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PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	February 12, 1991	:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation	:		MAR-91-T-177*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>		:		March 6, 1991
	Director: Ernst 7-2154	:		
	Supervisor: Bigelow/Marzolf 3-5945	:		
7. <u>MONITOR:</u>		:		
8. <u>PERSON IN CHARGE:</u>	Hoshour 7-5513	:		
9. <u>DOCKET NO.:</u>	A-00109496	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

DOCUMENT
FOLDER

(a) Application of William H. Oester, t/d/b/a Oester Trucking, R.D. 1, Salisbury, Somerset County, for the right to begin to transport, as a common carrier, property (except household goods, commodities in bulk, and Classes A and B explosives), for Stanton Industries of Pennsylvania, Inc., and Berkebile Oil Company, Inc., from their facilities located in the county of Somerset, to points in Pennsylvania, and vice versa.

(b) The application is unopposed. Both shippers support the application. Neither shipper requires vice versa service as advised by their counsel, and accordingly, this portion of the proposed authority has been deleted. Likewise, neither shipper has shown support for the broad commodity description of "property". The applicant has shown that a public need for the service as proposed and modified in the order does exist, and that it is fit, ready, willing and able to render same.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application as modified.

RW:rs

11. MOTION BY:	Commissioner Chm. Smith	Commissioner Fischl - Yes
		Commissioner Holland - Yes
SECONDED:	Commissioner Rolka	Commissioner Rhodes - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
MAY 14 1991

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

March 13, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A. 00109496

David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

Application of WILLIAM H. OESTER, t/d/b/a OESTER TRUCKING

DOCKETED

MAY 15 1991

DOCUMENT
FOLDER

Dear Sir;

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

A Certificate of Public Convenience evidencing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements:

- I. Arrange through an insurance agent to have an insurance company file the following forms with the Commission.
 - a. A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this sheet.
 - b. A Form H or Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than \$5,000 per vehicle. Under certain circumstances, exemption from the cargo insurance requirement may be secured by filing the enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed instructions except applicants for transfer of authority must file a tariff adoption supplement which will be forwarded by separate cover at a later date.

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

15 passengers or less: \$35,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

\$25,000 first party medical benefits, \$10,000 first party wage loss benefits and \$1,500 first party funeral benefits for all passengers and pedestrians.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits for drivers (PA registered vehicles only).

16 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

29 passengers or more: \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

Property Carriers:

Common or Contract: \$300,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits (PA registered vehicles only).

Common only: \$5,000 per accident per vehicle for loss or damage to cargo.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate has been issued authorizing actual operations. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of March 6, 1991 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section
(717) 783-5933

Tariff Filings: Mr. Joseph Machulsky-Tariff Section
(717) 787-5521

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jerry Rich", written over a large, stylized, looped flourish.

Jerry Rich, Secretary

EMD

WILLIAM H. OESTER
t/a OESTER TRUCKING
R.D. #1, Box 142A
Salisbury, PA 15558

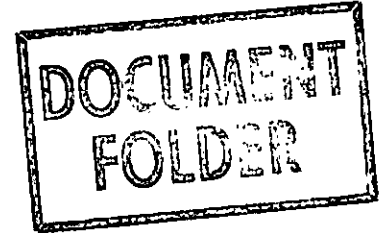
Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 6, 1991

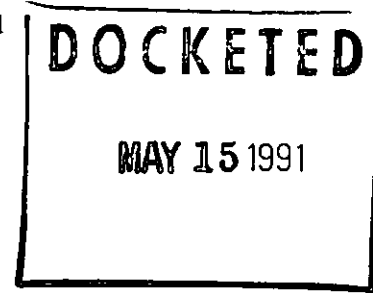
Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Frank Fischl, Commissioner
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner



Application of William H. Oester, t/d/b/a Oester Trucking, for the right to begin to transport, as a common carrier by motor vehicle, property (except household goods, commodities in bulk, and Classes A and B explosives), for Stanton Industries of Pennsylvania, Inc., and Berkebile Oil Company, Inc., from their facilities located in the county of Somerset, to points in Pennsylvania, and vice versa.

A-00109496



Graf, Andrews & Radcliff, by David H. Radcliff for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on September 18, 1990, and published in the Pennsylvania Bulletin of October 6, 1990. The application is unopposed and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and two shippers.

William Oester operates as a sole proprietor under the name of Oester Trucking (or applicant) from facilities located at R.D. 1, Salisbury, Somerset County. He holds no other authority from this Commission, but does hold common carrier authority from the I.C.C. at MC-207057. He is not affiliated with other carriers.

The applicant's facility in Salisbury consists of a garage and office which currently serves as the base for interstate operations. Multiple telephone lines are installed and parking at the garage is sufficient for all of the company vehicles. The vehicles consist of 16 tractors, 21 van-type trailers and two refrigerated trailers, all company-owned. Additional

equipment is readily available by lease if necessary. A safety program has been implemented.

An unaudited financial statement discloses that as of October 1, 1990, the applicant had total assets of \$1,741,000 with total liabilities of \$920,199, leaving a net worth of \$820,801. The assets include \$125,000 cash on hand and vehicles valued at \$1,159,000.

