



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

MARCH 29, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00111154

WILLIAM THOMSON
T/A THOMSON TRUCKING
BULL CREEK ROAD
BOX 385
TARENTUM PA 15084

DOCUMENT
FOLDER

APR 21 1994

Application of William Thomson, t/d/b/a
Thomson Trucking

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 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 March 24, 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 March 24, 1994

Commissioners Present:

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

DOCUMENT
FOLDER

Application of William Thomson t/d/b/a
Thomson Trucking for the transfer of all
the operating rights of Daniel R. Thomson
and William Thomson, Copartners, under
the certificate issued at A-00105001,
subject to the same limitations
and conditions.

A-00111154

William Thomson for the applicant, pro se.

APR 21 1994

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 12, 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.

William Thomson t/d/b/a Thomson Trucking (applicant, transferee or Thomson Trucking) seeks to initiate common carrier service by acquiring the rights involved in the instant proceeding. The reason for the transfer is due to a termination of the operations as a partnership.

The nominal consideration for the rights is \$1.00. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: consummation will take place within sixty (60) days after receipt of an final order of the commission approving the transfer.

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 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 application be and is hereby approved, and that a certificate be issued granting the following rights:

1. To transport, as a Class D carrier, aggregates for Davison Sand & Gravel Company from the facilities of said shipper in the city of New Kensington, Westmoreland County, to points in the counties of Allegheny, Armstrong, Beaver, Butler, Indiana, Lawrence, Washington and Westmoreland.
2. To transport, as a Class D carrier, commodities in bulk, in dump vehicles, for Phyllis E. Thomson, t/d/b/a Thomson Materials, between points in Pennsylvania;

with right No. 2 subject to the following conditions:

- (a) That no right, power or privilege is granted to provide transportation from the facilities of Davison Sand & Gravel Company or Davison Industries located in the townships of Derry and Unity, Westmoreland County.
- (b) That no right, power or privilege is granted to transport sand and gravel from points in the township of Hovey, Armstrong County, to points in Westmoreland County.
- (c) That no right, power or privilege shall be granted to transport coal.
- (d) That no right, power or privilege is granted to transport building materials and limestone between points in the counties of Clarion, Armstrong and Jefferson, except that said commodities may be transported in hauls exceeding twenty-five (25) miles from point of origin to point of destination, and that brick and clay products may be transported to, from or between points in the counties of Jefferson and Clarion.

- (e) That no right, power or privilege is granted to transport sand and gravel, in dump vehicles, between points in the borough of Tionesta, Forest County, and from points in the said borough to points within seventy-five (75) miles of the limits of the said borough.
- (f) That no right, power or privilege is granted to transport limestone from points in the townships of Perry and Richland, Clarion County, the townships of Hovey and East Franklin, Armstrong County, and the township of Mercer, Butler County, to points within an airline distance of seventy-five (75) statute miles of the point of origin, except to steel mills and foundries.
- (g) That no right, power or privilege is granted to transport sand, gravel, and deicing materials, except for salt and calcium chloride, from points in the townships of Perry and Richland, Clarion County, the townships of Hovey and East Franklin, Armstrong County, and the township of Mercer, Butler County, to points within an airline distance of seventy-five (75) statute miles of the point of origin, except for transportation to points in the counties of Allegheny and Beaver, and except for transportation of aggregates from the facilities of Davison Sand & Gravel Company and Davison Industries located in the township of East Franklin, Armstrong County, to points in Westmoreland County.
- (h) That no right, power or privilege is granted to transport sand, gravel, deicing materials, defrosting materials, and anti-skid materials, except for salt and calcium chloride, from points in the counties of Forest, Warren, Crawford and Venango to points within an airline distance of fifty (50) statute miles of the point of origin, except for service to points in the city of Erie, Erie County, and points in the counties of Allegheny and Beaver.
- (i) That no right, power or privilege is granted to transport cinders from points in the counties of Armstrong, Allegheny and Indiana, to points in the counties of Armstrong, Butler, Clarion, Clearfield, Crawford, Elk, Forest, Indiana, Jefferson, Venango and Warren.
- (j) That no right, power or privilege is granted to transport farm products and supplies between points in the townships of Annin, Liberty, Keating and Eldred, McKean County, and from points in said townships to

points in the borough of Port Allegany, McKean County, and vice versa.

- (k) That no right, power or privilege is granted to transport building materials between points in the counties of Potter and McKean in hauls of less than twenty-five (25) miles from point of origin to point of destination.
- (l) That no right, power or privilege is granted to provide transportation between points in the borough of Port Allegany, McKean County, or from points in said borough to points within twenty (20) miles by the usually traveled highways of the limits of said borough, and vice versa.
- (m) That no right, power or privilege is granted to transport glass products, raw materials used in the manufacture of glass products, insulating material, and materials and supplies used in the manufacture, distribution and installation of insulating material, between points in the borough of Port Allegany, McKean County, and within twenty (20) miles by the usually traveled highways of the limits of said borough, and from points in said area to points in Pennsylvania, and vice versa.
- (n) That no right, power or privilege is granted to transport materials and supplies used in the manufacture or distribution of fiberboard cans and metal ends therefor to or from the plant site and warehouse facilities of Boise Cascade Corporation located in Oil City, Venango County, and within ten (10) statute miles of the limits of said city.

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 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:

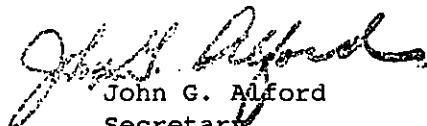
1. Form E evidence of Bodily Injury and Property Damage liability insurance.
2. Form H as evidence of cargo liability insurance.
3. a tariff establishing just and reasonable rates.
4. 1993 annual report of the transferor.

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, Daniel R. Thomson and William Thomson, Copartners at A-00105001 be cancelled and the record be marked closed.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: March 24, 1994

ORDER ENTERED: MAR 29 1994



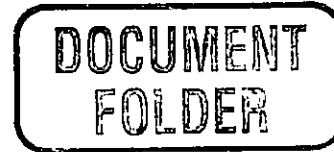
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

April 22, 1994

IN REPLY PLEASE
REFER TO OUR FILE

R-16

William Thomson
t/a Thomson Trucking
Bull Creek Road
Box 385
Tarentum, PA 15084



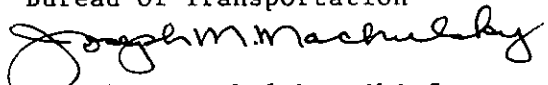
Re: A-00111154
William Thomson, t/d/b/a
Thomson Trucking

Dear Mr. Thomson:

Under date of March 29, 1994, the Secretary's office transmitted to you the Commission's compliance order adopted March 24, 1994, evidencing approval of the above carrier's application which is in effect a transfer of the rights formerly held by Daniel R. Thomson and William Thomson, Copartners at A-00105001. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

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

By: 
Joseph M. Machulsky, Chief
Financial Document Section

Enclosure (1 set)

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