

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	March 19, 1987	:	2. <u>BUREAU AGENDA NO.</u>
		:	APR-87-T-374*
3. <u>BUREAU:</u>	Transportation	:	
4. <u>SECTION(S):</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	April 16, 1987
	Director: Ernst 7-2154	:	
	Supervisor: Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	G. Travitz 3-5947	:	
9. <u>DOCKET NO.:</u>	A-00107282	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:	
(b) Short summary of history & facts, documents & briefs		:	
(c) Recommendation		:	

(a) Application of Bernard L. Fetter, Bedford, Bedford County for the approval of the transfer to applicant all of the rights held by Carl R. Pencil, (deceased), at A-00030184, F. 2.

(b) Transferor proposes to transfer his P.U.C. common carrier trucking rights for a total consideration of \$8,000. No tangible assets are to be transferred.

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

**DOCUMENT
FOLDER**

DOCKETED
MAY 6 - 1987

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

CONTENT OF MOTION: Staff recommendation adopted.



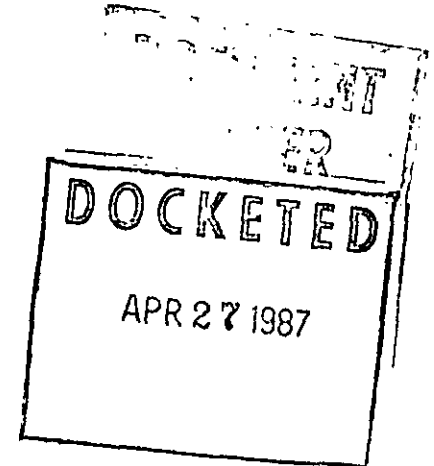
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120
April 23, 1987

IN REPLY PLEASE
REFER TO OUR FILE

A-00107282

Ray G. Replogle, Esquire
12 Public Square
Bedford, PA 15522

Application of Bernard L. Fetter



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 enclosed sheet.
 - b. A Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than \$2,500 per vehicle. Under certain circumstances, exemption from the cargo insurance requirements may be secured by filing the enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed instructions.

Public Liability and Property Damage Insurance
Minimum Limits for Pa. Public Utility Commission Authority

Common Carriers and Contract Carriers

		Limit for Bodily Injuries to or Death Of One Person	Limit for Bodily Injuries to or Death of All Persons in Any One Accident	Limit for Loss or Damage in Any One Accident to Property of Others, Excluding Cargo
Passenger Carriers (seating capacity)	7 or less	\$25,000	\$100,000	\$10,000
	8 to 12	25,000	150,000	10,000
	13 to 20	25,000	200,000	10,000
	21 to 30	25,000	250,000	10,000
	31 or more	25,000	300,000	10,000
Property Carrier		25,000	100,000	10,000

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

A-00107282

No Motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate 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 Law.

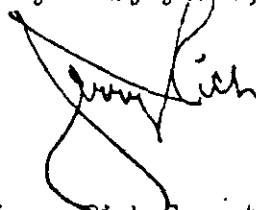
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of April 16, 1987 and dismiss the application without further proceedings.

If you foresee any problems with any of the requirements please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section (717)787-1227

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

Very truly yours,



Jerry Rich, Secretary

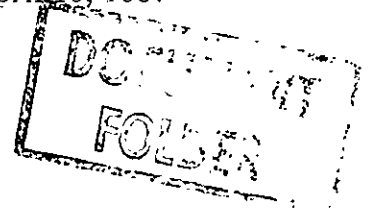
Enclosures
Certified Mail
Receipt Requested
cc: Applicant
R. D. 2, Box 637
Bedford, PA 15522

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 16, 1987

Commissioners Present:

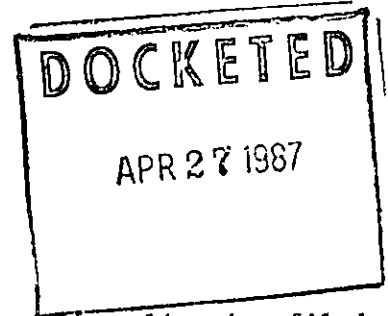
Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane



Application of Bernard L. Fetter for approval
of the transfer to him of all of the operating
rights held by Carl R. Pencil at A-00030184,
F. 2.

A-00107282

Ray G. Replogle for applicant.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 13, 1987. Notice of the application was filed in the Pennsylvania Bulletin of February 7, 1987. No protests were filed and this record is certified to the Commission without oral hearing.

