



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

March 23, 1993

KJR

IN REPLY PLEASE
REFER TO OUR FILE

A-00108543
A-00108543C9201

DAVID O'BOYLE ESQUIRE
WICK STREIFF MEYER METZ &
O'BOYLE
1450 TWO CHATHAM CENTER
PITTSBURGH PA 15219

Central Control Delivery, Inc.;
Cleveland OH; Petition to Reinstate

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on March 11, 1993 in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

John G. Alford, Secretary

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

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Public Meeting held March 11, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice Chairman
Wendell F. Holland, Commissioner

Central Control Delivery, Inc.;
Cleveland OH; Petition to Reinstate.

Docket No.
A-00108543
A-00108543C9201

David M. O'Boyle, Esquire
for Petitioner

DOCKETED

O R D E R

APR 21 1993

BY THE COMMISSION:

By order entered July 8, 1992, the Commission issued a Show Cause Order against Central Control Delivery, Inc. (Central Control) for failure to file its 1991 Annual Report. Central Control was given twenty (20) days in which to file an answer or its 1991 Annual Report. By Order entered September 8, 1992, the Commission cancelled the contract carrier permit held by Central Control for failure to respond within the time given. On November 30, 1992, Central Control filed a Petition to Reinstate seeking reinstatement of its cancelled permit. This Petition is now before this Commission for disposition.

Decisions as to whether to grant a petition to reinstate are left to the Commission's discretion and will be reversed only if that discretion is abused. Hoskins Taxi Service v. Pennsylvania Public Utility Commission, 87 Pa. Commonwealth Ct. 30, 486 A.2d 1030 (1985). In ruling upon a petition to reinstate, the Commission will examine all relevant factors to reach an equitable result. Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983).

The Commission has identified three factors which are particularly relevant to the determination of a petition to reinstate: (1) the amount of time which elapsed between cancellation of the permit and the filing of a petition to reinstate; (2) the petitioner's record of compliance with the Public Utility Code and the rules and regulations of the Commission; and (3) the reasonableness of the excuse given for

the violation which caused cancellation of its permit. Re Bishop, 58 Pa. P.U.C. 519 (1984).

Here, Central Control filed its Petition to Reinstate approximately two and one-half months after cancellation of the permit. Such a prompt response weighs in favor of reinstatement.

Second, Central Control has a good record of compliance with the Commission's rules and regulations. Within the last two year period, the Commission issued one show cause order against Central Control, at Docket No. A-00108543C9201 for its failure to file its 1991 Assessment Report. This Show Cause Order was issued in addition to the violation which is the subject of this Petition. Central Control filed its 1991 Assessment Report with its Petition. Since Central Control has now filed its 1991 Assessment Report, we will discharge the Show Cause Order at A-00108543C9201 as satisfied. The fact that Central Control has a good record of compliance with the Commission's rules and regulations also supports reinstatement.

Third, Central Control explains that due to lack of business, it was forced to close its terminal in January of 1991. Central Control states that it did not file its 1991 Annual Report because it did not receive any revenue in 1991. Central Control states that it is now aware of the requirement to file an annual report, regardless of the amount of revenue received. Central Control states that it has now done so, and Commission records confirm this averment. The fact that Central Control has now filed its 1991 Annual Report weighs heavily in favor of reinstatement. Reinstatement, however, is conditioned upon Central Control resuming its operations, filing a request for voluntary suspension, or filing a transfer application within sixty (60) days of the entry of this order. If Central Control intends to resume its operations, it must ensure that acceptable evidence of insurance is on file with this Commission; THEREFORE,

IT IS ORDERED:

1. That the Petition to Reinstate filed by Central Control Delivery, Inc. on November 30, 1992 be granted.

2. That the contract carrier permit issued to Central Control Delivery, Inc. at Docket No. A-00108543 is hereby reinstated.

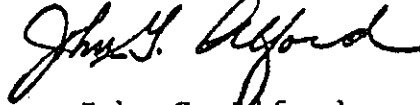
3. That the foregoing is expressly conditioned upon Central Control Delivery, Inc. resuming its operations, filing a request for voluntary suspension, or filing a transfer application within sixty (60) days of the entry of this Order.

4. That if Central Control Delivery, Inc. resumes its operations, it must file acceptable evidence of insurance within sixty (60) days of the entry of this order.

5. That if Central Control Delivery, Inc. fails to comply with the above-mentioned criteria, the Petition to Reinstate shall be deemed denied without further Commission action.

6. That we hereby discharge the Show Cause Order at A-00108543C9201.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: March 11, 1993

ORDER ENTERED: MAR 23 1993

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & 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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 0

A-00108543

A-00108543C9201

David M. O'Boyle, Esq

4a. Article Number

044424

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery

3-25-93

5. Signature (Addressee)

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

KIP

6. Signature (Agent)

[Signature]

Thank you for using Return Receipt Service.