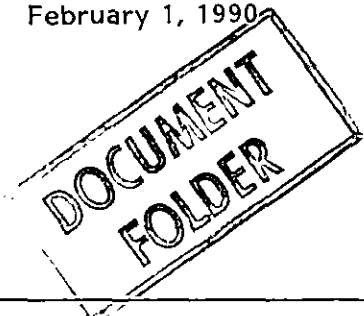


PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	: January 17, 1990	2. <u>BUREAU AGENDA NO.</u>	: FEB-90-T-121*
3. <u>BUREAU:</u>	: Transportation	5. <u>PUBLIC MEETING DATE:</u>	: February 1, 1990
4. <u>SECTION</u>	: Technical Review		
6. <u>APPROVED BY:</u>	: Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>	:		
8. <u>PERSON IN CHARGE:</u>	: Zeigler 3-5946		
9. <u>DOCKET NO.:</u>	: A-00108543		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			



(a) Application of Central Control Delivery, Inc., a corporation of the State of Ohio, Cleveland, Ohio, for the right to begin to transport, as a common carrier, by motor vehicle, property with certain exclusions between points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, subject to the following conditions: That service is restricted to the transportation of shipments which are picked up and delivered on the same calendar day with the times of pickup and delivery noted on the carrier's delivery receipt; That service is restricted to the transportation of shipments which weigh in excess of one thousand (1,000) pounds; and That service is restricted to providing exclusive use of a vehicle so that a vehicle can be used to haul the freight of only one consignor moving from one origin to one destination.

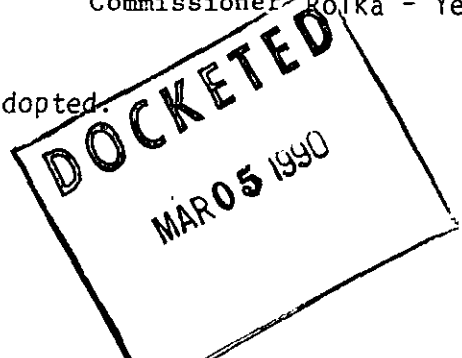
(b) The application was opposed by 38 carriers which later withdrew predicated upon the applicant's restrictive amendment which limited service for three specific shippers and placed additional commodity restrictions on the service. In addition to the restrictive amendment, the applicant has requested that the application be considered as a contract carrier rather than common carrier as initially proposed. The applicant has entered a verified statement. A review of the record establishes the applicant's

TZ:11

(Continued)

11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Fischl - Yes
		Commissioner Smith - Yes
<u>SECONDED:</u>	Commissioner Rhodes	Commissioner Polka - Yes

CONTENT OF MOTION: Staff recommendation adopted.



fitness to provide service as a contract carrier and that it stands ready, willing and able to render the proposed service for the three shippers. We determine it is in the public interest to grant the amended application as modified to contract carriage.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application, as amended, as further modified by the applicant to contract carriage.



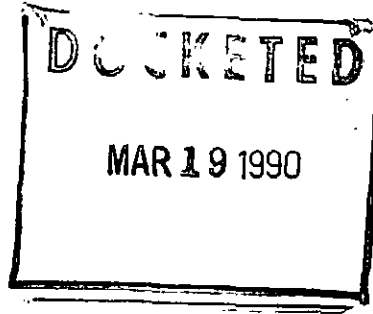
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

February 14, 1990

IN REPLY PLEASE
REFER TO OUR FILE

A-00108543

David M. O'Boyle, Esquire
Wick, Streiff, Meyer,
Metz & O'Boyle
1450 Two Chatham Center
Pittsburgh, PA 15219



Application of Central Control Delivery, Inc., a corporation of the State of Ohio

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

A Contract Carrier Permit 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 with the Commission a Form E as evidence of public liability and property damage insurance coverage as shown on the back of this sheet.
- II. File a bilateral contract, if required by the order.
- III. Prepare and file a schedule of minimum rates and charges according to the enclosed instructions.

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 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

29 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 contract carrier permit has been issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

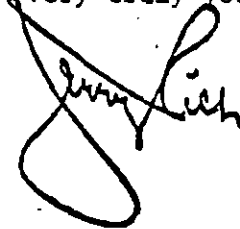
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty days will cause the Commission to rescind the action of February 1, 1990 and dismiss the application without further proceedings.

