

DAVID H. RADCLIFF, P.C.  
2216 WALNUT STREET  
HARRISBURG, PA 17103

RECEIVED  
93 DEC -1 AM 9:27

DAVID H. RADCLIFF

November 29, 1993  
File: 1303.13

Telephone: (717) 236-9318  
BUREAU OF  
TRANSPORTATION

RE: CARLISLE CARRIER CORP.  
A.109478 F.6001  
(Application for Temporary Authority)

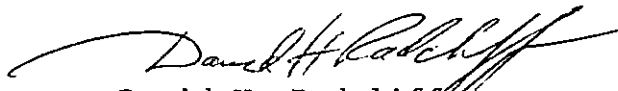
John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Dear Secretary Alford:

On behalf of Carlisle Carrier Corp. I enclose a copy of the Verified Statement of Lisa A. Romano for the Quaker Oats Company in support of the temporary authority application filed to the above docket number. This statement supplements the record which consists of the application previously submitted.

By copy of this letter I am forwarding a copy of the Verified Statement to Mr. Marzolf in the Bureau of Transportation.

Very truly yours,

  
David H. Radcliff

DHR/dj

Enclosure

cc: Peter Marzolf, Chief  
Technical Review Section  
Bureau of Transportation  
Pa. PUC  
POB 3265  
Harrisburg, Pa 17105

David L. Metzler, President  
Carlisle Carrier Corp.  
P. O. Box 637  
Carlisle, Pa 17013

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VERIFIED STATEMENT OF LISA A. ROMANO RECEIVED  
FOR THE QUAKER OATS COMPANY  
IN SUPPORT OF THE APPLICATION 93 DEC -1 AM 9:30  
OF CARLISLE CARRIER CORPORATION

PA PUC  
BUREAU OF  
TRANSPORTATION

A. DESCRIPTION OF COMMODITIES TO BE TRANSPORTED.

The Quaker Oats Company is a producer and distributor of a variety of consumer products. As relevant to this application, our facility in Shiremanstown, Cumberland County, Pennsylvania is the location at which we manufacture such products as hot and cold cereals, pancake mixes, granola bars, and corn mixes.

B. POINTS TO AND FROM WHICH THE TRANSPORTATION IS REQUIRED.

Product is shipped in truckload quantities from our facility in Shiremanstown to our customers in the states of Pennsylvania, New Jersey, New York, Maryland, Delaware, Virginia, and West Virginia, usually to a grocery warehouse. Several of our customers have distinct delivery needs. One such customer has warehouses in Bensalem, PA., Forty-Fort, PA., Kingston, PA., Lancaster, PA., and Philadelphia, PA.. The carrier that has serviced this particular customer for several years has recently been acquired by Carlisle Carrier Corporation. Carlisle has hired several of the drivers from this previous carrier. These drivers are very familiar with this particular customer.

Carlisle Carrier Corporation is supported for this delivery service.

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 01 1993  
ENTRY No. *lg*

C. FREQUENCY OF MOVEMENT.

Almost seven hundred truckloads are shipped to these grocery warehouses annually or approximately three shipments a day.

D. WHEN THE SERVICE SHALL BE PROVIDED.

Plant production is in operation twenty-four hours a day, five days a week. The plant is also in operation approximately ten weekends per year. Shipments will occur every day the plant is in operation.

E. HOW LONG THE NEED FOR THE SERVICE WILL CONTINUE.

There is an immediate need until the authority that Carlisle is acquiring is transferred. After the acquisition is complete, Carlisle will continue to handle this customer under their permanent authority.

G. THE CIRCUMSTANCES CREATING AN IMMEDIATE NEED.

Other carriers have attempted to deliver our product to this particular customer over the last two months, but this customer is not satisfied. If not remedied, Quaker may lose this customers business.

H. EFFORTS TO OBTAIN THE SERVICE FROM EXISTING CARRIERS.

Existing carriers which have been contacted are Kuhn Transportation Company, Ward Trucking, and Gabler Trucking.

