

DAVID H. RADCLIFF, P.C.
407 NORTH FRONT STREET
HARRISBURG, PA 17101

DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

June 17, 1992
File: 1303.5

RE: CARLISLE CARRIER CORP., A.109478, F.1, Am-E -
(Knouse Foods, Inc.)

Ms. Gale E. Travitz
Technical Review Section
Bureau of Transportation
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Ms. Travitz:

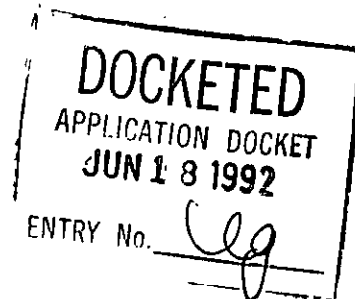
This letter will confirm our telephone conversation of June 17, 1992, regarding the above-captioned application. The last four addresses listed by the supporting shipper are public warehouses as you noted in your letter to me. Traffic will move from those warehouses to the customers of Knouse, as well as from the facilities of Knouse to its customers and to those warehouses. Inbound traffic from the suppliers of Knouse may be stored in the warehouses temporarily before moving from the public warehouses to the facilities of Knouse.

With that clarification it would be appropriate to modify the authority to read "from the facilities owned, leased or utilized by Knouse Foods, Inc."

Thank you for your cooperation in this matter.

Very truly yours,

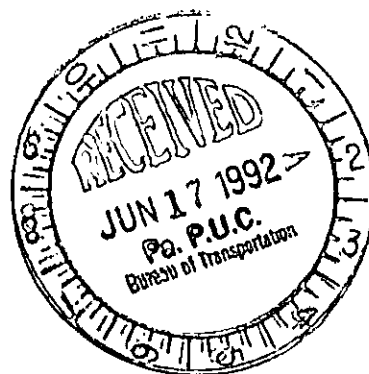
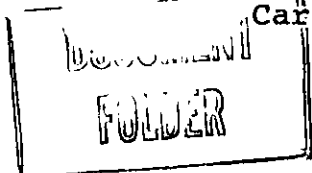
David H. Radcliff
David H. Radcliff



DHR/kr

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cc: David Metzler, President
Carlisle Carrier Corp.
P.O. Box 637
Carlisle, PA 17013





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

KUP
IN REPLY PLEASE
REFER TO OUR FILE

June 23, 1992

TO: ALL PARTIES OF RECORD

RE: Application of Carlisle Carrier Corp.
Docket No. A-00109478, F001, Am-D

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WILLIAMS

I have been assigned to preside over the above-captioned case. The purpose of this letter is to bring to the attention of all parties' representatives certain procedural rules, observation of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a).

Motor carrier application proceedings are governed by, inter alia, 52 Pa. Code §3.381(f) and (g), which provide, in pertinent part:

(f) Scheduling hearings. The applications to which timely protests were filed will not be acted on by the Commission for a period of 20 days after the closing date for filing of protests, to permit the applicant to make restrictive amendments leading to the withdrawal of protests. In the event that all protests are withdrawn upon amendment, the Commission may dispose of the application in accordance with subsection (e). In the event that the application is still subject to protest, then after the expiration of the 20-day waiting period, the Commission will set the application for hearing and will notify all parties thereof. Absent good cause shown, no further amendments to the application will be considered after expiration of the 20-day period or the commencement of hearings.

(g) Requests for postponements. In the event that any scheduled hearing is postponed for any reason prior to the date thereof, notice of postponement and the date, time, and place of the continued hearing will be given by the presiding officer of the Commission to all parties. Requests for hearing postponements shall be submitted in writing to the Secretary of the Commission and the presiding officer with copies to parties of record, no later than 5 days prior to hearing. Hearings will not be postponed absent good cause. (Emphasis added.)

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FOLDER

In accordance with the foregoing, absent timely notice of settlement (i.e., no later than 5 days prior to the first scheduled hearing, on August 7, 1992), I anticipate that all parties to this proceeding shall be prepared to participate in the hearings scheduled to begin on August 12, 1992.

In connection with the foregoing, please bear in mind that restrictive amendments which result in undue and unreasonable fragmentation of authority have been held not to be in the public interest. Application of Central Valley Transportation, Inc., A-00103114 (Order adopted October 2, 1987, entered October 13, 1987); Application of Ace Motor Freight, Inc., A-00097068, F.1, Am-C (Order adopted May 17, 1978, entered May 24, 1978). Any amended authority will be expected to be clear, understandable and enforceable.

If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), please bring with you the required number of copies (an original and 2 copies for the Commission, one copy for every other party in the case, and a copy for yourself). 52 Pa. Code §5.409.

If you need to subpoena witnesses for the hearing, please review 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer your application, and so that you will have enough time to receive the subpoenas and serve them.

My review of the record in this case suggests that at least one of the parties is not represented by counsel at this time. Because a protested motor carrier application proceeding is regarded as an adversarial proceeding, Commission regulations, 52 Pa. Code §§1.21-1.23, require all corporate parties to be represented by counsel at hearings. The laws of the Commonwealth of Pennsylvania pertaining to the practice of law support these regulations. Any corporate party which is not represented by counsel will not be permitted to participate in the hearings scheduled in this case.


Finally, I would also like to bring to your attention 52 Pa. Code §5.331(b) which provides, inter alia, that "[p]articipant[s] shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

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June 23, 1992

For your convenience, I am enclosing a copy of the Commission's service list as of this date.

In closing, I hope for the cooperation of all parties in achieving a fair, prompt and efficient resolution of this case.

Very truly yours,


LOUIS G. COCHERES
Administrative Law Judge

IGC/tlt

Enclosure

DATE: June 24, 1992

SUBJECT: A-00110288, Pennsylvania Delivery Systems, Inc., 50 Utley Drive,
Camp Hill, Cumberland County, PA 17011

TO: Bill Hoshour

FROM: Joan E. Gorenc

The application docketed to the above number is for the transfer of part of the rights issued at A-00109478, to Carlisle Carrier Corp., 1513 E. Commerce Drive, P.O. Box 637, Carlisle, PA 17103-0637, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

JG:kmb