

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	November 19, 1990	2. <u>BUREAU AGENDA NO.</u>	DEC-90-T-1320*
3. <u>BUREAU:</u>	Transportation		
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	December 6, 1990
6. <u>APPROVED BY:</u>			
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Keener-Farley 7-4386		
9. <u>DOCKET NO.:</u>	A-00109497 (TA)		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)	(b) Short summary of history & facts, documents & briefs		
	(c) Recommendation		

(a) Application of Matthew S. Sieber, t/d/b/a Sieber Trucking, Mifflin, Juniata County, for temporary authority to transport as a common carrier by motor vehicle, wood products from points in the counties of Juniata, Mifflin and Perry to points in Pennsylvania.

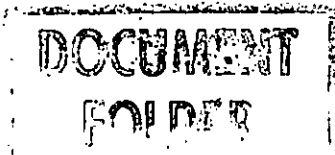
(b) ETA was denied October 24, 1990. Applicant now seeks temporary authority as a common carrier. A corresponding application for permanent authority has been filed. Evidence submitted fails to establish an emergency situation that creates an immediate need for the proposed service.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed tentative decision denying the temporary authority.

LK-F:11

**DOCKETED**

JAN 28 1991



11. MOTION BY:	Commissioner Chm. Smith	Commissioner Holland - Not Participating
		Commissioner Rolka - Yes
SECONDED:	Commissioner Fischl	Commissioner Rhodes - Yes

CONTENT OF MOTION: Staff recommendation adopted.

December 11, 1990

MR!

A-109497  
(TA)

Christian V. Graf, Esquire  
407 North Front Street  
Harrisburg, PA 17101

Application of Matthew S. Sieber, t/d/b/a Sieber Trucking, for emergency temporary authority.

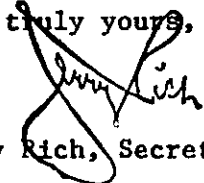
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To Whom It May Concern:

This is to advise you that a Tentative Decision has been adopted by the Commission in public meeting held December 6, 1990.

A Copy of a Tentative Decision has been enclosed for your records.

Very truly yours,

  
Jerry Rich, Secretary

lg  
Encls.  
Cert. Mail

DOCKETED  
JAN 03 1991

DOCUMENT  
FOLDER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held December 6, 1990

Commissioners Present:

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William H. Smith, Chairman  
Frank Fischl  
Wendell F. Holland, not participating  
David W. Rolka  
Joseph Rhodes, Jr.

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Application of Matthew S. Sieber, t/d/b/a Sieber Trucking, for temporary authority to transport as a common carrier by motor vehicle, wood products from points in the counties of Juniata, Mifflin and Perry to points in Pennsylvania.

A-00109497  
(TA)

DOCUMENTED  
JAN 03 1991

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Christian V. Graf for the applicant.  
Christopher Zettlemoyer for the protestant, Gary L. Ramsey Trucking, Inc.  
J. Bruce Walter for the protestant, Robert G. Hack.

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TENTATIVE DECISION

DOCUMENT  
FOLDER

BY THE COMMISSION:

This matter comes before the Commission on an application for temporary authority filed October 3, 1990, and published in the Pennsylvania Bulletin October 20, 1990. An application seeking permanent authority was filed September 14, 1990, and published October 6, 1990.

An application for emergency temporary authority was filed with the temporary authority application. By tentative decision adopted October 24, 1990, we denied emergency temporary authority for failure to establish an immediate need for service.

This application for temporary authority now comes before us with two protests and no additional evidence from the applicant to supplement the case presented for emergency temporary authority.

Matthew S. Sieber, t/d/b/a Sieber Trucking (Sieber or applicant), is a sole proprietor, who seeks temporary authority to transport wood products from points in the counties of Juniata, Mifflin and Perry to points in Pennsylvania. The applicant's terminal is located at 203 Licking Street, Mifflin, Juniata County. A fleet of nine tractors and ten trailers is

available to perform the proposed service. Sieber employs seven drivers and one mechanic. The applicant presently operates as a lessee of a certificated carrier.

In support of the emergency temporary authority, five supporting shippers submitted statements. This evidence has not been supplemented for this temporary authority application. We must, therefore, reach the same conclusion for this application as we did for the emergency temporary authority request:

Two shippers did not specify any service problems or name existing carriers who have failed to provide service. One shipper cited lack of service to New York City, another to Baltimore, MD and the third a need of service to the "Eastern Seaboard". We do not find any of the supporting shippers show an immediate need for intrastate service.

Other than noting that there are two protests to the temporary authority application, by carriers that claim to be ready to perform all or part of the proposed service, we find it unnecessary to reach the issue of whether these protests have merit. Since the applicant, through its supporting shippers, has failed to meet its burden of proving an immediate need for the service, the burden of going forward with the case does not shift to the protestants; THEREFORE,

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

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

IT IS FURTHER ORDERED: That the action taken on this application for temporary authority shall have no bearing on our decision in the application for permanent authority.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a horizontal line.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: December 6, 1990

ORDER ENTERED: December 11, 1990