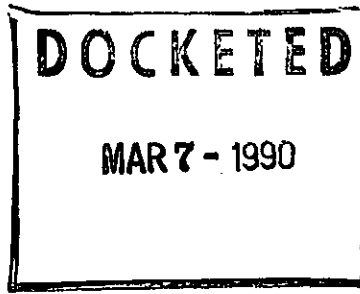
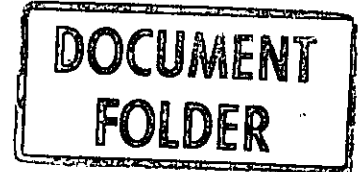


December 20, 1989

A. R. Oliastro, Inc.
1690 Windover Avenue
P.O. Box 148
Ellwood City, PA 16117



A-00108557



A.R. Oliastro, Inc., Ellwood City, PA;
Petition for Reinstatement of Operating Authority.

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in public meeting held December 14, 1989.

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

Very truly yours,

Jerry Rich, Secretary

fao
Encls.
Certified Mail

DOCKETED

MAR 7 - 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 14, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Joseph Rhodes, Jr., Commissioner
Frank Fischl, Commissioner

A.R. Oliastro, Inc.
Ellwood City, PA;
Petition for Reinstatement
of Operating Authority.

Docket No.
A-00108557

A.R. Oliastro
pro se

DOCUMENT
FOLDER

O R D E R

BY THE COMMISSION:

On May 18, 1989, the Commission entered an Order at A-00108557, approving the application of A.R. Oliastro, Inc. (Oliastro). The Order was conditioned on the filing and acceptance of evidence of insurance and a tariff within sixty (60) days.

By Secretarial Letter dated July 27, 1989, this Commission notified Oliastro by certified mail that evidence of insurance and a tariff had not been filed and that, if they were not filed within thirty (30) days, its application would be dismissed. By Secretarial Letter dated October 20, 1989, the Commission notified Oliastro by certified mail that evidence of insurance had still not been filed and that its application had been dismissed for failure to do so. On October 26, 1989, Oliastro filed a Petition to Reinstate the order approving its application for a certificate of public convenience.

Decisions 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 that are particularly relevant to the determination of a petition to

reinstate: (1) the amount of time elapsed between the cancellation of the authority or the dismissal of the compliance order and the filing of the 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 the authority to be cancelled. Application of Brandon and Gina, Inc., A-00103413 (Order adopted February 9, 1989, entered February 21, 1989); See Re Bishop, 58 Pa. P.U.C. 519 (1984).

The first factor to be considered is the amount of time which elapsed between the cancellation of the certificate and the filing of the petition to reinstate. In the present case, Oliastro filed its Petition approximately one week after dismissal of the application. This weighs in favor of reinstatement.

The second factor is the reasonableness of the excuse given for the violation that caused the dismissal of the application. Oliastro admits that it was at fault for failure to file evidence of insurance. However, the fact that Oliastro is now ready and willing to file evidence of insurance weighs in favor of reinstatement.

Overall, Oliastro's Petition appears to have merit and should be granted. Reinstatement will be conditioned on the filing of evidence of insurance within sixty (60) days from entry of this order; THEREFORE,

IT IS ORDERED:

1. That the Petition for Reinstatement filed by A.R. Oliastro, Inc. on October 26, 1989 at A-00108557 is hereby granted.

2. That this Commission's letter dated October 20, 1989 dismissing Oliastro's application is hereby rescinded.

3. That the May 18, 1989 order at A-00108557 approving Oliastro's application for a certificate of public convenience is hereby reinstated subject to the condition described below.

4. That reinstatement of the May 18, 1989 order is expressly conditioned upon the filing and acceptance of proper evidence of cargo insurance and liability insurance within sixty (60) days from entry of this order.

5. That, if the above requirement is not filed and accepted by this Commission within the prescribed time period, the Petition for Reinstatement of the order shall be deemed denied without further Commission action.

BY THE COMMISSION,


Terry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 14, 1989

ORDER ENTERED: DEC 20 1989