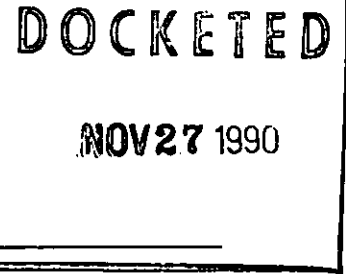


PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u> October 4, 1990	:	:	2. <u>BUREAU AGENDA NO.</u> OCT-90-T-1188*
3. <u>BUREAU:</u> Transportation	:	:	5. <u>PUBLIC MEETING DATE:</u> October 24, 1990
4. <u>SECTION</u> Technical Review	:	:	6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945
7. <u>MONITOR:</u>	:	:	8. <u>PERSON IN CHARGE:</u> Zeigler 3-5946
9. <u>DOCKET NO.:</u> A-00109237	:	:	10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines) (b) Short summary of history & facts, documents & briefs (c) Recommendation



(a) Application of Joseph E. Marecic, t/d/b/a Marecic Trucking, New Brighton, Beaver County, for the right to begin to transport, as a contract carrier by motor vehicle, sand, gravel, cement, stone, slag, dirt and limestone for Big Foot Metered Concrete, from points in the counties of Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Washington, Westmoreland, Fayette and Armstrong to points in the borough of Fallston, Beaver County, and points within an airline distance of 25 statute miles of the limits of said borough, with the right to return refused, rejected or damaged shipments to the point of origin; excluding the transportation of cement from the facilities of Armstrong Cement and Supply Corporation in the township of Winfield, Butler County.

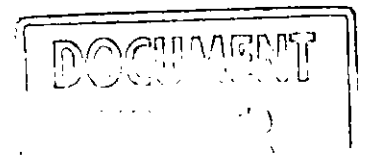
(b) The application for contract carrier authority was opposed by a single shipper which later withdrew upon the applicant's stipulation which excludes the transportation of cement from the facilities of Armstrong Cement and Supply Corporation in Winfield Township, Butler County. The applicant has demonstrated that it has the necessary equipment and financial capacity to properly render the service as a contract carrier for the single shipper. The applicant has established its fitness and we determine it is in the public interest to grant a contract carrier permit.

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

TZ:rs

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

CONTENT OF MOTION: Staff recommendation adopted.





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

October 30, 1990

IN REPLY PLEASE  
REFER TO OUR FILE

A-00109237

Robert W. Watson, Esquire  
682 Third Street  
Beaver, PA 15009

Application of Joseph Marecic,  
t/d/b/a Marecic Trucking

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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.

**DOCKETED**

NOV 08 1990

**DOCUMENT  
FOLDER**

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 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.

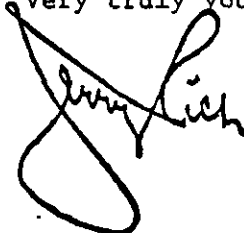
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty days will cause the Commission to rescind the action of October 24, 1990 and dismiss the application without further proceedings.

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

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

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

Very truly yours,



Jerry Rich, Secretary

smk  
Enclosures  
Certified Mail  
Receipt Requested  
Joseph E. Marecic  
t/a Marecic Trucking  
345 Colonial Street  
P.O. Box 105  
Fallston, PA 15066

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held October 24, 1990

Commissioners Present:

William H. Smith, Chairman  
Frank Fischl  
David W. Rolka  
Joseph Rhodes, Jr.

Application of Joseph E. Marecic, t/d/b/a  
Marecic Trucking, for the right to begin  
to transport, as a contract carrier by  
motor vehicle, sand, gravel, cement,  
stone, slag, dirt and limestone for Big  
Foot Metered Concrete, from points in the  
counties of Allegheny, Beaver, Butler,  
Greene, Lawrence, Mercer, Washington,  
Westmoreland, Fayette and Armstrong, to  
points in the borough of Fallston, Beaver  
County and points within an airline dis-  
tance of twenty-five (25) statute miles  
of the limits of said borough, with the  
right to return refused, rejected or  
damaged shipments to the point of origin;  
excluding the transportation of cement  
from the facilities of Armstrong Cement  
and Supply Corporation located in the  
township of Winfield, Butler County.

