

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
October 18, 1993	:	
3. <u>BUREAU:</u>	:	NOV-93-T-958*
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	November 10, 1993
<i>BRZ</i>	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Zeigler 3-5946	:	
8. <u>DOCKET NO.:</u>	:	
A-00108448, F. 1, Am-B	:	

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

(a) Application of Empire Wrecking of Reading, Pa., for amendment to its contract carrier permit, for the right to transport by motor vehicle, carbon, for M.G.P., Inc., from its facilities in the borough of Womelsdorf, Berks County, to points in the borough of St. Marys, Elk County, with the right to return, refused, rejected or damaged shipments to the point of origin.

(b) The application for additional contract carrier authority is unopposed. The applicant stands ready, willing and able to provide the additional contract carrier service and has the unqualified support of the shipper named in the application. Approval of the unopposed application for additional contract carrier authority is in the public interest.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application for contract carrier authority.

TZ:rs/em

10. MOTION BY:	Commissioner Chm. Rolka	Commissioner Quain - Yes
		Commissioner Crutchfield - Yes
SECONDED:	Commissioner Rhodes	Commissioner Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.

**DOCKETED**  
FEB 25 1994

**DOCUMENT FOLDER**



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

November 23, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

A-00108448  
F.1, Am-B

*Handwritten initials*

THOMAS P BROGAN ESQUIRE  
MALATESTA HAWKE & MCKEON  
PO BOX 1778  
HARRISBURG PA 17105-1778

Application of Empire Wrecking Company of Reading, PA,  
a corporation of the Commonwealth of Pennsylvania

Enclosed is the compliance order issued by the Commission  
in this proceeding.

The application will not be permitted to operate or engage  
in any transportation granted by the enclosed order until a tariff  
has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above  
requirement will be subject to the penalty provisions of the  
Public Utility Commission.

Commission regulations require compliance with the above requirements  
within sixty (60) days of the date of this letter. Failure to comply  
within the sixty (60) day period will cause the Commission to rescind  
the action of November 10, 1993 and dismiss the application without  
further proceeding.

Very truly yours,

*John G. Alford*  
John G. Alford, Secretary

DOCUMENT  
FOLDER

smk  
Encls.  
Cert.Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717) 787-5521  
EMPIRE WRECKING COMPANY OF READING PA  
1420 CLARION STREET  
READING PA 19601

DEC 09 1993

MODIFICATION

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held November 10, 1993

Commissioners Present:

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

Application of Empire Wrecking of Reading, Pa., for amendment to its contract carrier permit, for the right to transport by motor vehicle, carbon, for M.G.P., from its facilities in the borough of Womelsdorf, Berks County, to points in the borough of St. Marys, Elk County, with the right to return, refused, rejected or damaged shipments, to the point of origin.

A-00108448  
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Thomas P. Brogan for the applicant.

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O R D E R

POCKETED  
DEC 09 1993

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 19, 1993. Public notice of the application was given in the Pennsylvania Bulletin of August 7, 1993. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by Harry J. O'Neill, III, president of the applicant and Franklin C. Schoch, president of M.G.P., Inc.

DISCUSSION AND FINDINGS

The applicant seeks amendment to its contract carrier permit so that it may provide service for one additional shipper. Empire Wrecking is affiliated with Delaware Valley Contractors, Inc., which holds authority granted by the Commission at A-00110333. Both are subsidiaries of O'Neill Financial, Inc. The companies are operated as distinct and separate entities. Currently, the applicant has authority to provide contract carrier service for Simon Eastern Corporation and Giles and Ransom, Inc.

The applicant's facilities are located on five acres of land in Reading, Berks County. The facilities include a shop building, storage facility and office facility. The company operates under a central dispatch procedure with all drivers and equipment controlled from the Reading site. Currently, 22 full-time drivers and 15 office workers are employed by the company. 45 laborers, 10 heavy truck and heavy equipment mechanics and 65 heavy equipment operators are also on the payroll. The applicant operates a fleet of 11 tractors and 26 trailers consisting of four lowboys, 17 van trailers and five flatbed trailers. All equipment is in excellent condition and is routinely maintained and safety inspected.

The applicant has filed for authority at the request of the shipper. It is prepared to provide service seven days a week upon request. It will provide scheduled pickup and delivery service as well as expedited unscheduled service when requested to do so.

As a wholly-owned subsidiary of O'Neill Financial, Inc., the applicant entered a consolidated financial statement which includes the necessary financial data of Empire Wrecking. O'Neill and the subsidiaries report total assets of \$8,281,158 with total liabilities of \$3,726,084.

Supporting the application is M.G.P., Inc., which is a graphite machining company. The applicant will be used to transport one load of graphite per week from Womelsdorf to St. Marys. The shipper operates a private carriage fleet, but desires to have the applicant's contract carrier service available as the private fleet cannot keep up with production and shipping needs. Empire Wrecking is in proximity to the facilities of M.G.P., Inc., and a short-notice service appears possible.

The applicant and shipper will be required to provide a bilateral contract prior to rendering service. The contract must meet our requirements at 52 Pa. Code §31.45 and contain the authority granted by the instant order, provide a minimum amount of business over the term of the contract and contain or refer to a schedule of minimum rates and charges. The contract must be submitted for our approval prior to the provision of service.

We find:

1. The applicant stands ready, willing and able to provide contract carrier service for the single additional shipper.
2. The applicant has the unqualified support of the shipper named in the application as evidenced by the verified statement entered on its behalf.
3. Approval of the application for additional contract carrier authority is in the public interest; THEREFORE,

IT IS ORDERED: That the permit issued October 30, 1991, as amended, be further amended to include the following right:

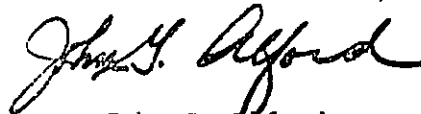
To transport, as a contract carrier by motor vehicle, carbon for M.G.P., Inc., from its facilities in the borough of Womelsdorf, Berks County, to points in the borough of St. Marys, Elk County, with the right to return refused, rejected or damaged shipments to the point of origin.

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 shall have complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relating to the filing of a schedule of minimum rates and charges and the filing and acceptance of a contract in compliance with 52 Pa. Code §31.45.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



John G. Riford  
Secretary

(SEAL)

ORDER ADOPTED: November 10, 1993

ORDER ENTERED: NOV 23 1993

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a, & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *A-00108448 F. TAMA*

*C.O.*

4a. Article Number *044157*

- 4b. Service Type
- Registered  Insured
  - Certified  COD
  - Express Mail  Return Receipt for Merchandise

7. Date of Delivery *NOV 29 1993*

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991 \*U.S. GPO: 1992-323-402

**DOMESTIC RETURN RECEIPT**

*Thomas P. Brogan Esq*

*Keely Ann*

*RJA*

Thank you for using Return Receipt Service.