If you foresee any 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,



Jerry Rich, Secretary

fao

Enclosures
Certified Mail
Receipt Requested

Central Control Delivery, Inc.
1424 East 25th Street
Cleveland, OH 44114

CC
A 108543

0001
CENTRAL CONTROL DELIVERY INC
1424 EAST 25TH STREET
CLEVELAND OH 44114
SELF

0002
DAVID M O'BOYLE ESQ
1450 TWO CHATHAM CENTER
PITTSBURGH PA 15219
APPLICANT

0003
PETER G LOFTUS ESQ
SUITE 724 BANK TOWERS
SCRANTON PA 18503
SEABOARD TANK LINES INC PROTESTANT

0004
HERBERT R MURICK ESQ
100 PINE STREET
P O BOX 1166
HARRISBURG PA 17108-1166
SAMUEL J LANSBERRY INC PROTESTANT

0005
JOHN A PILLAR ESQ
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222
HASER TRUCKING INC PROTESTANT

0006
JOHN A PILLAR ESQ
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222
REINSFELDER INC PROTESTANT

0007
JOHN A PILLAR ESQ
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222
MOORE-FLESHER TRUCKING CO INC PROTESTANT

0008
JOHN A PILLAR ESQ
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222
W D KERR & SONS INC PROTESTANT

0009
JOHN A PILLAR ESQ
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222
GATEWAY TRUCKING INC PROTESTANT

0017
S BERNE SMITH ESQ
100 PINE STREET
P O BOX 1166
HARRISBURG PA 17108-1166
SCHWERMAN TRUCKING CO PROTESTANT

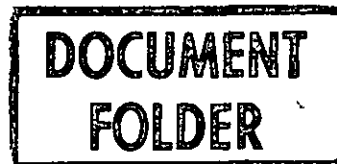
0018
WILLIAM J LAVELLE ESQ
2310 GRANT BUILDING
PITTSBURGH PA 15219
PITT-OHIO EXPRESS INC PROTESTANT

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 1, 1990

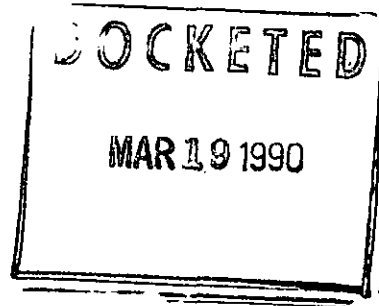
Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka



Application of Central Control Delivery, Inc., a corporation of the State of Ohio, for the right to begin to transport, as a common carrier, by motor vehicle, property (except household goods and commodities which because of size or weight require special equipment), between points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, subject to the following conditions: That service is restricted to the transportation of shipments which are picked up and delivered on the same calendar day and the times of pickup and delivery must be noted on the carrier's delivery receipt; That service is restricted to the transportation of shipments which weigh in excess of one thousand (1,000) pounds; and That service is restricted to providing exclusive use of a vehicle so that a vehicle can be used to haul the freight of only one consignor moving from one origin to one destination.

A-00108543



David M. O'Boyle for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 9, 1989. Public notice of the application was given in the Pennsylvania Bulletin of February 11, 1989. Protests were filed by Herbert R. Nurick for Samuel J. Lansberry, Inc.; S. Berne Smith for Schwerman Trucking Co.; Peter G. Loftus for Seaboard Tank Lines, Inc.; John A. Pillar

for Haser Trucking, Inc., Reinsfelder, Inc., Moore-Flesher Trucking Company, Inc., W. D. Kerr & Sons, Inc., Gateway Trucking, Inc., Klapac Trucking Company, Hardinger Transfer Co., Inc., Wayne W. Sell Corporation, David Tesone Trucking, Inc., Don Martin Trucking Co., Ed's Transport Co., Inc., and Scott Elgin; William J. Lavelle for Pitt-Ohio Express, Inc., Hammel's Express, Inc., Nicklaus Freightlines, Inc., Brocius Trucking, Inc., Professional Courier International, t/d/b/a Professional Delivery & Courier, Ed Chadderton Trucking, Inc., Perfetti Trucking, Inc., Allegheny Plant Services, Inc., John F. Scott Company, Bulk Transportation Services, Inc., Dart Trucking Company, Inc., Bruce Trent Trucking, Inc., C. D. Ambrosia Trucking Co., Wayne W. Fredline, William J. Brown Trucking, Inc., South Hills Movers, Inc., McNaughton Bros., Inc., Campbell Transfer & Storage Company, Inc., Weleski Transfer, Inc., Century III Services, Inc., Fife Moving & Storage Co., Best Moving & Storage Co., and Southway, Inc.

All protests were withdrawn predicated upon our acceptance of a restrictive amendment which limits service to that provided for A. M. Castle Co., Crane Valve Company, and Rotary Nozzle, Division of Mitsubishi International Corporation from the facilities of said shippers to points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, and vice versa; and further subject to the following conditions:

1. That no right, power or privilege is granted to transport household goods, tabulating machines, calculating machines, computers, copying machines, electronic equipment and other business machines and equipment which requires specialized handling and equipment;
2. That no right, power or privilege is granted to transport commodities which because of size or weight require special equipment;
3. Provided that no right, power or privilege is granted to transport commodities in bulk;
4. Provided that no right, power or privilege is granted to transport lumber and lumber products;

and further subject to the original stipulations as contained in the application.