Catherine K. Berkebile Poorbaugh is president of Berkebile Oil Company, Inc., located in Somerset, Somerset County. She supports the applicant and states that the company manufactures automotive chemicals, including lubricants, solvents and cleaners, at a facility located in Somerset Industrial Park, Somerset County, which it ships to distributors throughout the United States, including all of Pennsylvania. She further states that of all the areas to which the company ships, the most difficult place to obtain a sufficient amount of service has been Pennsylvania.

The origin for all shipments is the Somerset facility with destinations at points such as Philadelphia, Bridgeport, Stewartstown, Freeland, Frazer, Erie, Beaver, Indiana, Pittsburgh, St. Marys, Bellefonte, Altoona, Scranton, Williamsport, Easton, Harrisburg, Carlisle, Lancaster, Reading, West Chester and Spring City. Service is required in 48-foot dry vans with overnight delivery required in most instances. The applicant has been utilized in interstate commerce with very satisfactory results. The applicant's ability to provide service in Pennsylvania will mean increased revenue for all concerned, especially meaningful to western Pennsylvania which, it states, has been hard hit by unemployment.

William S. Woods is assistant plant manager and traffic manager for Stanton Industries of Pennsylvania, Inc., and states, inter alia, that his support is for outbound service from the company's plant located in Salisbury, Somerset County only. It is a manufacturer of all types of furniture, including chairs, sofas, love seats, rockers, recliners and accessories therefor. The products are shipped to retail furniture dealers located throughout Pennsylvania, and the company is continually seeking new accounts. The applicant has been handling approximately 80 percent of the outbound interstate traffic over the past two years. It has been making Pennsylvania deliveries with its own trucks, but wishes to disband the private carriage operation and use the applicant instead. The applicant's experience in handling the freight will be very valuable in also handling the additional Pennsylvania tonnage.

DISCUSSION AND FINDINGS

William H. Oester, t/d/b/a Oester Trucking seeks a common carrier certificate which would give him the right to transport property, except household goods, commodities in bulk and Classes A and B explosives, for Stanton Industries of Pennsylvania, Inc., and Berkebile Oil Company, Inc., from their facilities located in the county of Somerset, to points in Pennsylvania, and vice versa.

Upon careful review of the transportation needs expressed by both shippers in their verified statements, we find those needs to fall somewhat short of supporting the service proposed by the applicant. The most obvious

shortcoming is the need for "vice versa" service. One shipper, Stanton Industries of Pennsylvania, Inc., states specifically that its support is limited to outbound service only. Berkebile Oil Company, Inc., has shown no need for inbound service of any kind. In response to Staff inquiry in this regard, counsel for the applicant advised by letter of February 6, 1991, that the applicant seeks authority consistent with the shippers' support and that reference to "vice versa" should be deleted.

The shippers' support also falls short of a need for service involving the broad commodity description of "property". One shipper produces and ships automotive chemicals such as cleaners, solvents and lubricants. The other manufactures and ships upholstered furniture such as chairs, sofas, love seats, and various accessories, which are deemed to be more compatible with a new furniture commodity description. Accordingly, any authority conveyed hereinafter will reflect the true needs of each shipper. By limiting the service to the transportation of specific commodities for each shipper, the conditions prohibiting the transportation of household goods and Class A and B explosives are unnecessary.

With further regard to the needs of Stanton Industries involving furniture; at first glance, it would appear that by virtue of the exclusion of transportation of household goods as contained in the captioned authority, any service for this shipper is questionable. We have, however, looked at household goods transportation as the act of moving from one household to another, and not embracing the transportation of new furniture from a manufacturer to its customers.

The applicant is a certificated I.C.C. common carrier and has been serving each shipper under that authority for some time. The evidence of record shows it to be well qualified to serve the shippers in Pennsylvania intrastate traffic. The applicant has facilities located in Somerset County and has the equipment necessary to adequately meet the shippers' needs. Its financial position is good.

We find:

1. That a public need for the proposed service to the extent modified hereinafter does exist.
2. That the applicant is fit, ready, willing and able to provide the service as proposed and hereinafter modified.
3. That approval of the application, as modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as modified and that a certificate be issued granting the applicant the right to operate as follows:

- (1) To transport, as a Class D carrier, automotive chemicals, including lubricants, solvents and cleaners, for Berkebile Oil Company, Inc., from its facilities in Somerset County, to points in Pennsylvania;

- (2) To transport, as a Class D carrier, new furniture and accessories therefor, for Stanton Industries of Pennsylvania, Inc., from its facilities in Somerset County, to points in Pennsylvania;

with both rights subject to the following condition:

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

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

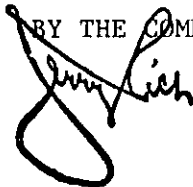
IT IS FURTHER ORDERED: That upon compliance with the requirements as set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event the 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 authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the application in all other respects be and is hereby denied for lack of proof of necessity.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 6, 1991

ORDER ENTERED: MAR 13 1991