECEIVED  
NOV 3 1993

Hon. John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

SECRETARY'S OFFICE  
Public Utility Commission

Dear Mr. Alford:

We enclose for filing the original and two copies of a **Petition to Reinstate Compliance Order** in connection with the above docketed proceeding.

Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided.

Very truly yours,

  
JOHN A. PILLAR

SW  
Enclosures  
cc: Trans American Trucking Service, Inc. (w/encl.)

DOCUMENT  
FOLDER

ORIGINAL

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED  
NOV 3 1993

TRANS AMERICAN TRUCKING SERVICE, INC.  
Docket No. A-00107793, F.2, Am-B

SECRETARY'S OFFICE  
Public Utility Commission

**PETITION TO REINSTATE COMPLIANCE ORDER**

NOW COMES Trans American Trucking Service, Inc., by its attorneys, Pillar and Mulroy, P.C., and respectfully petitions this Honorable Commission to reinstate the compliance order issued in the above docketed proceeding, at Public Meeting held July 23, 1992, and in support of this petition, states as follows:

1. The transaction in the above docketed proceeding came before the Commission on an application filed May 19, 1992, and was approved by the Commission at Public Meeting held July 23, 1992. The transaction involves the purchase by Trans American Trucking Service, Inc. of all of the operating rights of Industrial Transportation, Inc.

2. Upon receipt of the compliance order, and the transmittal letter dated August 4, 1992, the only compliance matter requiring attention was the filing of a tariff. Since the transferee/petitioner had become a common carrier in 1991, proof of insurance had already been filed. The attorney for the transferee, Louis J. Carter, Esq., prepared a tariff adoption

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**DOCUMENT  
FOLDER**

supplement which was executed by the parties, a true copy of which is attached to this petition as Appendix "A". It is not known whether the adoption supplement was ever filed with the Commission. Petitioner relied upon its counsel at that time to see to compliance with the Commission's order.

3. During this period, petitioner was in receipt of a rule to show cause as to why all of its operating rights should not be revoked for failure of the petitioner to file an annual report for the year 1991. Petitioner had been a contract carrier since 1988 and did not become a common carrier until March, 1991. Accordingly, petitioner, prior to 1991, had not been required to file an annual report. Petitioner had, upon receipt of the rule to show cause, filed a report, but apparently it was not in the proper form, and as a result, the operating rights of the petitioner were revoked. Subsequently, a petition to reinstate the operating rights of the petitioner was filed, and by order of the Commission at Public Meeting held November 24, 1992, the petition to reinstate was granted and the operating rights of the petitioner were reinstated.

4. In October, 1992, petitioner filed a new tariff with the Commission pertaining to the operating rights at Folder 2, Am-B. Since at the time of the filing of this tariff, the operating rights of petitioner were still revoked pending the petition to reinstate, the tariff was not accepted. After the petition to reinstate was granted, petitioner believed that the tariff it had

filed in October, 1992, was then in effect and, therefore, no further compliance in connection with Folder 2, Am-B was required. Petitioner did not receive any advice from counsel as to the status of its Folder 2, Am-B authority, and no further action was taken by its counsel. By letter dated August 30, 1993, the Commission notified the petitioner that its order in Folder 2, Am-B was rescinded due to failure of the petitioner to file a tariff.

5. The letter referred to above, rescinding the order in Folder 2, Am-B, was placed in a file by an employee of the petitioner and the petitioner's owner was not informed of this letter until recently. As a result of this error, and because of other failures on the part of the employee assigned to handle compliance matters, this employee's services were terminated, effective October 22, 1993. As a result, the petitioner has now retained the services of the undersigned counsel, and has also retained the services of Mark Tewes, a tariff consultant and preparer, who will handle all future tariff and compliance filings. In addition, the President of the petitioner will assume all responsibilities for PUC compliance matters and will no longer designate these duties to an employee, unless and until it can retain the services of a person capable of handling this responsibility. Petitioner realizes the seriousness of these matters and hereby assures the Commission that it will not ignore compliance letters, warnings, rules to show cause, or other documents received from the Commission in connection with any

future filings for operating rights.

6. The operating rights at Folder 2, Am-B, are extremely important to the petitioner. The petitioner paid the sum of \$22,000.00 for these operating rights. The operating rights authorize transportation pursuant to which the petitioner has received numerous requests for service, and for which there is a continuing need for those services. The public interest will be served by reinstatement of the compliance order at Folder 2, Am-B, so that petitioner can file appropriate adoption supplements and thereafter perform the transportation required by the public under Folder 2, Am-B.

7. Notwithstanding the petitioner's failure to properly comply with the tariff requirements of Folder 2, Am-B, petitioner avers that it did execute a tariff adoption supplement (Appendix "A") and did file a tariff in connection with the Folder 2, Am-B authority in the fall of 1992. Petitioner did attempt to comply with the Folder 2, Am-B order, but the circumstances surrounding its annual report problem, which has since been fully rectified, resulted in the non-acceptance of petitioner's attempts to comply with the tariff requirements at Folder 2, Am-B. Furthermore, petitioner has taken several steps to assure the Commission that future compliance will be handled expeditiously and with the advice of counsel and a tariff consultant. Petitioner will no longer attempt to handle these matters in house, unless and until it can obtain qualified personnel to do so.

WHEREFORE, petitioner respectfully requests that the compliance order at Docket A-107793, F.2, Am-B, be reinstated so that petitioner can comply with the compliance order and obtain the operating rights for which it has already made full payment to the previous owner.

