





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

April 13, 1994

IN REPLY PLEASE  
REFER TO OUR FILE

A-00111140

ROGER L PALMER  
R R 3 BOX 60A  
MESHOPPEN PA 18630

DOCUMENT  
FOLDER  
JACKETED  
MAY 10 1994

Application of Roger L. Palmer

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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.

DOCUMENT  
FOLDER

JACKETED  
MAY 10 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 vehicles 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 property shall meet the requirements 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 days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of April 7, 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

Enclosures

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held April 7, 1994

Commissioners Present:

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

DOCUMENT  
FOLDER

Application of Roger L. Palmer  
for the transfer of all of the  
operating rights of Richard W. Rose,  
Thomas R. Rose, Kenneth S. Rose,  
t/d/b/a R. W. Rose & Sons, under the  
certificate issued at A-00108926 *F2*  
subject to the same limitations and  
conditions.

A-00111140

BUCKETED  
MAY 10 1994

\_\_\_\_\_  
Roger L. Palmer pro se.  
\_\_\_\_\_

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 8, 1993. Public notice of the application was given in the Pennsylvania Bulletin of January 1, 1994. The unopposed application is certified to the Commission for its decision without oral hearing.

Roger L. Palmer seeks to acquire by transfer all of the operating rights of R. W. Rose & Sons. The applicant is domiciled at Meshoppen, Susquehanna County, and will operate as a sole proprietor. Roger L. Palmer will operate a Ford dump truck. He also owns a lowboy trailer. He will comply with all U.S. Department of Transportation and Pennsylvania Department of Transportation standards for inspection of vehicles and safety compliance. The applicant has operated motor vehicle equipment as a commercial driver for a number of years.

As evidence of his financial capacity to start up operations, the applicant entered a balance sheet dated September 30, 1993 reporting total assets of \$26,894 with total liabilities of \$9,073.

The total consideration for the rights is \$1,000. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: The total purchase price of \$1,000 will be paid upon Commission approval of the transfer 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 public 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 Superior 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 right:

To transport, as a Class D carrier, sand, stone, shale, topsoil, gravel and dirt between points in the county of Susquehanna, and from points in said county to points in the counties of Bradford, Lackawanna and Wyoming;

subject to the following condition:

That no right, power or privilege is granted to transport limestone or decorative stone.

subject to the following general conditions:

1. 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.

2. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
3. 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) no. 2 above.
4. 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.

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 evidence of cargo liability insurance.
3. 1993 annual report of the transferor.
4. a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate 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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Richard W. Rose, Thomas R. Rose, Kenneth S. Rose, t/d/b/a R. W. Rose & Sons., at A-00108926 be cancelled and the record be marked closed.

BY THE COMMISSION,

  
John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: April 7, 1994

ORDER ENTERED: APR 13 1994



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

May 10, 1994

IN REPLY PLEASE  
REFER TO OUR FILE

R-16

RECEIVED  
MAY 16 PM 2:23  
PA. P. U. C. DIV.  
INFO. CONTROL DIV.

Roger L. Palmer  
R R 3, Box 60A  
Meshoppen, PA 18630

Re: A-00111140  
Roger L. Palmer

Dear Mr. Palmer:

Under date of April 13, 1994, the Secretary's office transmitted to you the Commission's compliance order adopted April 7, 1994, evidencing approval of the above carrier's application which is in effect a transfer of the rights formerly held by Richard W. Rose, Thomas R. Rose, Kenneth S. Rose, t/d/b/a R.W. Rose & Sons at A-00108926. 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 in 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

DOCKETED  
MAY 25 1994

By: Joseph M. Machulsky, Chief  
Financial Document Section

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

DOCUMENT  
FOLDER