



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

February 14, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00109478
F.l,Am-H

DAVID H RADCLIFF ESQUIRE
2216 WALNUT STREET
HARRISBURG PA 17103

Application of Carlisle Carrier Corp.
a corporatoin of the Commonwealth of Pennsylvania

Enclosed is the compliance order issued by the Commission
in this proceeding.

The application will not be permitted to operate or engage
in any transportation granted by the enclosed order until a tariff
has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above
requirement will be subject to the penalty provisions of the
Public Utility Commission.

Commission regulations require compliance with the above requirements
within sixty (60) days of the date of this letter. Failure to comply
within the sixty (60) day period will cause the Commission to rescind
the action of Feb. 3, 1994 and dismiss the application without
futher proceeding.

Very truly yours,


John G. Alford, Secretary

DOC. MENT
FOLDER

JOCKETED

MAR 11 1994

smk
Encls.
Cert.Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
CARLISLE CARRIER CORP
PO BOX 637
CARLISLE PA 17013-0637

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held February 3, 1994

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 the transfer to it of all of the rights authorized under the certificate issued at A-00102343 to Walter Brothers Trucking, Incorporated, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

A-00109478
F. 1
Am-H

David H. Radcliff for the applicant.

DOCKETED
MAR 11 1994

ORDER

BY THE COMMISSION:

This matter comes before the Commission by an application for transfer of operating authority filed on October 6, 1993, and published in the Pennsylvania Bulletin of November 13, 1993. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

In addition to this application for permanent transfer of the operating authority, the applicant also placed applications for emergency temporary authority and temporary authority before us. The application for emergency temporary authority was denied by our Tentative Decision adopted October 28, 1993. The application for temporary authority will be dismissed as a result of our action in this application for permanent authority.

Carlisle Carrier Corp. (applicant) has held a common carrier certificate from this Commission since November, 1990, and is primarily authorized to render service for specifically named shippers. Its president, David L. Metzler, has extensive experience in the motor carrier industry, having been involved in motor carrier management since 1967. Donald Stroble, treasurer, has been employed in the finance and accounting departments of motor carriers since 1972. The applicant's business is conducted from facilities located at 1513 East Commerce Drive, Carlisle, Cumberland County.

The applicant operates with 75 company-owned tractors, 12 long term leased tractors and 165 company-owned trailers of various types. An unaudited balance sheet shows that as of June 30, 1993, the applicant had current assets of \$979,612, total assets of \$2,536,377, with current liabilities of \$2,147,369 and no long term liabilities, leaving stockholders' equity of \$389,008. An unaudited statement of income shows that for the six-month period ended June 30, 1993, the applicant realized a net income of \$148,780 from revenues of \$4,695,912.

Under the terms of an agreement of sale dated September 28, 1993, the applicant will pay the sum of \$10,000 for the operating authority. No other assets are involved. Payment will be made upon receipt of our order approving the transaction.

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 Superior 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 transfer application be and is hereby approved and that the certificate issued to the applicant on November 16, 1990, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and those materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Quaker Oats Company in the borough of Shiremanstown, Cumberland County, and points within an airline distance of two (2) statute miles of the boundaries thereof to points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and vice versa.
2. To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and materials, ingredients and supplies

used in the manufacture, distribution and sale of the said products, from the facilities of Ralston-Purina Company, located in the township of Hampden, Cumberland County, to points in that portion of Pennsylvania on and east of U.S. Highway Route 15, and vice versa.

3. To transport, as a Class D carrier, such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and those materials, ingredients and supplies used in the manufacture, distribution and sale of the aforementioned products, from the facilities of Quaker Oats Company, in the township of Hampden, Cumberland County, to points in that portion of Pennsylvania on and east of U.S. Highway Route 15, plus the county of Cumberland, and vice versa.
4. To transport, as a Class D carrier, property (except household goods in use, commodities in bulk and commodities requiring the use of special equipment) for General Mills, Inc., from the facilities, used by it in Cumberland County to points in Pennsylvania, and vice versa.
5. To transport, as a Class D carrier, property for Purina Mills, Inc., between points in Pennsylvania;

with Right No. 5 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk; household goods in use.

6. To transport, as a Class D carrier, property, for The Quaker Oats Co., between points in Pennsylvania;
7. To transport, as a Class D carrier, property, for the Dial Corporation, from points in the counties of Luzerne and Bucks, to points in the county of Cumberland;

with both Rights 6 and 7 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, household goods in use, and Classes A and B explosives.

8. To transport, as a Class D carrier, property for Fleming Companies, Inc., from its facilities located in the township of Upper Providence, Montgomery County, to points in Pennsylvania and vice versa;

with Right No. 8 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk or household goods in use.

with all of the above rights 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(s) 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.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

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 this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

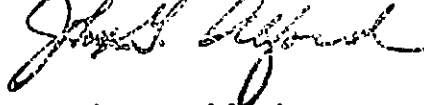
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied

with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the pending application for temporary authority be and is hereby dismissed.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Walter Brothers Trucking, Incorporated, at A-00102343 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: February 3, 1994

ORDER ENTERED: FEB 14 1994