

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
April 23, 1987	:	JUN-87-T-669*
<u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	June 25, 1987
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u>	:	
Hoshour 7-5513	:	
9. <u>DOCKET NO.:</u>	:	
A-00107300	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)	:	
(b) Short summary of history & facts, documents & briefs	:	
(c) Recommendation	:	

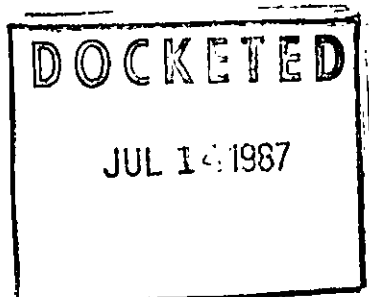
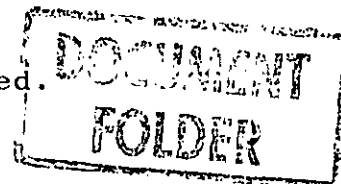
(a) Application of of Fred B. Wike, t/d/b/a Fred B. Wike Trucking, Harrisville, Butler County, for approval of the transfer to the applicant of all of the rights held by Robert E. Dicks, Sr. at A-00101524, subject to the same limitations and conditions.

(b) The applicant seeks to acquire all of the common carrier authority of the transferor for the sum of \$3,500. There is no tangible property involved in the transfer proceeding. Although the transferor has failed to generate any revenue since issuance of a certificate, the transferor has maintained evidence of insurance on file with the Commission and has filed his annual reports.

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

11. MOTION BY: CommissionerChm. Shane Commissioner Taliaferro - Yes  
Commissioner  
SECONDED: CommissionerFischl Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



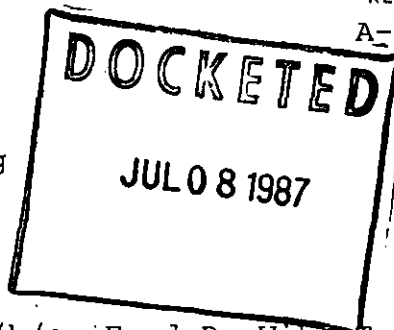


COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

July 6, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

A-107300



Robert D. George, Esquire  
632 First National Bank Building  
New Castle, PA 16101

Application of Fred B. Wike, t/d/b/a Fred B. Wike Trucking

Dear Sir:



Enclosed is the compliance order issued by the Commission in the above entitled proceeding.

The Certificate of Public Convenience evincencing 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 A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this page.
- II Prepare and file a tariff, instructions for which are enclosed and return to the Pa. Public Utility Commission, Bureau of Non-Rail Transportation, Tariff Section, Room 411 Transportation & Safety Building, Harrisburg, PA 17120

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate of public convenience issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Revenue, as a motor bus. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

Similar letter to: Transferor

Robert E. Dicks, Sr.  
R. D. #2  
Portersville, PA 16051

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

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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

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.

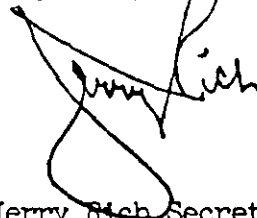
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of June 25, 1987 and dismiss the application without further proceedings.

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) 783-5933

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

Very truly yours,



Jerry Rich, Secretary

lg

Enclosures

Certified Mail

Receipt Requested

cc:applicant

Fred B. Wike

R. D. #1

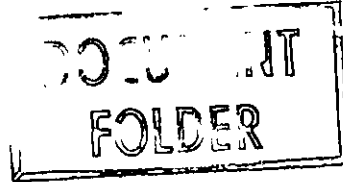
Harrisville, PA 16038

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held June 25, 1987

Commissioners Present:

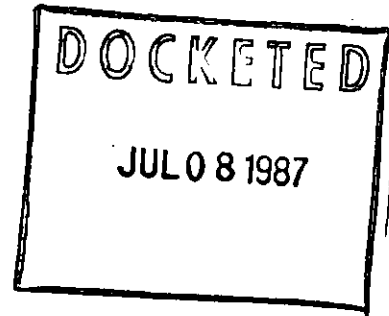
Bill Shane, Chairman  
Linda C. Taliaferro  
Frank Fischl



Application of Fred B. Wike, t/d/b/a  
Fred B. Wike Trucking, for approval  
of the transfer to the applicant of  
all of the rights held by Robert E.  
Dicks, Sr. at A-00101524, subject to  
the same limitations and conditions.