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

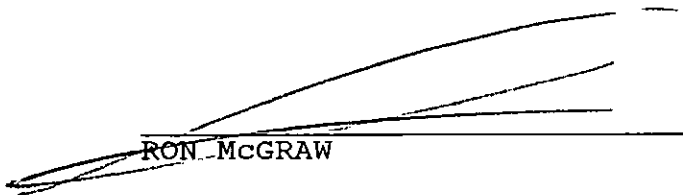
JOHN A. PILLAR  
Attorney for  
TRANS AMERICAN TRUCKING  
SERVICE, INC.,  
Petitioner

PILLAR AND MULROY, P.C.  
Suite 700  
312 Boulevard of the Allies  
Pittsburgh, PA 15222

A F F I D A V I T

STATE OF *New Jersey* )  
 )  
COUNTY OF ) SS:

RON McGRAW, being duly sworn according to law, deposes and says that he is President of Trans American Trucking Service, Inc., petitioner herein, and that the facts contained in the foregoing **Petition to Reinstate Compliance Order** are true and correct to the best of his knowledge, information and belief.

  
RON McGRAW

SWORN TO and subscribed before me this 28 day of October, 1993.

  
Notary Public

My commission expires:

GREGORY McGRAW  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES JAN. 31. 1997



Industrial Transportation  
(A-00107196, F. 1)

Supplement No. 1  
to  
Freight Pa. P.U.C. No. 3

Trans American Trucking  
(A-00107793, F. 2, Am-B)

Supplement No. 1  
to  
Freight Pa. P.U.C. No. 2

Industrial Transportation, Inc.

Trans American Trucking Service, Inc.

No. 3. Industrial Transportation hereby withdraws Freight Pa. P.U.C.

INDUSTRIAL TRANSPORTATION, INC.

Signed: *Louis J. Carter*

By: Louis J. Carter, Atty. for Industrial  
Address: 7300 City Line Avenue

Philadelphia, PA 19151

Trans American Trucking hereby accepts and establishes as Tariff  
Freight Pa. P.U.C. No. 2 the tariff of Industrial Transportation heretofore  
known as Freight Pa. P.U.C. No. 3.

~~TRANS AMERICAN TRUCKING SERVICE, INC.~~

~~Signed: \_\_\_\_\_~~

~~By: Ronald McGraw, President  
Address: 115 St. Nicholas Avenue~~

~~South Plainfield, NJ 07080~~

Issued: August 12, 1992

Effective: August 13, 1992

Industrial Transportation  
(A-00107196, F. 2)

Supplement No. 1  
to  
Freight Pa. P.U.C. No. 4

Trans American Trucking  
(A-00107793, F. 2, Am-B)

Supplement No. 1  
to  
Freight Pa. P.U.C. No. 3

Industrial Transportation, Inc.

Trans American Trucking Service, Inc.

Industrial Transportation hereby withdraws Freight Pa. P.U.C.  
No. 4.

INDUSTRIAL TRANSPORTATION, INC.

Signed: *Louis J. Carter*  
By: Louis J. Carter, Atty. for Industrial  
-Address: 7300 City Line Avenue  
Philadelphia, PA 19151

Trans American Trucking hereby accepts and establishes as Tariff  
Freight Pa. P.U.C. No. 3 the tariff of Industrial Transportation heretofore  
known as Freight Pa. P.U.C. No. 4.

TRANS AMERICAN TRUCKING SERVICE, INC.

Signed: *Ronald McGraw*  
By: Ronald McGraw, President  
Address: 115 St. Nicholas Avenue

South Plainfield, NJ 07080

Issued: August 12, 1992

Effective: August 13, 1992

**PILLAR AND MULROY, P.C.**

ATTORNEYS-AT-LAW  
SUITE 700

312 BOULEVARD OF THE ALLIES  
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300  
FAX: (412) 471-6068

JOHN A. PILLAR  
THOMAS M. MULROY  
LYNN E. MACBETH

November 8, 1993

Of Counsel:  
ANTHONY A. SEETHALER, JR.  
MARIA M. VERARDI

Re: Trans American Trucking Service, Inc.--  
Purchase (Portion)--F & B Trucking, Inc.  
Docket No. A.107793, F. 2 Am-D  
File No. 1342-3

David Ehrhart, Supervisor  
Application Section  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Dear Mr. Ehrhart:

Lou Miller contacted me on Friday, November 5, regarding a possible conflict between the authority at Folder 3 of the transferor which is being retained, and the authority being transferred to the applicant. I call to your attention the fact that on page 6 of Appendix "A" to the agreement of sale, we have included a restriction against transportation of property, in bona fide storage and for which a warehouse receipt has been or will be issued, from the warehouse facilities of F & B Trucking, Inc., located in the County of Allegheny, and the warehouse facilities of Falcon, Inc. located in the City of Pittsburgh, Allegheny County, and the Township of Lancaster, Butler County, to points in Pennsylvania, and vice versa.

This proposed restriction should eliminate any conflict with Folder 3 and with Folder 2.

If you have any further questions, please call. Otherwise, I will assume that the application will be processed and published in the near future.

Very truly yours,

  
JOHN A. PILLAR



SW

cc: Trans American Trucking Service, Inc.  
F & B Trucking, Inc.

# PENNSYLVANIA PUBLIC UTILITY COMMISSION



RECEIPT

**RECEIVED**

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

93 NOV 19 AM 10:33

PA. P. U. C.  
INFO. CONTROL DIV.

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

Date November 18, 1993

CR 150546 A

ELS

**DOCUMENT  
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**DOCKETED**  
NOV 24 1993

In re application of Trans American Trucking Service INC  
A-00107793, F.2, Am-D.....\$350.00]

Revenue account 001780-017601-102 (ck)  
ck 043864 \$350.00  
Checks \_\_\_\_\_ Currency \_\_\_\_\_  
Utility account \_\_\_\_\_ 50:26

C. Joseph Meisinger  
For Department of Revenue