

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	December 7, 1989	:	2. <u>BUREAU AGENDA NO.</u>	DEC-89-T-1435*
3. <u>BUREAU:</u>	Transportation	:		
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	December 21, 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>	Keener-Farley 7-4386	:		
9. <u>DOCKET NO.:</u>	A-00108832	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

(a) Application of Keyco Distributors, Inc., Nanticoke, Luzerne County, a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, U.S.D.A. donated food and foodstuffs, from the facilities of Keyco Distributors, Inc. located in the township of Hanover, Luzerne County, to points in the counties of Cameron, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga, Union, Bradford, Carbon, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming and Elk.

(b) No protests were filed; no oral hearings were held. Evidence submitted indicates a need for the proposed service. Approval of the application will be an accommodation and convenience to the public.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and that the temporary authority application be dismissed.

LK-F:np

DOCKETED
JAN 30 1990
DOCUMENT
FOLDER

11. MOTION BY:	Commissioner Chm. Shane	Commissioner Fischl - Yes
		Commissioner Smith - Yes
SECONDED:	Commissioner Rhodes	Commissioner Rolka - Abstaining

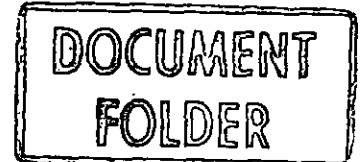
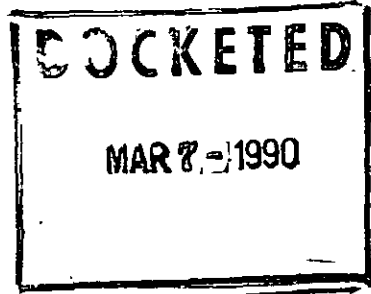
CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
January 3, 1990

IN REPLY PLEASE
REFER TO OUR FILE
A-00108832

Bruce Phillips, Esquire
15 Public Square
Wilkes-Barre, Pa. 18701



Application of Keyco Distributors, Inc.
a corporation of the Commonwealth of Pennsylvania

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.

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 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.

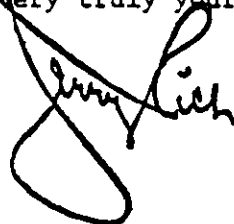
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of December 21, 1989 and dismiss the application without further proceedings.

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

Insurance Filings: Mr. James McCarthy-Insurance Section
(717) 783-5933

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the bottom.

Jerry Rich, Secretary

cc:applicant
Keyco Distributors, Inc.
Sans Souci Parkway
P.O. Box 125
Nanticoke, Pa. 18634

smk
Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 21, 1989

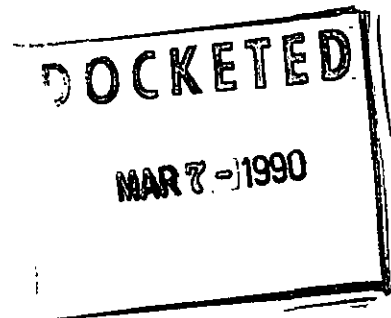
Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka, Abstaining

Application of Keyco Distributors, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for the right to begin to
transport, as a common carrier, by motor
vehicle, U.S.D.A. donated food and food-
stuffs, from the facilities of Keyco
Distributors, Inc. located in the township
of Hanover, Luzerne County, to points in the
counties of Cameron, Clinton, Columbia,
Lycoming, Montour, Northumberland, Potter,
Snyder, Tioga, Union, Bradford, Carbon,
Lackawanna, Luzerne, Monroe, Pike, Sullivan,
Susquehanna, Wayne, Wyoming and Elk.



A-00108832



McHugh, Wetzel, Caverly & Phillips, by Bruce J. Phillips, for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 8, 1989. Public notice of the application was given in the Pennsylvania Bulletin of July 1, 1989. No protests were filed and the application is now certified to the Commission for its decision without oral hearing. The record consists of a verified statement filed by the applicant.

The applicant is currently operating under an emergency temporary authority, granted June 22, 1989. By our action on this permanent authority application, the pending application for temporary authority will be dismissed.

Keyco Distributors, Inc. (Keyco or applicant), is a Pennsylvania corporation, with its principal place of business in Hanover Township, Luzerne County. The applicant operates a 50,000 square foot warehouse, staffed by fifty employees. A fleet of twenty-eight vehicles is available to perform the proposed service. As evidence of its financial capacity to begin

service as a common carrier, Keyco reports assets of \$2,710,774, with liabilities of \$1,535,676, leaving a shareholders' equity of \$1,175,098.

The applicant has entered into a contract with the Pennsylvania Department of Agriculture (PDA), whereby Keyco will receive and unload donated food and foodstuffs from the United States Department of Agriculture and store, issue and deliver these commodities to eligible recipient agencies in twenty-one northern Pennsylvania counties. The program is administered by the PDA's Bureau of Government Donated Foods. The authority sought herein is for the transportation of these goods from Keyco's warehouse to consignees designated by PDA. Thus, this authority will allow moves not covered by the "warehouseman's exemption".

After a review of the record before us, we find it sufficient to warrant approval of the application.

We find that:

1. The applicant is fit to hold a certificate of public convenience.
2. The applicant has demonstrated that there is a public need for the proposed service.
3. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

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

To transport, as a Class D carrier, U.S.D.A. donated food and foodstuffs, from the facilities of Keyco Distributors, Inc., located in the township of Hanover, Luzerne County, to points in the counties of Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming.

IT IS FURTHER ORDERED: That, upon compliance with the conditions set forth in this order, the application for temporary authority be and is hereby dismissed.

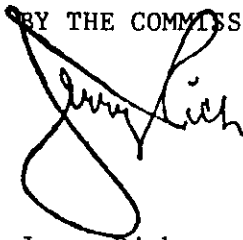
IT IS FURTHER ORDERED: That the applicant shall not engage in any service herein authorized until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

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 the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

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,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over the printed text "BY THE COMMISSION,".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 21, 1989

ORDER ENTERED: JAN 0 3 1990



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

April 26, 1990

IN REPLY PLEASE
REFER TO OUR FILE

A. 00108832

Bruce Phillips, Esquire
15 Public Square
Wilkes-Barre, PA 18701

DOCUMENT
FOLDER

Application of KEYCO DISTRIBUTORS, INC., a corp of the Commr of PA

To Whom It May Concern:

In review of our records it has been found that you have still not complied with the Commission's order dated December 21, 1989.

In order to process your approved application it is necessary to file with the Commission a insurance filing.

Motor carriers operating without complying with these requirements and hence without a certificate of public convenience, contract carrier permit or a brokerage license are operating illegally and are subject to the penalty provisions of the Public Utility Law.

Please file the requirements needed within thirty (30) days of receipt of this letter or the application will be dismissed for lack of prosecution.

Thank you for your co-operation in this matter.

Very truly yours,

Jermy Rich
Jermy Rich, Secretary

EMD
Certified Mail

Tariff Section 717-787-5521
Insurance Section 717-787-1227
Assessment Section 717-787-5620
Annual Report Section 717-787-3964
Contracts 717-783-5945

KEYCO DISTRIBUTORS, INC.
Sans Souci Parkway
P.O. Box 125
Nanticoke, PA 18634

DOCKETED
MAY 02 1990