A-00107300

\_\_\_\_\_  
Robert D. George for the applicant.



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

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 29, 1987. Public notice of the application was given in the Pennsylvania Bulletin of February 21, 1987. No protests were filed.

Fred B. Wike, t/d/b/a Fred B. Wike Trucking (applicant), R.D. 1, Harrisville, Butler County, is a sole proprietorship which holds no Pennsylvania intrastate authority nor interstate authority. The applicant is not affiliated with any existing carrier. The applicant has available four tractors and five trailers with which to provide transportation.

The pro forma balance sheet of the applicant indicates that he has total assets of \$147,000 and liabilities of \$1,295. No income statement is available in that the applicant has yet to institute service.

The sales agreement of January 20, 1987, states that for the total consideration of \$3,500, the applicant will purchase all of the common carrier authority of Robert E. Dicks, Sr. (transferor) at A-00101524. No tangible assets are being transferred. A down payment of \$1,500 has been paid to the transferor, with the balance of \$2,000 due upon approval of the transfer application.

The transferor was granted a certificate of public convenience on October 17, 1979. Since receiving his certificate, the transferor has failed to generate any revenue pursuant to said certificate. The transferor has filed his annual reports and has maintained evidence of insurance with the Commission. The transferor now seeks to cease all of his operations under his certificate of public convenience.

We find:

1. That the applicant is fit to hold a certificate of public convenience.

2. That there is a continuing need for the service to be provided by the applicant; THEREFORE,

IT IS ORDERED: That the application for transfer of all of the authority held by Robert E. Dicks, Sr. at A-00101524, be and is hereby approved, granting the following rights:

To transport, as a Class D carrier, coal, sand, gravel, slag, limestone, amesite and cement blocks between points in the counties of Mercer, Lawrence, Venango and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal from the Perry Ross Coal Company in the township of Lackwannock, Mercer County, to points in the city of Meadville, Crawford County, and within one and one-half (1-1/2) miles of the limits of said city.

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 \$3,500 consideration paid by applicant for the rights and/or 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 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 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, 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, Robert E. Dicks, Sr., at A-00101524 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 25, 1987

ORDER ENTERED: JUL 06 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>Robert C. Dicks, Sr.</i>	4. Article Number <b>44604</b>
5. Signature - Addressee <input checked="" type="checkbox"/> <i>Robert C. Dicks</i>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
6. Signature - Agent <input checked="" type="checkbox"/>	Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
7. Date of Delivery <i>7-8-87</i>	8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

A-107302  
Dicks

**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>Robert D. George, Csg.</i>	4. Article Number <b>44605</b>
5. Signature - Addressee <input checked="" type="checkbox"/>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
6. Signature - Agent <input checked="" type="checkbox"/> <i>Arterine Gandy</i>	Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
7. Date of Delivery <i>7-8-87</i>	8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

A-107302  
Dicks

July 29, 1987

A-00107300

R-16

Robert D. George, Esquire  
632 First National Bank Building  
New Castle, PA 16101

Fred B. Wike, t/d/b/a  
Fred B. Wike, Trucking

Dear Sir:

Under date of July 6, 1987 the Secretary's office transmitted to you the Commission's compliance order of June 25, 1987, evidencing approval of the above carrier's application at A-00107300, which is in effect a transfer of the rights formerly held by Robert E. Dicks, Sr., at A-00101524. 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 tariff of the former operator will become the tariff 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 the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one 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 H. Machulsky, Chief  
Financial Document Section

DOCUMENT  
FOLDER

RHF:lpw //

Enclosure

cc: Applicant  
R.D. #1  
Harrisville, PA 16038

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

DOCKETED

AUG 4 1987



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

August 6, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

A. 107300

Fred B. Wike t/d/b/a  
Fred B. Wike Trucking  
R. D. #1  
Harrisville, PA 16038

To Whom It May Concern:

This will acknowledge receipt of proof of insurance coverage filed in your name.

However, to date we have not received proof of the following:

- Bodily Injury and Property Damage Liability (Form E)
- Cargo Liability (Form UCPC-31)

Please be advised that proof of this insurance coverage must be received before a certificate or permit can be issued by the Commission.

Very truly yours,

*James J. McCaskey*

Insurance Section  
(717) 787-1227

