

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
August 31, 1987	:	SEP-87-T-1087*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	September 17, 1987
6. <u>APPROVED BY:</u>	:	
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-00107570	:	

DOCKETED

OCT 7 - 1987

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

(a) Application of KLT, Inc., Bellefonte, Centre County, a corporation of the Commonwealth of Pennsylvania for the approval of the transfer to applicant part of the rights held by Ralph G. Lingle, Jr. at A-00104857.

(b) Transferor proposes to transfer part of his P.U.C. common carrier trucking rights for a total consideration of \$6,000. All of the rights retained by the transferor, except one, will be modified.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application. The certificate issued to the transferor be modified as provided for in the Supplemental Order.

DOCUMENT
FOLDER

11. MOTION BY:	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
		Commissioner Smith - Not voting
SECONDED:	Commissioner Fischl	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

Commissioner William H. Smith has recused himself from this proceeding.



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

September 24, 1987

IN REPLY PLEASE
REFER TO OUR FILE
A-00107570

Dwight L. Koerber, Jr., Esquire
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830

DOCUMENT
FOLDER

DOCKETED
OCT 1 - 1987

Application of KLT, 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.

Effective date: August 1, 1987

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 \$1,500 first party funeral benefits for all passengers and pedestrians.
- \$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits for drivers (PA registered vehicles only).
- 16 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.
- \$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits (PA registered vehicles only).
- 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 September 17, 1987 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. James McCarthy-Insurance Section
(717) 783-5933

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in black ink and is positioned above the typed name of the signatory.

Jerry Rich, Secretary

cc: KLT, Inc.
R.D. 3, Box 342
Bellefonte, PA 16823

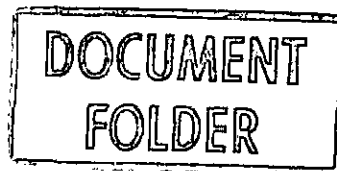
Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 17, 1987

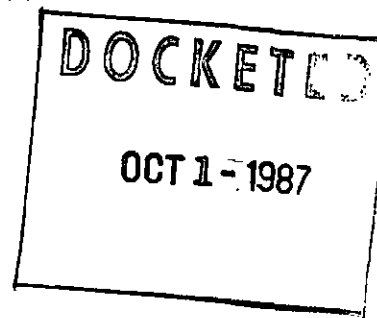
Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith; not voting



Application of KLT, Inc. for approval of
the transfer to it of part of the operating
rights held by Ralph G. Lingle, Jr. at
A-00104857.

A-00107570



Kriner, Koerber & Kirk by Dwight L. Koerber, Jr. for applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 1, 1987. Notice of the application was filed in the Pennsylvania Bulletin of July 11, 1987. No protests were filed and this record is certified to the Commission without oral hearing.

KLT, Inc. seeks to initiate service as a common carrier in Pennsylvania. It is a corporation of the Commonwealth having received its certificate of incorporation on April 24, 1987. Kenneth L. Teaman owns all of the stock of applicant corporation and is the president. Carolyn B. Teaman is the secretary/treasurer. Applicant will conduct operations from R.D. 3, Bellefonte, Centre County, utilizing a specially designed toter. Applicant is not affiliated with transferor or any other carriers or corporations.

Applicant shows assets of \$10,000, subject to liabilities of \$9,000, and a capital account of \$1,000.

The applicant proposes to purchase part of the transferor's motor carrier common carrier trucking rights at A-00104857 for a total consideration of \$6,000 allocated as follows:

PUC right	\$6,000
Other assets	None
Total	\$6,000

The purchase price of six thousand (\$6,000) dollars will be paid upon Commission approval of the transfer proceeding.

Transferor shows gross revenue for 1984 of \$45,501, 1985 of \$54,443 and 1986 of \$49,955. All of the transferor's due assessments have been paid, all reports have been filed and the insurance is in full force.

DISCUSSION

By the instant application Ralph G. Lingle, Jr. proposes to transfer part of one right to KLT, Inc. As a result Centre County will be eliminated from the third right under report and order adopted October 28, 1983. All of the rights, except for right number two under report and order approved October 28, 1983, will include a restriction excluding the transportation of used mobile homes and/or house trailers, between, from or to points in Centre County. The right being transferred conflicts or duplicates a portion of these rights. By placing restrictions on the rights being retained by transferor, we will eliminate any duplication which could have resulted, so that transferor is unable to retain any portion of the right which has been transferred to the applicant.

We find that:

1. Applicant is fit to hold a certificate of public convenience.
2. Restrictive conditions must be added to the rights which the transferor is retaining in order to eliminate any duplication between the right being transferred and the rights being retained.
3. There is a continuing necessity for the right herein involved.
4. 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 right held by Ralph G. Lingle, Jr. at A-00104857 be and is hereby approved and that a certificate of public convenience be issued to the applicant granting the following right:

To transport, as a Class D carrier, used mobile homes and house trailers, from points in the county of Centre, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to provide transportation from points in the counties of Northumberland, Lycoming, Dauphin, Perry, Lancaster, Lebanon and Franklin.

with the above right 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 right 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 right herein granted in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$6,000, 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.
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.
5. 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(3).

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently

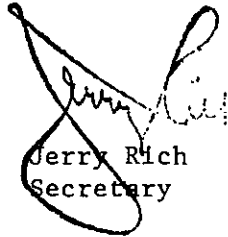
granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That 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 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, Centre County be eliminated as a point of origin from the third right granted the transferor, Ralph G. Lingle, Jr., at A-00104857 under report and order adopted October 28, 1983, and that all rights, except for right number (2) of the transferor, be modified as provided for in the supplemental order.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1987

ORDER ENTERED: SEP 24 1987

0001
KLT, INC.
R.D. 3
BOX 342
BELLEFONTE PA 16823
SELF

0002
DWIGHT L. KDERBER, JR., ESQ.
110 NORTH SECOND STREET
P. O. BOX 1920
- CLEARFIELD PA 16830
APPLICANT

0003
RALPH G. LINGLE, JR.
316 WEST SIXTH AVENUE
CLEARFIELD PA 16830
TRANSFEROR

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: A107570 & Dwight L Kober		4. Article Number 44144	
		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
5. Signature — Addressee X		Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .	
6. Signature — Agent X <i>Blair Moore</i>		8. Addressee's Address (ONLY if requested and fee paid) 2 3	
7. Date of Delivery			

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

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: A107570 & Ralph G Single		4. Article Number 44145	
		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
5. Signature — Addressee X <i>Alonda Single</i>		Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .	
6. Signature — Agent X		8. Addressee's Address (ONLY if requested and fee paid)	
7. Date of Delivery SEP 25 1987			

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT