

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

68

1. REPORT DATE: September 22, 1994	2. BUREAU AGENDA NO.: OCT-94-T-824*
3. BUREAU: Transportation	
4. SECTION(S): Technical Review	5. PUBLIC MEETING DATE: October 13, 1994
6. APPROVED BY: Director: Ernst 7-2154 Supervisor: Marzolf 3-5945	
7. PERSONS IN CHARGE: Pike 3-5947	
8. DOCKET NO.: A-00111507	

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

(a) Application of R.A.M. Transit Lines Incorporated, Harrisville, Butler County, a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer to applicant of all the rights held by H. Lewis Pflugh & Sons, Inc., at A-00105824, subject to the same limitations and conditions.

(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total of \$50,000; no tangible assets are involved in the sale.

(c) The Bureau of Transportation recommends that the Commission adopt the attached proposed order approving the transfer application and cancelling the certificate issued to the transferor by supplemental order.

DAP:rs/rn

DOCUMENT
FOLDER

DOCKETED
NOV 08 1994

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

CONTENT OF MOTION: Staff recommendation adopted.

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

IN REPLY PLEASE
REFER TO OUR FILE

OCTOBER 21, 1994

A-00111507

CHRISTOPHER ZETTLEMOYER ESQUIRE
213 MARKET STREET
PO BOX 11844
HARRISBURG PA 17101

DOCUMENT
FOLDER

Application of R.A.M. Transit Lines Incorporated

DOCKETED
OCT 28 1994

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

A Certificate of Public Convenience 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 the following forms with the Commission.
 - a. A **FORM E** as evidence of minimum public liability and property damage insurance coverage as shown on the back of this sheet.
 - b. A **FORM H** or **FORM UCPC-31** as evidence of cargo insurance coverage in an amount not less than \$5,000 per vehicle. Under certain circumstances, exemption from the cargo insurance requirement may be secured by filing the enclosed **FORM PUC-288**.
- II. Prepare and file a tariff according to the enclosed instructions except applicants for transfer of authority must file a tariff adoption supplement which will be forwarded by separate cover at a later date.

PROPERTY:

R.A.M.

Minimum Limits for Pa. Public Utility Commission Authorizing
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 shall conform to 75 Pa. C.S. §§1701-1798
(relating to Motor Vehicle Financial
Responsibility Law).
- First party coverage of the driver of
certificated vehicle shall meet the
requirements of 75 Pa. C.S. §1171 (relating
to required benefits).
- 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.
- Insurance coverage of motor carriers of
75 Pa. C.S. §1701-1798 (relating to Motor
Vehicle Financial Responsibility Law).
- Common only: \$5,000 per accident per vehicle for loss or
damage to cargo.

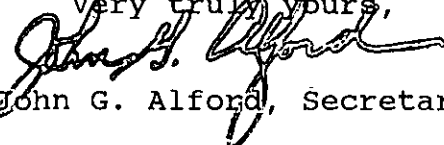
No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate has been issued authorizing actual operations. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with all of the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of October 13, 1994 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

Insurance Filings: Mr. William P. Hoshour-Insurance Section
(717)-783-5933

Tariff Filings: Mr. Joseph Machulsky-Tariff Section
(717) 787-5521

Very truly yours,

John G. Alford, Secretary

smk
encls.
cert.mail
R A M TRANSIT LINES INCORPORATED
421 EAST MERCER STREET
HARRISVILLE PA 16038

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held October 13, 1994

Commissioners Present:

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

DOCUMENT
FOLDER

Application of R.A.M. Transit Lines Incorporated,
for the transfer of all of the operating rights of
H. Lewis Pflugh & Sons, Inc., a corporation of the
Commonwealth of Pennsylvania, under the
certificate issued at A-00105824, subject to the
same limitations and conditions.

A-00111507

DOCKETED
OCT 28 1994

Christopher Zettlemoyer for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 3, 1994. Public notice of the application was given in the Pennsylvania Bulletin of September 10, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

The applicant, R.A.M. Transit Lines Incorporated is domiciled at 421 East Mercer Street, Harrisville, Butler County. Richard A. Mellon is president and sole stockholder, Richard H. Compton is vice president and Jane A. Compton is secretary/treasurer. Applicant will operate six tractor-trailer units, five tractors, 10 dump trailers, three tank trailers and one flatbed trailer. An unaudited financial statement submitted by the applicant shows total assets of \$994,518 with total liabilities of \$231,671 leaving stockholders' equity of \$762,847.

