


**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Uniform Cover and Calendar Sheet**

<b>1. REPORT DATE:</b> March 25, 1994	<b>2. BUREAU AGENDA NO.</b> APR-94-T-315*
<b>3. BUREAU:</b> Transportation	
<b>4. SECTION(S):</b> Technical Review	<b>5. PUBLIC MEETING DATE:</b> April 14, 1994
<b>6. APPROVED BY:</b>  Director: Ernst 7-2154 Supervisor: Marzolf 3-5945	
<b>7. PERSONS IN CHARGE:</b> Travitz 7-5513	
<b>8. DOCKET NO.:</b> A-00108448, F. 1, Am-C	

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

(a) Application of Empire Wrecking Co. of Reading, PA, Reading, Berks County, a corporation of the Commonwealth of Pennsylvania, for amendment to its contract carrier permit, for the right to transport, by motor vehicle, road and highway construction equipment for E. J. Breneman, Inc., between points in Pennsylvania.

(b) Applicant seeks to amend its contract carrier authority and the application was unopposed. Before commencing operations applicant must file an acceptable bilateral contract with the Commission. We find that the applicant is fit, willing and able to properly provide the service as a contract carrier.

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

GT:rn

10. MOTION BY: Commissioner Rhodes                      Commissioner Quain - Yes  
SECONDED: Commissioner Hanger                      Commissioner Crutchfield - Yes  
CONTENT OF MOTION: Staff recommendation adopted.



**DOCKETED**  
APR 27 1994



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

APRIL 21, 1994

IN REPLY PLEASE  
REFER TO OUR FILE

A-00108448  
F. 1, Am-C

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

DOCUMENT  
FOLDER

DOCKETED  
MAY 16 1994

Application of Empire Wrecking Co.  
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 April 14, 1994 and dismiss the application without  
further proceeding.

Very truly yours,

John G. Alford, Secretary

smk  
Encls.  
Cert. Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717) 787-5521

EMPIRE WRECKING CO OF READING PA  
1420 CLARION STREET  
READING PA 19601

MODIFICATION

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held April 14, 1994

Commissioners Present:

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

Application of Empire Wrecking Co. of Reading, PA, a corporation of the Commonwealth of Pennsylvania, for amendment to its contract carrier permit, for the right to transport, by motor vehicle, road and highway construction equipment for E.J. Breneman, Inc., between points in Pennsylvania.

DOCUMENT  
FOLDER

A-00108448  
F. 1  
Am-C

DOCKETED  
MAY 16 1994

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Malatesta, Hawke & McKeon by Thomas P. Brogan for the applicant.

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O R D E R

BY THE COMMISSION:

The instant application comes before the Commission on an application filed November 9, 1993. The application was published in the Pennsylvania Bulletin of December 4, 1993 and no protests were filed. The unprotested application is certified to the Commission for its decision without oral hearing. The record consists of verified statements of the applicant and the supporting shipper.

Empire Wrecking Co. of Reading, PA (applicant or Empire Wrecking) is a corporation of the Commonwealth of Pennsylvania, with its principal place of business located at 1420 Clarion Street, Reading, Berks County, PA. Harry J. O'Neill, III is the president of applicant and is involved in the supervision and management, on a day-to-day basis and has over twenty-five years in the trucking business. O'Neill is authorized on behalf of Empire Trucking to submit this verified statement. Empire Trucking is affiliated with Delaware Valley Contractors, Inc. which holds authority granted by the Commission at A-00110333. Empire Wrecking and Delaware Valley are both subsidiaries of O'Neill Financial, Inc.

Applicants facilities are located on a five acre tract of land in Reading, Berks County and those facilities include a shop building, storage facilities and a office facility. Applicant maintains a modern communications

system comprised of a central dispatch and also uses facsimile equipment. The applicant employs twenty-two full time drivers, fifteen office personnel and additionally employs approximately twenty-five laborers, ten heavy trucks and heavy equipment mechanics, and approximately sixty-five heavy equipment operators.

Applicant operates a fleet of eleven (11) tractors and twenty-six (26) trailers consisting of four (4) lowboys, seventeen (17) trailers and five (5) flatbed trailers. All of the applicant's equipment is in excellent condition. Empire Trucking maintains a safety program that includes safety meetings and a compliance program for employees in accordance with applicable state and federal safety regulations. Applicant does not presently provide interstate or intrastate service to the supporting shipper.

Applicant's purpose in filing this application, is in response to request by the shipper to provide immediate service on a timely basis to move road and highway construction equipment. Applicant will provide service seven days a week, twenty-four hours a day, if requested, provide scheduled pickup and delivery, as well as expedited, and unscheduled service, as required. No duplicating authority or dual operations will result from the grant of the instant authority.

The consolidated financial statement of O'Neill Financial, Inc. includes the necessary financial data of its wholly owned subsidiary, Empire Wrecking, the applicant in this proceeding. The consolidated balance sheet for the period ended October 31, 1992, shows total current assets of \$5,185,177, total assets of \$8,281,158, total current liabilities of \$3,726,084 and retained earnings of \$2,480,529. The statement of income and retained earnings for the same period of time reveal earned revenues of \$15,724,855, less cost of earned revenues of \$13,990,501, resulting in a gross profit \$1,734,354. A net income (loss) of (\$491,309) was reported.

E. J. Breneman, Inc. (supporting shipper or Breneman) conducts operations involving recycling, microservicing of highways and municipal supplies and signs. The legal domicile of the address is in Seeking Springs, Berks County, PA. The service will involve the mobilization for construction equipment as required involving various job sites within PA.

#### DISCUSSION AND FINDINGS

Empire Wrecking Co. of Reading, PA currently operates pursuant to a contract carrier permit issued by this Commission on October 30, 1991. Applicant serves four (4) shippers under the grant of contract carriage. By the instant application Empire Wrecking seeks to obtain authority to provide service as a contract carrier for the single shipper, E. J. Breneman, Inc. The application is unopposed and no hearings were held.

Applicant has opted to submit a verified statement of the supporting shipper and therefore, a bilateral contract between the parties still needs to be submitted in accordance with the Commission's regulations at 52 Pa. Code §31.45. The contract must place specific obligations upon the shipper and carrier, and must state a specified number of shipments during a stated period

of time. The contract should state the authority as granted by the instant order. Said contract must be submitted to this Commission for its review before service may be initiated under the contract carrier authority granted herein.

We find that the applicant is fit, willing and able to perform the service as a contract carrier and that approval of the application is in the public interest and will not interfere with the safety and regulation of common carriers; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the contract carrier permit issued to the applicant on October 30, 1991, as amended, be further amended to include the following right:

To transport, as a contract carrier by motor vehicle, road and highway construction equipment for E. J. Breneman, Inc., between points in Pennsylvania.

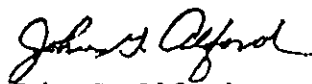
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. a schedule of minimum rates.
2. a bilateral contract in compliance with 52 Pa. Code §31.45.

IT IS FURTHER ORDERED: That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

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.

BY THE COMMISSION,

  
John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: April 14, 1994

ORDER ENTERED: 1 APR 21 1994

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 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.1 Am-C*

*CO.*

4a. Article Number  
*044515*

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

7. Date of Delivery  
*APR 25 1994*

*Thomas P. Brogan, Esq*

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)  
*[Signature]*

*[Handwritten initials]*

Thank you for using Return Receipt Service.