





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

April 13, 1994

IN REPLY PLEASE  
REFER TO OUR FILE

A-00109496  
F.l, Am-B

DAVID H RADCLIFF ESQUIRE  
2216 WALNUT STREET  
HARRISBURG PA 17103

Application of Oester Trucking, Inc.

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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 April 7, 1994 and dismiss the application without further proceeding.

Very truly yours,

  
John G. Alford, Secretary

DOCUMENT  
FOLDER

smk  
Encls.  
Cert.Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717) 787-5521

DOCKETED  
MAY 10 1994

WILLIAM H OESTER  
T/A OESTER TRUCKING  
R D 1 BOX 142A  
SALISBURY PA 15558  
MODIFICATION

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held April 7, 1994

Commissioners Present:

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

Application of Oester Trucking, Inc., for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, automotive chemicals, including lubricants, solvents and cleaners, for Berkebile Oil Company, Inc., from its facilities in Somerset County, to points in Pennsylvania, subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk: SO AS TO PERMIT the transportation of property (except household goods in use and commodities in bulk) for Laurel Packaging, Incorporated, from its facilities in Cambria County, to points in Pennsylvania, and vice versa.

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David H. Radcliff for the applicant.  
Rex W. McQuaide for the protestant, W. C. McQuaide, Inc.  
Sally A. Davoren for the protestant, Galaxy Trucking, Inc.

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O R D E R

BY THE COMMISSION:

This application was filed August 20, 1993. Public notice of this application was given in the Pennsylvania Bulletin of September 18, 1993. There were two protests which were withdrawn without restrictive amendment. The record, which consists of statements entered by the applicant and the supporting shipper is now certified to the Commission for its decision without oral hearing.

The applicant, William H. Oester, t/d/b/a Oester Trucking (Oester), has submitted a letter requesting a name change to Oester Trucking, Inc. By

order entered February 24, 1994, this Commission's records have been changed to reflect this name. This record will stand in the corrected name. Oester is domiciled at R.D. 1, Box 142A. Salisbury, Somerset County. Garage and office facilities are maintained at this point. There is sufficient area for parking and a garage equipped to perform routine maintenances on the site. Communications are by commercial telephone service, including an inbound WATS line.

Applicant operates twenty-eight (28) tractors and seventy-three (73) trailers. Drivers are thoroughly screened and tested. Safety training is conducted continuously using pamphlets and safety information. Four driver safety meetings are held each year. An unaudited financial statement submitted by the applicant shows total assets of \$1,940,068 with total liabilities of \$1,463,142 leaving stockholders' equity of \$476,926.

Barry Clark, transport manager for Laurel Packaging, Inc. (Laurel), Johnstown, Cambria County, submitted a statement in support of the applicant. Laurel is a bottler and distributor of beverages in bottles and cans as well as a line of fountain serves in bottles and tanks. Shipments are made from Johnstown to points throughout Pennsylvania. Representative destinations include: Erie, Franklin, St. Marys, Farrell, Altoona, Wilkes-Barre, Scranton, Kittanning, Reading, Kecksburg, Philadelphia, West Chester, McKees Rocks and Lewistown. Flavoring ingredients and packaging materials are received from points such as: Philadelphia, Kittanning and Farrell. Returns are also necessary from all customer points. Increased production and shipping requires additional carriers to serve Laurel's needs. The applicant appears to be able to fill that need.

A review of the record shows that the applicant has the ability, equipment, experience and fitness necessary to provide the proposed service. The supporting shipper has demonstrated a need for the services of the applicant.

We find:

1. That the applicant has shown that there is a public need for the proposed service.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on April 16, 1991, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, for Laurel Packaging, Incorporated from its facilities in Cambria County, to points in Pennsylvania, and vice versa;

subject to the following condition:

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

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. a tariff establishing just and reasonable rates.

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 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.

BY THE COMMISSION,



John G. Belford  
Secretary

(SEAL)

ORDER ADOPTED: April 7, 1994

ORDER ENTERED: APR 13 1994