No tangible assets are involved. The rights have been assigned a value of \$50,000 payable upon promissory note in 40 equal installments. A copy of the promissory note is attached to the application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

To transport, as a Class D carrier:

1. sand, gravel, coal, red dog, limestone, concrete blocks, asphalt and slag, in dump vehicles, between points in the county of Butler and from points in said county to points in the counties of Armstrong, Westmoreland and Allegheny, and vice versa; provided no haul shall exceed a distance of thirty-five (35) miles from point of origin to points of destination;

with Right No. 1 above subject to the following condition:

That no right, power or privilege is granted to render any service to or from the plants of Freeport Brick Company in the township of South Buffalo, Armstrong County; Kittanning Brick Company in the village of Reesdale, Armstrong County; Haws Refractories Company in the village of Bridgeburg, Armstrong County; Howe Sound Company in the township of Rayburn, Armstrong County; and Allegheny Brick Company in the township of East Deer, Allegheny County.

2. rock dust (except in bulk, in dump vehicles) from the facilities of Allegheny Mineral Corporation, Mercer County, Butler County, to points in the counties of Erie, Crawford, Mercer, Lawrence, Beaver, Washington, Greene, Fayette, Butler, Allegheny, Armstrong, Westmoreland, Indiana, Cambria and Somerset, with the right to return empty pallets or refused, rejected, or returned shipments of rock dust.

3. coal from mines in the counties of Lawrence and Butler to points in the village of Princeton, Lawrence County, and within twenty (20) miles by the usually traveled highways of the limits of said village.
4. farm products, farm machinery and supplies, between points in the village of Princeton, Lawrence County, and within twenty-five (25) miles by the usually traveled highways of the limits of said village.
5. livestock from points within five (5) miles by the usually traveled highways of the limits of the village of Princeton, Lawrence County, to points within fifty (50) miles by the usually traveled highways of the limits of said village, and vice versa.
6. excavated materials and road and building construction materials such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles except for the transportation of amesite or similar coal tar surfacing materials, which transportation shall not exceed a distance of fifty (50) miles from point of origin to point of construction or disposal in the counties of Butler, Lawrence, Beaver and Mercer.

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.

5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) 2 and 3 above.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H as a evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.
4. 1994 assessment of the transferor.

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

IT IS FURTHER ORDERED: That in the event said 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 upon compliance with this order, the rights granted the transferor, H. Lewis Pflugh & Sons, Inc. at A-00105824 be and is hereby cancelled

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: October 13, 1994

ORDER ENTERED: OCT 21 1994



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

October 26, 1994

IN REPLY PLEASE
REFER TO OUR FILE

LDA

R-16

CHRISTOPHER ZETTLEMOYER ESQUIRE
213 MARKET STREET
P O BOX 11844
HARRISBURG PA 17101

DOCUMENT
FOLDER

Re: A-00111507, R.A.M. Transit Lines Incorporated

Dear Mr. Zettlemoyer:

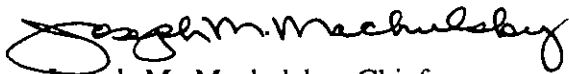
Under date of 10-21-94, the Secretary's office transmitted to you the Commission's compliance order adopted 10-13-94, evidencing approval of the above application which is in effect a transfer of the rights formerly held by H. Lewis Pflugh & Sons, Inc. at A-00105824. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change of ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariff for the reason that the present tariff's description of operating authority does not conform with the approval of this application.

It will be necessary, therefore, to file a new tariff which should be designated Freight Pa. P.U.C. No. 1. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42.

Very truly yours,
Barry L. Ernst, Director
Bureau of Transportation


By: Joseph M. Machulsky, Chief
Financial Document Section

cc: R.A.M. Transit Lines, Inc.
421 East Mercer Street
Harrisville PA 16038

Contact Person: G.L. Baker
(717) 783-5936