J. STATEMENT REGARDING SUPPORT FOR OTHER CARRIERS.

I have not supported any carrier for these movements. Quaker Oats has recently supported a Pennsylvania intrastate application for G.R. Walter, Inc.. The application for G.R. Walter was for jockey service at the plant. The application for Carlisle Carrier is for customer deliveries.

K. STATEMENT REGARDING UNION REPRESENTATION.

The Quaker Oats Company has no driver employees at the Shiremanstown facility. The production employees are represented by the Cereal Union Local #221. The Union Local's President is Bernard Radocha. Mr. Radocha is an employee at the Quaker Oats Shiremanstown plant, telephone (717) 737-8601.

VERIFICATION OF STATEMENT

The undersigned deposes and says that she is the person who gave the Statement for the above-captioned application and that she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of her knowledge, information and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 C.S. S4904 relating to unsworn falsification to authorities.

Dated: November 19, 1993



---

Lisa A. Romano  
Senior Transportation Analyst  
The Quaker Oats Company

ORIGINAL

DAVID H. RADCLIFF, P.C.  
2216 WALNUT STREET  
HARRISBURG, PA 17103

DAVID H. RADCLIFF

Telephone: (717) 236-9318  
NOV 24 AM 11:19  
RECEIVED  
PA. P. U. C. DIV.  
INFO. CONTROL DIV.

November 24, 1993  
File: 1303.13

RE: CARLISLE CARRIER CORP.  
A.109478 F.6001  
(Transfer ETA)

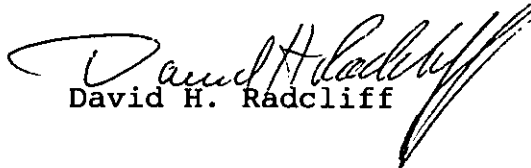
John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Dear Secretary Alford:

I enclose for filing the original and two copies of a "Request for Reconsideration on Behalf of Carlisle Carrier Corp., Applicant" in the above captioned proceeding.

Copies are being forwarded to Mr. Marzolf in the Bureau of Transportation, the supporting shipper, and the Applicant.

Very truly yours,

  
David H. Radcliff

DHR/dj  
Enclosure.

cc: Peter Marzolf  
Bureau of Transportation  
Pa. PUC  
POB 3265  
Harrisburg, Pa 17105

Ms. Lisa Romano  
The Quaker Oats Co.  
321 N. Clark St., Ste. 13-1  
Chicago, Il 60610

David L. Metzler, President  
Carlisle Carrier Corp.  
P. O. Box 637  
Carlisle, Pa 17013

DOCUMENT  
FOLDER

ORIGINAL

RECEIVED  
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PA. P. U. C. DIV.  
INFO. CONTROL DIV.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF CARLISLE CARRIER CORP.  
A109478, F.6001

REQUEST FOR RECONSIDERATION ON BEHALF OF CARLISLE CARRIER CORP.,  
APPLICANT

I. Statement of the Case.

Carlisle Carrier Corp. ("Applicant") sought emergency temporary authority to provide service within the scope of authorities at Docket No. A.102343 to be transferred from Walter Brothers Trucking, Inc. The application seeking emergency temporary authority was filed on or about October 4, 1993. Simultaneously an application for approval of the transfer of the authority of Walter Brothers Trucking, Inc. was filed with this Commission.

By Tentative Decision adopted October 28, 1993 the Commission denied the request for emergency temporary authority.

Notice of the application seeking transfer of the permanent authority was published in the Pennsylvania Bulletin of November 13, 1993. To date no protests have been received to the transfer application.

To the knowledge of Applicant no protests were filed to the application seeking emergency temporary authority.

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DEC 02 1993

This request for reconsideration is filed to the Tentative Decision adopted October 28, 1993.

