





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

November 10, 1993

RECEIVED

IN REPLY PLEASE  
REFER TO OUR FILE

NOV 12 PM 2:45

A-00109478  
Folder 6001

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

DAVID H RADCLIFF ESQUIRE  
2216 WALNUT STREET  
HARRISBURG PA 17103

DOCKETED

DEC 02 1993

Application of Carlisle Carrier Corp., a corproation of the Commonwealth of Pennsylvania

Dear Sir:

This is to advise you that the Commission at Public Meeting held October 28, 1993 adopted a Tentative Decision in connection with the above entitled proceeding.

A copy of the Tentative Decision is enclosed for your records. We note that the Tentative Decision was picked up in the Secretary's Office-Service Section by you on November 4, 1993.

The time for filing exceptions will commence from that date, November 4, 1993.

Very truly yours,

John G. Alford, Secretary

JZ  
Encls.  
Certified Mail  
Receipt Reuquested

DOCUMENT  
FOLDER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held: October 28, 1993

Commissioners Present:

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

**DOCUMENT  
FOLDER**

Application of Carlisle Carrier Corp.,  
a corporation of the Commonwealth of  
Pennsylvania, for emergency temporary  
authority to operate the common carrier  
rights of Walter Brothers Trucking, Inc.,  
at A-00102343, subject to the same  
limitations and conditions, pending  
action of the permanent transfer  
application.

A-00109478  
F. 6001

\_\_\_\_\_  
David H. Radcliff for the applicant.  
\_\_\_\_\_

**DOCKETED  
DEC 02 1993**

TENTATIVE DECISION

BY THE COMMISSION:

This matter comes before the Commission on an application for emergency temporary authority filed October 3, 1993. Corresponding application for temporary and permanent authority were also filed. The record consists of verified statements filed by the applicant and the transferor.

Carlisle Carrier Corp. (CCC or applicant) is a Pennsylvania corporation with its principal place of business in Carlisle, Cumberland County. It was initially certificated in 1990 and presently holds five paragraphs of authority. A fleet of 87 tractors and 165 trailers is available to perform the proposed service. As a currently operating carrier, CCC has a comprehensive safety program for drivers and vehicles and it maintains adequate insurance coverage.

By this application, CCC seeks emergency temporary authority to operate the rights held by Walter Brothers Trucking, Inc. (transferor), pending disposition of the temporary and permanent applications for transfer of the rights. In support of this application, Carl D. Walter, Sr., president of the transferor, submitted the following statement:

This letter is my request that favorable consideration be given to the application of Carlisle Carrier Corp for emergency authority. I have entered into an agreement with Carlisle Carrier Corp to sell my entire authority.

I have determined to sell my authority and retire from the transportation business. I am now 70 years of age and am interested in limiting my business activities.

Approval of emergency temporary authority for the purchase will enable service to continue to the shippers I have previously served. In addition I will be able to avoid the expense of obtaining additional insurance when the renewal is required in October 1993. The prospective purchaser has contacted the shippers and is the obvious choice to continue providing service.

Additionally, however, Mr. Walter signed the permanent transfer application stating, "Transferor . . . agrees to continue to render service which is to be transferred until this application is approved . . . ."

From the facts presented in this application, there is no indication of an immediate need for service or that the shipping public will lose service if this application is not approved. This emergency temporary authority application appears to be merely an attempt by the applicant to get into business as quickly as possible and for the transferor's president to retire, neither of which are grounds for granting emergency temporary authority. 52 Pa. Code 3.384(b).

Our system for granting emergency temporary authority was established to meet those special situations "where time or circumstances do not reasonably permit the filing and processing of an application" for temporary authority. 52 Pa. Code 3.383(b). We find nothing in this application that convinces us that it cannot be processed through our usual system which handles permanent transfer applications on an expedited basis.

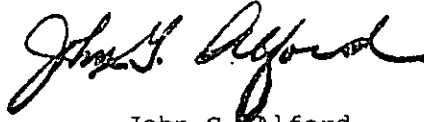
After a complete review of the record before us, we find that the applicant has failed to meet its burden of proving an emergency situation that creates an immediate need for the proposed service; THEREFORE,

IT IS ORDERED: That the application for emergency temporary authority be and is hereby denied for failure of the applicant to establish an emergency situation which creates an immediate service need.

IT IS FURTHER ORDERED: That unless exceptions are filed within twenty (20) days of the date of service of this tentative decision upon the applicant or its counsel, this tentative decision shall become final.

IT IS FURTHER ORDERED: That the action taken on this emergency temporary authority application shall have no bearing on our decisions in the temporary or permanent authority applications.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "John G. Alford".

John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: October 28, 1993

ORDER ENTERED: November 4, 1993