

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u> August 16, 1989	:	2. <u>BUREAU AGENDA NO.</u> SEP-89-T-966*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> September 14, 1989
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> White 7-4387	:	
9. <u>DOCKET NO.:</u> A-00108679	:	

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

(a) Application of Fox Transportation, Inc., a corporation of the Commonwealth of Pennsylvania, Tamaqua, Schuylkill County, for the right to begin to transport, as a contract carrier by motor vehicle, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, for Super Rite Foods, Inc., P A & S Small Company and Citterio USA, Inc., between points in Pennsylvania.

(b) The application is unopposed. The applicant has shown that it is fit, ready, willing and able to render the proposed service and that approval of the application is in the public interest.

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

RW:rs

**DOCUMENT
FOLDER**

11. MOTION BY: Commissioner Chm. Shane
SECONDED: Commissioner Rhodes

Commissioner Fischl - Yes
Commissioner Smith - Yes
Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
OCT 23 1989



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

September 20, 1989

IN REPLY PLEASE
REFER TO OUR FILE
A-00108679

J. Bruce Walter, Esquire
410 North Third Street
P.O. Box 1146
Harrisburg, Pa. 17108-1146

Application of Fox Transportation, Inc.,
a corporation of the Commonwealth of Pennsylvania

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.

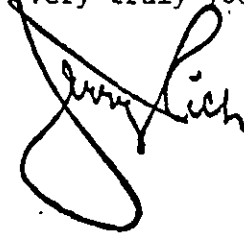
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty days will cause the Commission to rescind the action of September 14, 1989 and dismiss the application without further proceedings.

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

cc:applicant
Fox Transportation, Inc.
P.O. Box 71
Tamaqua, Pa. 18252

smk
Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 14, 1989

Commissioners Present:

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

Application of Fox Transportation, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a contract carrier by motor vehicle, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses for Super Rite Foods, Inc., between points in Pennsylvania; such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, for P A & S Small Company, between points in Pennsylvania; and such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, for Citterio USA, Inc., between points in Pennsylvania.

A-00108679

Rhoads & Sinon, by J. Bruce Walter for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission by an application filed on March 20, 1989, and published in the Pennsylvania Bulletin of April 15, 1989. There are no protests and the record is now certified to the Commission for its decision without oral hearing. A verified statement was submitted by the applicant.

Robert W. Fox, president of Fox Transportation, Inc. (or applicant), sets forth in a verified statement that the applicant corporation is domiciled at Route 54 & Route 309, Tamaqua, Schuylkill County, and that it does not hold any other authority from this Commission, but does hold I.C.C. authority. The corporation was organized under the laws of Pennsylvania on January 29, 1982. Mr. Fox is the sole stockholder and officer.

The Tamaqua facilities include offices, parking space for vehicles and maintenance facilities situated on three acres of ground. The operating fleet consists of nine tractors and 11 refrigerated trailers, all company-owned. Two other tractors are operated under lease arrangements. The applicant witness is familiar with the safety regulations, both federal and local.

An unaudited balance sheet shows that as of August 31, 1988, the applicant had current assets of \$177,626, total assets of \$414,892, with current liabilities of \$74,796 and total liabilities of \$77,551, leaving shareholders' equity of \$337,341. An unaudited statement of income from interstate operations discloses that the applicant generated a net income of \$30,806, from revenues of \$836,470 for the first half of 1988.

DISCUSSION AND FINDINGS

Fox Transportation, Inc. seeks a contract carrier permit which would give it the right to transport such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses for Super Rite Foods, Inc., P A & S Small Company and Citterio USA, Inc., between points in Pennsylvania.

The applicant is an experienced carrier and has been serving each of the three shippers in interstate commerce. It has an ample supply of company-owned vehicles and its financial position appears to be sound. We see no reason to deny it the right to provide the service proposed here.

The application is accompanied by undated contracts with each of the shippers. The contracts meet the provisions contained at 52 Pa. §31.45 in all respects. It will, however, be necessary to submit dated contracts, with Paragraph 1 of each contract to contain the applicant's docket number in the space provided.

We find:

1. That the applicant is fit, ready, willing and able to provide the proposed service.

2. That approval of the application is in the public interest;
THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that a contract carrier permit be issued granting the applicant the right to operate as follows:

To transport, as a contract carrier by motor vehicle, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, for Super Rite Foods, Inc., P A & S Small Company and Citterio USA, Inc., between points in Pennsylvania.

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 Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of evidence of insurance, a schedule of minimum rates and charges, and bilateral contracts between the applicant and each of the shippers.

IT IS FURTHER ORDERED: That upon compliance with the requirements set forth, a permit 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over the typed name and title below.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 14, 1989

ORDER ENTERED: SEP 20 1989

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: <i>H-00103679</i> <i>C.O.</i> <i>J. Bruce Walter, Esq</i>	4. Article Number 44709
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery SEP 21 1989	