II. Argument

A. TRANSFEROR'S STATEMENTS WERE MISINTERPRETED REGARDING CONTINUING SERVICE.

The Tentative Decision correctly sets forth the text of the letter of Carl D. Walter, Sr. On behalf of the Transferor Mr. Walter set forth the reasons for joining in the Applicant's request for emergency temporary authority. Maintaining insurance coverage on the full scope of Transferor's authority would be burdensome and an unnecessary expense. This expense could be avoided by approval of the requests for emergency temporary authority.

The Tentative Decision's reference to the Seller's agreement in paragraph 5A of the Transfer Agreement is incomplete. The full statement is as follows:

"5A. To maintain continuous insurance coverage and to operate said authority until such time as emergency temporary authority, temporary authority or permanent authority is approved, whichever shall occur first". (emphasis added)

The Transfer Agreement between the parties does not contradict Mr. Walter's letter in support of emergency temporary authority. The Transfer Agreement clearly contemplates the request for grant of emergency temporary authority and termination of the transferor's responsibility to maintain insurance coverage and operate the authority.

September 27, 1993 letter of Mr. Walter specifically addresses the issues of insurance coverage operations under the authority and application for emergency temporary authority. The financial burden of renewing insurance on an annual basis when a transfer within a few months is contemplated is wasteful of the resources of the transferor. Transferee is a certificated carrier and upon approval of emergency temporary authority would have the insurance already in place. Transferor would be relieved of the requirement of providing continuing operations and the shipper could receive service in a smooth transition to the new carrier.

B. THE SHIPPER REQUIRES IMMEDIATE SERVICE.

The Quaker Oats Co. is one of the shippers served under the authority sought to be transferred in this proceeding. The shipper is aware that Carlisle Carrier Corp. as the transferee has been able to hire several of the experienced drivers previously employed by Walter Brothers Trucking, Inc. This experienced group of drivers are familiar with the handling of the grocery items distributed from the Central Pennsylvania facilities of Quaker Oats. Quaker Oats has supplied a statement in support of the grant of temporary authority which is attached hereto as Exhibit A.

The support of Quaker Oats Co. is representative of the requirements of the shippers to be served under the requested emergency temporary authority. The shipper has requirements for service in Interstate Commerce as well as Pennsylvania Intrastate Commerce. The shipper's experience in utilizing other carriers has not been satisfactory. To preserve its relationships with its

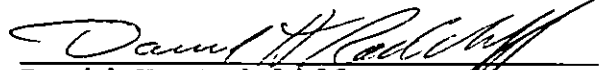
customers the shipper supports this emergency temporary authority request.

In the context of the transfer of permanent authority the need for service by the public served under that authority is presumed to continue without the requirement of specific support. In this instance specific support is now presented by Quaker Oats Co. as representative of the continuing need for shippers to be served under the scope of authority sought in the emergency temporary authority and temporary authority proceedings.

III. Conclusion.

For the foregoing reasons Applicant takes exception to the conclusion in the Tentative Decision that emergency authority should be denied. The letter by the President of the Transferrer indicates that it will be a hardship to continue providing the service for the shipper. The supporting shipper's documentation attached hereto sets forth the specific requirement of the Quaker Oats Company and represents the needs of shippers to be served. Approval of the emergency temporary authority should be granted consistent with the needs of the shipper.

Respectfully submitted,

  
\_\_\_\_\_  
David H. Radcliff  
2216 Walnut Street  
Harrisburg, Pa 17103

VERIFIED STATEMENT OF LISA A. ROMANO  
FOR THE QUAKER OATS COMPANY  
IN SUPPORT OF THE APPLICATION  
OF CARLISLE CARRIER CORPORATION

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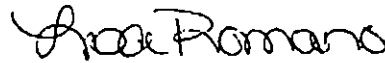
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Dated: November 19, 1993



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Lisa A. Romano  
Senior Transportation Analyst  
The Quaker Oats Company