A-00109237

DOCKETED  
NOV 08 1990

Robert R. Watson for the applicant.

DOCUMENT  
FOLDER

O R D E R

BY THE COMMISSION:

*This matter comes before the Commission on an application filed May 29, 1990. Public notice of the application was given in the Pennsylvania Bulletin of July 28, 1990. A single protest filed by Wayne W. Sell Corporation was later withdrawn when the applicant stipulated that no right, power or privilege would be granted to transport cement from the facilities of Armstrong Cement and Supply Corporation in the township of Winfield, Butler County.*

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of a verified statement entered by Joseph E. Marecic, the applicant herein.

#### DISCUSSION AND FINDINGS

The applicant seeks to initiate contract carrier service for one shipper providing the transportation of certain specific commodities from points in the counties of Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Washington, Westmoreland, Fayette and Armstrong to points in the borough of Fallston, Beaver County and points which are located within an airline distance of 25 statute miles of the limits of that borough. The applicant has requested the right to return refused, rejected or damaged shipments to the point of origin. Joseph E. Marecic is domiciled at New Brighton in Beaver County. He will trade as Marecic Trucking. The applicant currently operates one tri-axle dump truck which is routinely maintained and safety inspected.

As evidence of his financial capacity to initiate contract carrier service, the applicant entered a balance sheet dated June 30, 1990 reporting total assets of \$120,317.51 with total liabilities of \$32,762.81.

The shipper in this proceeding, Big Foot Metered Concrete, is a distributor of cement, gravel, sand, concrete, stone, slag, dirt and limestone. It desires the availability of the applicant's service to meet its transportation needs.

In a contract carrier proceeding for initial authority, it is our responsibility to determine that the applicant is fit and that the applicant stands ready, willing and able to properly render the proposed service. The applicant in this proceeding has a tri-axle dump truck which is equipment suitable to provide service for the sole shipper and the applicant has indicated it will provide service to meet shipper requirements as they occur. The applicant has provided evidence that it has an active safety program and that it routinely maintains its vehicles. The financial capacity of the applicant is such that it appears able to start up and maintain contract carrier operations.

The Commission requires the filing of a contract to further evidence the intention of the parties to enter into this contract carrier-shipper arrangement. The contract must meet our requirements as outlined at 52 Pa. Code §31.45. The contract must contain the language of the authority issued by the instant order, specify a minimum amount of business to be tendered over the life of the contract and contain or refer to a minimum schedule of rates and charges. The contract must be submitted and approved before the applicant may provide service under our grant of authority herein.

We find:

1. The applicant has demonstrated that it stands ready, willing and able to provide service as a contract carrier to meet the needs of the single shipper.

2. The applicant has demonstrated his fitness to provide service as a contract carrier and in accordance with the provisions of 66 Pa. C.S. §2501, it is in the public interest to grant a contract carrier permit; THEREFORE,

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

To transport, as a contract carrier by motor vehicle, sand, gravel, cement, stone, slag, dirt and limestone, for Big Foot Metered Concrete, from points in the counties of Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Washington, Westmoreland, Fayette and Armstrong, to points in the borough of Fallston, Beaver County, and points within an airline distance of twenty-five (25) statute miles of the limits of the said borough, with the right to return refused, rejected or damaged shipments to the point of origin;

subject to the following condition:

That no right, power or privilege is granted to transport cement from the facilities of Armstrong Cement and Supply Corporation in the township of Winfield, Butler County.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing of evidence of insurance, the filing and acceptance of a schedule of minimum rates and charges in accordance with 66 Pa. C.S. §2502 and the filing and acceptance of a contract 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 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 the applicant has not, on or before sixty (60) days from the date of service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: October 24, 1990

ORDER ENTERED: OCT 30 1990