

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

AMH

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
October 18, 1990	:	NOV-90-T-1207*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	November 1, 1990
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u>	:	
White 7-4387	:	
9. <u>DOCKET NO.:</u>	:	
A-00109492	:	

10. (a) CAPTION (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) Recommendation

(a) Application of James L. Booth, Olyphant, R.D. 1, Lackawanna County, for the transfer to him of the rights authorized under the certificate issued at A-00079909 to Sam Collura (deceased), subject to the same limitations and conditions.

(b) The application is unopposed. The applicant proposes to purchase the operating right of the transferor for the sum of \$1,800. No tangible assets are involved. The applicant has shown that he is fit, ready, willing and able to render the service, and that approval of the application is necessary for the continued accommodation and convenience of the public.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and that the certificate of the transferor be cancelled by supplemental order.

RW:11

DOCUMENT
FOLDER

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED

JAN 11 1991



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa 17120
November 5, 1990

IN REPLY PLEASE
REFER TO OUR FILE
A-00109492

DOCKETED
NOV 13 1990

Peter Tayoun, Esquire
105 South Main Avenue
Scranton, PA 18504

Application of James L. Booth

DOCUMENT
FOLDER

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 November 1, 1990 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,



Jerry Rich, Secretary

fao
Enclosures
Certified Mail
Receipt Requested

James L. Booth
R.D. L, P.O. Box 544
Olyphant, PA 18447

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 1, 1990

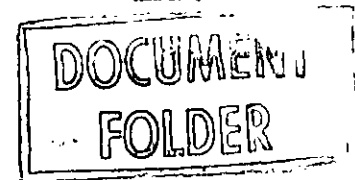
Commissioners Present:

William H. Smith, Chairman
Frank Fischl
David W. Rolka
Joseph Rhodes, Jr.

Application of James L. Booth, for the right to begin to transport, as a common carrier by motor vehicle, building materials in bulk in dump trucks, coal, wood, sand, gravel and lumber, between points in the city of Carbondale, Lackawanna County, and within twenty-five (25) miles of the limits thereof, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination; which is to be a transfer of the rights authorized under the certificate issued at A-00079909 to Sam Collura (deceased), subject to the same limitations and conditions.

A-00109492

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Peter P. Tayoun for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on September 6, 1990, and published in the Pennsylvania Bulletin of September 29, 1990. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

James L. Booth (transferee or applicant) operates as an individual from facilities located at Olyphant, R.D. 1, Lackawanna County. He has been engaged in the scrap dealing business for the past 20 years during which he

has gained truck driving experience. He will put that experience to use in turning to the motor carrier business through the acquisition of the authority formerly held by Sam Collura at A-00079909, and who is now deceased. Mr. Booth holds no other authority and he is not affiliated with other carriers.

The applicant owns a 1978 Ford dump truck and a 1980 White tractor having a maximum gross weight of 73,280 pounds. The vehicles are inspected at an official inspection station as required by state law. All vehicles are inspected for proper operating condition before being dispatched, with all necessary repairs made immediately. He is familiar with the prescribed safety regulations.

An unaudited balance sheet discloses that the applicant has current assets of \$63,204, total assets of \$285,051, with current liabilities of \$926 and total liabilities of \$134,813, leaving a net worth of \$150,238. The assets include motor vehicle equipment valued at \$98,494 after depreciation.

As evidenced by a Registrar's Certification of Death, Sam Collura (transferor) passed away on March 10, 1990. His wife, Sophie Collura, was sole heir of his estate. Pursuant to the terms of the sales agreement dated August 30, 1990, between the applicant and the estate of the transferor, the applicant will pay the sum of \$1,800 for the operating authority. No tangible assets are involved. Full payment was made at the execution of the sales agreement.

A review of the record before us indicates that the applicant has the experience, equipment and financial capacity to provide the service he seeks herein.

The Commission records show that the transferor has declared no revenues being derived from the operating authority for 1988 and 1989, presumably because of declining health. We believe it would be in the public interest to now place the authority into the hands of a willing carrier and thereby restoring service to the public.

We find:

1. That the applicant is fit, ready, willing and able to provide the service sought.
2. That approval of the application is in the public interest and is necessary for the continued accommodation and convenience of the public;
THEREFORE,

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

To transport, as a Class D carrier, building materials in bulk in dump trucks, coal, wood, sand, gravel and lumber between points in the city of Carbondale, Lackawanna County, and

within twenty-five (25) miles of the limits thereof, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

subject to the following 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 right 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 applicant shall not record in his utility accounts any amount representing the right herein granted in excess of the actual cost of such right to the original holder thereof.
3. That the \$1,800 consideration paid by applicant for the right and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he has 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.

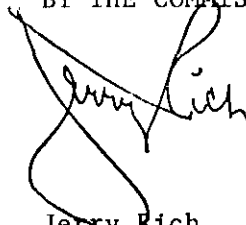
IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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 upon compliance with this order, the right granted the transferor, Sam Collura, at A-00079909 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over a large, stylized, handwritten "X" or scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 1, 1990

ORDER ENTERED: NOV 5_ 1990