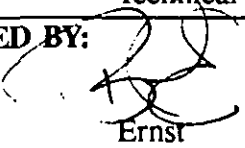


PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

43

1. REPORT DATE: September 14, 1994	2. BUREAU AGENDA NO.: OCT-94-T-799*
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: Keener-Farley 7-4386	
8. DOCKET NO.: A-00111219	

**DOCKETED**  
NOV 07 1994

**DOCUMENT  
FOLDER**

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

(a) Application of Gary P. Krogulski, Mountain Top, Luzerne County, for the right to begin to transport, as a contract carrier, by motor vehicle, commodities in bulk, in dump vehicles, rip rap and concrete barriers for American Asphalt Paving Co., from its Pennsylvania facilities, to points in Pennsylvania, and vice versa.

(b) One protest was filed but withdrawn upon restrictive amendment. No oral hearings were held. The record consists of a verified statement submitted by the applicant and the shipper a bilateral contract with the shipper. We find the applicant is fit, ready, willing and able to render the proposed service as amended.

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

KF:rn

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

CONTENT OF MOTION: Staff recommendation adopted.





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-00111219

GARY P KROGULSKI  
T/A GARY P KROGULSKI  
169 SOUTH MOUNTAIN BLVD  
MOUNTAIN TOP PA 18707

Application of Gary P. Krogulski

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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.

CONTRACT

DOCUMENT  
FOLDER  
**DOCKETED**  
OCT 28 1994

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 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 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 (60) days of the date of this letter. Failure to comply within the sixty (60) days will cause the Commission to rescind the action of October 13, 1994 and dismiss the application without further proceedings.

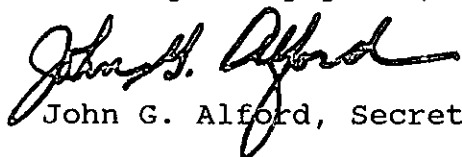
If you foresee any problems in meeting these requirements, please direct your questions to the following contact persons:

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

**Tariff Filings:** Mr. Joseph Machulsky-Tariff Section

. . . . **Contract Filings:** Mr. Peter Marzolf-Technical Review Section

Very truly yours,

  
John G. Alford, Secretary

encls.  
cert.mail  
return receipt requested

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 Gary P. Krogulski, for the right to begin to transport, as a contract carrier, by motor vehicle, commodities in bulk, in dump vehicles, rip rap and concrete barriers for American Asphalt Paving Co., from its Pennsylvania facilities, to points in Pennsylvania, and vice versa.

A-00111219

DOCKETED  
OCT 28 1994

\_\_\_\_\_  
Gary P. Krogulski pro se.  
William F. Roberts for the protestant, Jesso Baro, Inc.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 27, 1994. Public notice of the application was given in the Pennsylvania Bulletin of March 12, 1994. One protest was filed but withdrawn, contingent upon the Commission's acceptance of a restrictive amendment, prohibiting transportation to the counties of Berks and Montgomery, and vice versa.

The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements filed by the applicant and one supporting shipper.

Gary P. Krogulski (applicant) is a sole proprietor, whose principal place of business is in Mountain Top, Luzerne County. The applicant is an experienced owner-operator and his 1988 Kenworth triaxle dump truck will be used to perform the proposed service. A safety program for driver and vehicle will be instituted and adequate insurance coverage will be maintained. As evidence of his financial ability to begin operations as a

contract carrier, Krogulski reports assets of \$75,000, with liabilities of \$20,000, leaving a net worth of \$55,000.

Bernard C. Banks, Jr., executive vice president and treasurer of American Asphalt Paving Co. (AAP or shipper), submitted a verified statement in support of this application. AAP is an aggregate producer, an asphalt products producer and a contractor. It requires the transportation of various commodities in bulk in dump vehicles, rip rap and concrete barriers from its facilities to points in Pennsylvania, and vice versa. Current facilities are located in Jackson and Plains, Luzerne County, and Eaton, Exeter, Falls and Tunkhannock, Wyoming County. Other facilities are established as needed in such counties as Lackawanna, Bradford, Susquehanna, Wayne, Sullivan, Pike, Columbia, Carbon and Monroe. Job sites and suppliers are potentially located at any point in the state, which could serve as a destination outbound or an origin inbound on a vice versa move. During the construction season, April to October, AAP requires up to sixty-four trucks on a daily basis to meet its shipping needs. While the transportation of road construction materials in dump vehicles is exempt from this Commission's jurisdiction, approval of this application will allow other related transportation of the same types of commodities.

The applicant has not submitted a bilateral contract with the proposed shipper, as required by 66 Pa. C.S. Section 2506 and 52 Pa. Code Section 31.45. Prior to issuance of a permit the applicant will be required to file an acceptable bilateral contract with the shipper. The contract shall place specific obligations on the carrier and the shipper and must state a minimum number of shipments during a stated period of time. The contract shall also state the exact authority granted by this order.

After a complete review of the record before us, we find that:

1. The applicant has demonstrated that he is fit, ready, willing and able to perform the proposed service, as amended,
2. Approval of the application, as amended, is in the public interest and will not interfere with the safety and regulation of common carriers; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved granting the following right:

To transport, as a contract carrier by motor vehicle, commodities in bulk, in dump vehicles, rip rap and concrete barriers for American Asphalt Paving Co., from its Pennsylvania facilities to points in Pennsylvania and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport to or from points in the counties of Berks and Montgomery.

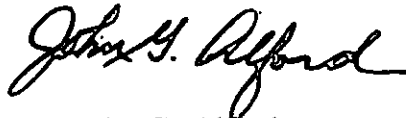
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation in this application until the following is submitted to the Commission:

1. Form E evidence of insurance of Bodily Injury and Property Damage Liability Insurance.
2. Schedule of minimum rates.
3. A bilateral contract (s) in accordance with 52 PA Code §31.45.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a permit shall 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.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: October 13, 1994

ORDER ENTERED: **OCT 21 1994**