The now unopposed application as amended is certified to the Commission for its decision without oral hearing. The record consists of a verified statement entered by Rick L. Ferrara, president and sole stockholder of Central Control Delivery, Inc. Only the applicant has entered a verified statement in this proceeding as it has requested that the application be further modified and restricted so that it be considered as contract carrier service rather than common service as originally applied for. This

modification to contract carriage requires that only a verified statement be filed by the applicant.

DISCUSSION AND FINDINGS

The applicant will operate the proposed contract carrier service from a headquarters and main terminal in Cleveland, Ohio. It recently opened a terminal in Pennsylvania at Neville Island which consists of a 1500 square foot office which also can be used to coordinate the proposed intrastate service for the three shippers. The applicant is not affiliated with any other carrier which holds authority from the Commission. It is permitted as a contract carrier in the state of Ohio by the Public Utility Commission of Ohio. The company also holds authority as a common carrier for interstate commerce.

The applicant will use a fleet of approximately 35 vehicles to provide service. Initially there will be four company-owned vehicles stationed at the Neville Island terminal. These will consist of two 20-foot stakebody trucks, one 20-foot box truck and one 16-foot box truck. If additional equipment is needed, vehicles will be reassigned from the Cleveland facility. All equipment is safety inspected and routinely maintained.

The applicant is providing interstate service for each of the three shippers in this proceeding. It will provide intrastate service in Pennsylvania to meet the needs of the shippers to include specialized, expedited service to handle rush shipments. A vehicle is specifically dedicated to handle the freight of one shipper at a time with freight moving from one origin to one destination. All loads must weight at least 1,000 pounds and the shipment must be picked-up and delivered on the same calendar day.

As evidence of its financial capacity to initiate and maintain the proposed service within Pennsylvania, the applicant entered a balance sheet and income statement dated December 31, 1988 reporting total assets of \$189,397.37 with total liabilities of \$143,500.23. Revenue of \$345,652.33 produced a net profit of \$55,299.75 after deduction of total expenses.

In a contract carrier proceeding for initial authority, it is our responsibility to determine that the applicant is fit, and that it stands ready, willing and able to properly provide the service proposed. The applicant in this proceeding appears to have equipment which is suitable to provide service for the three shippers and appears to have experience in transporting commodities for them by virtue of service it now provides interstate. The applicant has appropriate insurance as required by the Interstate Commerce Commission and foresees no problem in meeting Commission insurance requirements. The financial statement submitted by the applicant evidences a viable position to initiate and maintain Pennsylvania operations. The applicant has stated its intention to provide a dedicated service for the three shippers and has demonstrated a familiarity with their requirements.

It will be necessary for the applicant and the shippers to file bilateral contracts which comply with the Commission's requirements as set forth in 52 Pa. Code §31.45. The contracts must contain the language of the rights granted by the instant order, indicating minimum number of shipments over a stated period of time and specify the length of time the agreement will be in effect. The contract must contain or refer to a minimum rate schedule. Issuance of the permit in this matter is predicated upon the filing and acceptance of these contracts.

After due consideration of the record, we find that:

1. The applicant has demonstrated that it stands ready, willing and able to provide service as the application has been amended and further modified to contract carrier service.

2. The applicant has demonstrated its fitness to provide service as the application has been modified to contract carriage and in accordance with the provisions of 66 Pa. C.S. §2501, it is in the public interest to grant a contract carrier permit; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that a permit issue granting the following rights:

To transport, as a contract carrier by motor vehicle, property for A. M. Castle Co., from the Pennsylvania facilities of said shipper to points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, and vice versa.

To transport, as a contract carrier by motor vehicle, property for Crane Valve Company from the Pennsylvania facilities of said shipper to points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, and vice versa.

To transport, as a contract carrier by motor vehicle, property for Rotary Nozzle, Division of Mitsubishi International Corporation, from the Pennsylvania facilities of said shipper to points in that part of Pennsylvania in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, and vice versa.

all rights above subject to the following conditions:

1. That no right, power or privilege is granted to transport household goods, calculating machines, computers, copying machines, electronic equipment and other business

machines and equipment which require specialized handling and equipment.

2. That no right, power or privilege is granted to transport commodities which because of size or weight require special equipment.
3. That no right, power or privilege is granted to transport commodities in bulk.
4. That no right, power or privilege is granted to transport lumber and lumber products.
5. That the service herein authorized is restricted to the transportation of shipments which are picked-up and delivered on the same calendar day with the time of pick-up and delivery required on the carrier's delivery receipt.
6. That the service herein authorized is restricted to the transportation of shipments which weigh in excess of 1,000 pounds.
7. That the service herein authorized is restricted to providing exclusive use of a vehicle so that a vehicle can be used to haul the freight of only one consignor from one origin to one destination.

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 and acceptance of evidence of insurance, of a contract in accordance with 52 Pa. Code §31.45, and a schedule of minimum rates and charges in accordance with 66 Pa. C.S. §2502.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a permit shall issue evidencing the Commission's approval of the right to operate as above-determined.

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,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over the text "BY THE COMMISSION,".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 1, 1990

ORDER ENTERED: FEB 14 1990