



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

December 7, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00107793

F.2, Am-B

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

Petition of Trans American Trucking Service, Inc.
Petition for Reinstatement.

To Whom It May Concern:

This is to advise you that an Order has been adopted by
the Commission in Public Meeting on December 2, 1993 in the above
entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

John G. Alford
John G. Alford, Secretary

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 2, 1993

Commissioners Present:

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

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Petition of Trans American
Trucking Service, Inc.

Docket No.
A-00107793, F.2, Am-B

Petition for Reinstatement.

ORDER

DOCKETED
DEC 17 1993

BY THE COMMISSION:

By Order dated August 30, 1993, the Commission dismissed the application for transfer of common carrier authority filed by Trans American Trucking Service, Inc. ("Petitioner") at Docket No. A-00107793, F.2, Am-B, for failure to file tariff adoption supplements. The Commission had approved Petitioner's application by Order entered August 4, 1992, but withheld the actual transfer of authority until Petitioner filed adoption supplements to the existing tariff. By Petition dated November 1, 1993, Petitioner requests reinstatement of the transfer of common carrier. This Petition is now before the Commission for consideration.

Decisions whether to grant petitions for reinstatement are left to the Commission's discretion and will be reversed on appeal only if that discretion is abused. Hoskins Taxi Service v. Pa. Public Utility Commission, 87 Pa. Commonwealth Ct. 30, 486 A.2d 1030 (1985). In ruling upon a petition to reinstate, the Commission will examine all relevant factors to reach an equitable result. Re Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983).

In reviewing a reinstatement petition, the Commission considers: (1) the amount of time which elapsed between the cancellation of the certificate and the filing of the petition to

reinstate; (2) the petitioner's record of compliance with the Public Utility Code and the orders and regulations of the Commission; and (3) the reasonableness of the excuse given for the violation which caused the cancellation of the certificate. Re Bishop, 58 Pa. P.U.C. 519 (1984).

As to the first factor, we note that Petitioner filed this Petition within one week after dismissal of its application. This factor supports reinstatement of this application.

Upon examination of the second factor, the Commission approved the common carrier application of Petitioner at Docket No. A-00107793, F.2, Am-B, by Order entered August 4, 1992. However, the Commission withheld the actual transfer of authority until Petitioner filed an acceptable adoption supplement to the existing tariff. Petitioner failed to comply, and the Commission dismissed the application for transfer of authority by letter dated August 30, 1993. This Order is the subject of the present Petition for Reinstatement.

In reviewing Petitioner's performance history before the Commission, we find that Petitioner has no history of safety violations and has no outstanding Commission penalties. Petitioner's annual reporting requirements are current, and Petitioner has evidence of valid liability insurance on file with the Commission. However, by Order entered September 9, 1992, the Commission cancelled Petitioner's certificate of public convenience filed at Docket No. A-00107793, F.2, for failure to file its 1991 Annual Report. This certificate of public convenience was subsequently reinstated by Order adopted November 24, 1992. Under the circumstances, Petitioner's record does not compel a denial of reinstatement at this time.

We now consider Petitioner's excuse for the violation which caused the transfer application dismissal. Petitioner asserts that it prepared the tariff adoption supplement soon after it received an August 4, 1992 Commission letter requesting the supplement. Petitioner does not know whether its counsel at the time ever filed this adoption supplement with the Commission.

Petitioner filed another adoption supplement with the Commission during October of 1992. However, Petitioner's operating rights were cancelled from September 9, 1992 until November 24, 1992 and this second tariff was not accepted by the Commission. After the reinstatement of Petitioner's operating rights, Petitioner believed that the October 1992 adoption supplement was then effective. Therefore, Petitioner did not act further until the August 30, 1993 application dismissal.

Petitioner has now supplied the Commission with the tariff adoption supplement. In light of the foregoing, we believe that reinstatement of the Petitioner's application for transfer of common carrier authority is consistent with the public interest. THEREFORE,

IT IS ORDERED:

1. That the Petition of Trans American Trucking Service, Inc. for Reinstatement filed at Docket No. A-00107793, F.2, Am-B, is hereby granted.

2. That the common carrier permit at Docket No. A-00107793, F.2, Am-B is hereby reinstated, subject to compliance with the condition described herein.

3. That reinstatement is conditioned upon Trans American Trucking Service, Inc. maintaining appropriate evidence of insurance with the Commission.

4. That the failure to timely comply with the above condition will result in denial of the Petition to Reinstatement without further Commission action.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 2, 1993

ORDER ENTERED: **DEC -7 1993**