

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

163

RIP

1. REPORT DATE: June 4, 1993  
2. BUREAU AGENDA NO.: JUN-93-L-213\*  
3. BUREAU: Law  
4. SECTION(S): Motor Carrier  
5. PUBLIC MEETING DATE: June 24, 1993  
6. APPROVED BY: Director: Povilaitis 7-5000  
Supervisor: H.K.H. House 3-3713  
7. PERSON IN CHARGE: Rhonda L. Daviston 3-3713  
8. DOCKET NO.: A-00109689; A-00109689C9201'

DOCKETED  
SEP 17 1993

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

(a) Kay Louise Krapf, t/d/b/a Airport Crown Service; Lehigh Valley, PA; Letter-Petition to Reinstate.

(b) By Order entered November 10, 1992, the Commission cancelled the certificate of public convenience held by Kay Louise Krapf, t/d/b/a Airport Crown Service (Krapf) for failure to maintain current evidence of insurance on file with this Commission. On May 3, 1993, Krapf filed a Letter-Petition to Reinstate seeking reinstatement of its cancelled certificate.

(c) The Law Bureau recommends that the Letter-Petition to Reinstate filed by Kay Louise Krapf, t/d/b/a Airport Crown Service (Krapf) be granted subject to the conditions stated herein.

DOCUMENT  
FOLDER

10. MOTION BY: Commissioner Chm. Rolka  
SECONDED: Commissioner Rhodes  
Commissioner Quain - Yes  
Commissioner Crutchfield -  
Commissioner Abstaining  
Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.



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

June 30, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

A-00109689  
A-00109689C9201

KAY LOUISE KRAPP  
T/A AIRPORT CROWN SERVICE  
700 SAVAGE ROAD SUITE 7  
NORTHAMPTON PA 18067-9088

Kay Louise Krapf, t/d/b/a  
Airport Crown Service; Lehigh Valley, PA;  
Letter-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 June 24, 1993 in the above entitled proceeding.

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

Very truly yours,

John G. Alford, Secretary

DOCUMENT  
FOLDER

DOCKETED  
JUL 08 1993

smk  
Encls.  
Cert.Mail

DOCUMENT  
FOLDER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held June 24, 1993

Commissioners Present:

David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice Chairman  
John M. Quain  
Lisa Crutchfield, Abstaining  
John Hanger

Kay Louise Krapf, t/d/b/a  
Airport Crown Service; Lehigh  
Valley, PA: Letter-Petition  
to Reinstate.

Docket Nos.  
A-00109689  
A-00109689C9201

Kay L. Krapf, Pro Se

ORDER

DOCKETED  
JUL 08 1993

BY THE COMMISSION:

By Order entered July 30, 1992, the Commission issued a Show Cause Order against Kay Louise Krapf, t/d/b/a Airport Crown Service (Krapf) for failure to maintain current evidence of insurance on file with this Commission. Krapf was given twenty (20) days in which to file an answer or renewed evidence of insurance. By Order entered November 10, 1992, the Commission cancelled Krapf's certificate of public convenience for failure to respond within the time given. On May 3, 1993, Krapf filed a Letter-Petition to Reinstate seeking reinstatement of its cancelled certificate.

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 certificate 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 the certificate. Re Bishop, 58 Pa. P.U.C. 519 (1984).

Addressing the first factor, Krapf filed its Petition to Reinstate approximately six months after cancellation of its certificate. Although this Petition was not filed promptly after cancellation, it was filed within one year after cancellation, so as not to preclude reinstatement of the certificate on that basis. See Leonard G. Mickawicz, t/a Central Cab Co., Docket No. A-00094468, F.2, Am-A (Order entered June 4, 1982).

Next, we will review Krapf's record of compliance with the Public Utility Code and the rules and regulations of the Commission. In addition to the violation which caused the cancellation, there is one outstanding Show Cause Order against Krapf at Docket No. A-00109689C9201. This Show Cause Order was issued as a result of Krapf's failure to file its 1991 Assessment Report. This report has since been filed. Since Krapf has now filed its 1991 Assessment Report, the Show Cause Order at Docket No. A-00109689C9201 should be discharged as satisfied. The fact that Krapf has no other outstanding complaints and that its record is void of safety, tariff and service violations further support reinstatement.

Commission records also show that Krapf has not filed its 1992 Annual and Assessment Reports. Although we have not yet taken formal action in these matters, these reports must be filed as a condition of reinstatement.

Now we will examine the reasonableness of the excuse given for the violation which caused the cancellation of Krapf's certificate. Krapf states that it has insurance on file and enclosed a copy of its Form H as proof of its insurance. However, we cannot accept this cargo insurance filing because it does not list Krapf's current address. This filing has been returned to Krapf's insurer and should be refiled noting Krapf's current address. Commission records also show that Krapf has not filed its Form E which is for bodily injury and property damage liability. The Form E must be filed as a condition of reinstatement. Krapf has been put on notice by letter dated December 9, 1992 that it was necessary to file both its Form E and its Form H. Therefore, we cannot accept the excuse alleged as reasonable. However, we will exercise our discretion and grant Krapf's request for reinstatement. Reinstatement will be subject to Krapf filing renewed evidence of insurance and its 1992 Annual and Assessment Reports; THEREFORE,

IT IS ORDERED:

1. That the Petition to Reinstate filed by Kay Louise Krapf, t/d/b/a Airport Crown Service is hereby granted.
2. That the certificate of public convenience issued to Kay Louise Krapf, t/d/b/a Airport Crown Service at Docket No. A-00109689 is hereby reinstated.
3. That the foregoing is expressly conditioned upon Kay Louise Krapf, t/d/b/a Airport Crown Service filing acceptable evidence of insurance within sixty (60) days of the entry date of this Order.
4. That the foregoing is also expressly conditioned upon Kay Louise Krapf, t/d/b/a Airport Crown Service filing its 1992 Annual and Assessment Reports within sixty (60) days of the entry date of this Order.
5. That if Kay Louise Krapf, t/d/b/a Airport Crown Service fails to comply with the above-mentioned conditions within the prescribed time period, then the Petition to Reinstate shall be deemed denied without further Commission action.

6. That the Show Cause Order issued at Docket No. A-00109689C9201 is hereby discharged as satisfied.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "John G. Alford".

John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: June 24, 1993

ORDER ENTERED: JUN 30 1993