Bernard L. Fetter seeks an initial grant of common carrier operating authority in Pennsylvania. He is an individual residing in Bedford, Bedford County. Applicant is not affiliated with any other carriers or corporations. He proposes to conduct operations utilizing a 1973 Ford Louisville tandem dump truck.

Applicant shows assets of \$149,300, subject to liabilities of \$39,747, and a capital account of \$109,553.

The applicant proposes to purchase all of the transferor's motor carrier common carrier trucking rights at A-00030184, F. 2 for a total consideration of \$8,000 allocated as follows:

PUC rights	\$8,000
Other Assets	None
Total	\$8,000

The sum of two hundred (\$200) dollars is held in escrow by Ray G. Replogle, Esquire. The escrow amount shall be paid to seller upon Commission approval of the transfer. The balance of \$7,800 shall be paid in cash upon Commission approval of the transfer.

Transferor is deceased and Bessie L. Pencil, Executrix of the Estate of Carl L. Pencil is desirous of selling the certificate of public convenience held by Carl L. Pencil. The Commission granted the Executrix a voluntary suspension of the operating authority on December 2, 1986, pending transfer or resumption of operations.

Transferor shows gross revenue for 1986 of \$24,339, 1985 of \$40,099 and 1984 of \$35,010. All of the transferor's due assessments have been paid and all reports have been filed.

We find that:

1. Applicant is fit to hold a certificate of public convenience.
2. There is a continuing necessity for the rights herein involved.
3. Approval of the instant application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Carl R. Pencil at A-00030184, F. 2 be and is hereby approved and that a certificate of public convenience be issued to the applicant granting the following rights:

To transport feed, as a Class B carrier, between points in the borough of Bedford, Bedford County;

To transport livestock, lime, stone, sand and building brick, as a Class D carrier, between points in the county of Bedford and within twenty (20) miles by the usually traveled highways of the limits of said county;

To transport farm products and supplies, as a Class D carrier, between points in the borough of Bedford, Bedford County, and within twenty (20) miles by the usually traveled highways of the limits of said borough;

To transport, as a Class D carrier, 2-B limestone, for use as anti-skid material, from the plant of New Enterprise Stone & Lime Co., Inc., located in the township of Snake Spring, Bedford County, to points in the counties of Bedford and Somerset;

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 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 his 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 \$8,000 consideration paid by applicant for the rights and 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 certificate 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 certificate.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he 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.

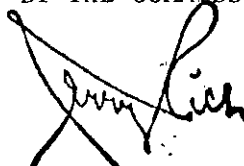
IT IS FURTHER ORDERED: That upon compliance with the requirements as hereinbefore set forth, a certificate issue evidencing the applicant's authority to operate as above determined.

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 rights granted the transferor, Carl R. Pencil, at A-00030184, F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, looped scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 16, 1987

ORDER ENTERED: APR 23 1987

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>Carl R Bencil</i>	4. Article Number 44934
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>Donna M. Reppert</i>	
7. Date of Delivery <i>4-27-87</i>	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

A 107282-0

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>Ray A. Replogle, Esq.</i>	4. Article Number 44935
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X <i>Ray A. Replogle</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery <i>4-25-87</i>	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

A 107282-0

0001
BERNARD L. FETTER
R. D. 2, BOX 637
BEDFORD
SELF

PA 15522

0002
RAY G REPLOGLIE ESQ
12 PUBLIC SQUARE
BEDFORD
APPLICANT

PA 15522

0003
CARL R PENCIL
R D 2
BEDFORD
TRANSFEROR..

PA 15522

May 5, 1987

A-00107282

DOCKETED

R-16

Ray G. Replogle, Esquire
12 Public Square
Bedford, PA 15522

MAY 07 1987

Bernard L. Fetter

Dear Sir:

Under date of April 23, 1987 the Secretary's office transmitted to you the Commission's compliance order of April 16, 1987, evidencing approval of the above carrier's application at A-00107282, which is in effect a transfer of the rights formerly held by Carl R. Pencil, at A-00030184, F. 2. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of PA Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariffs of the former operator will become the tariffs of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of each of the necessary supplements to be properly executed by you, the original and one copy each of which must be returned to us for filing and the remaining ones to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

Very truly yours,
Barry L. Ernst, Director
Bureau of Transportation

By: Joseph M. Machulsky, Chief
Financial Document Section

RRF:lpw

Enclosures (2 sets)

cc: Applicant
R.B. 2, Box 637
Bedford, PA 15522

Contact Person: D. A. Pike
(717) 783-5936

DOCUMENT
FOLDER