





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

August 24, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

A-00109496  
F.1, Am-A

DAVID H RADCLIFF ESQUIRE  
2216 WALNUT STREET  
HARRISBURG PA 17103

DOCUMENT  
FOLDER

DOCKETED

SEP 13 1993

Application of William H. Oester,  
t/d/b/a Oester Trucking

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 August 19, 1993 and dismiss the application without  
further proceeding.

Very truly yours,

John G. Alford, Secretary

smk  
Encls.  
Cert.Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717) 787-5521  
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 August 19, 1993

Commissioners Present:

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

Application of William H. Oester, t/d/b/a  
Oester Trucking, Salisbury, Somerset County,  
for amendment to his 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 Supervalu Holdings, Inc., Charlie Brothers  
Division of Supervalu, Incorporated and Wetterau,  
Incorporated from points in Pennsylvania to the  
facilities owned, leased or utilized by Supervalu  
Holdings, Inc., Charlie Brothers Division of Supervalu,  
Incorporated and Wetterau, Incorporated in the counties  
of Westmoreland and Fayette.

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David H. Radcliff for the applicant.  
Michael J. Bosilovich for the protestant, Pleasant Trucking, Inc.  
William J. Lavelle for the protestants, W. F. Burns Trucking, Inc.,  
and Reid J. Cavanaugh.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an applicant filed  
February 8, 1993. Public notice of the application was given in the  
Pennsylvania Bulletin of March 20, 1993. Three protests were filed to the  
application but were withdrawn without of a restrictive amendment. The now  
unopposed application is certified to the Commission for its decision without  
oral hearing. The record consists of verified statements submitted by the  
applicant and the supporting shippers.

William H. Oester (applicant) is a sole proprietor who trades as "Oester Trucking". He was initially certificated in 1991 and presently holds two paragraphs of operating authority. A fleet of twenty-six tractors and sixty trailers is available to perform the proposed service. As a currently operating carrier, the applicant has a comprehensive safety program for drivers and vehicles. As evidence of his financial capacity to assume the burden of the additional operation, Oester reports assets of \$1,931,861, with liabilities of \$1,492,943, leaving a net worth of \$438,918.

Gregory D. Basinger, traffic manager for Pittsburgh Division of Supervalu, Inc. (PDS), submitted a verified statement on behalf of PDS and Supervalu Holdings, Inc. (Supervalu), in support of this application. Charlie Brothers Division of Supervalu, Incorporated, and Wetterau, Incorporated, two of the shippers named in the initial application were merged as of June 30, 1993, to form PDS. Since all of the shipper corporations are affiliated and the same facilities are involved, we believe that it is in the public interest to substitute PDS for the predecessor corporations. We further believe that no potential protestants would be prejudiced by this change since the parent company, Supervalu, was clearly named in the public notice. Supervalu and PDS are involved in the wholesale grocery distribution business. They operate facilities in Youngwood, Westmoreland County, and Belle Vernon, Fayette County, and require inbound shipments from suppliers located throughout the state. Representative origins include Allentown, Bloomsburg, Erie, Harrisburg, Philadelphia, Pittsburgh, Reading and York. The shippers anticipate using the applicant's service for approximately eighteen truckloads per day.

After a complete review of the record before us, 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, be amended to include the following right:

To transport, as a Class D carrier, property, for Supervalu Holdings, Inc., and Pittsburgh Division of Supervalu, Inc., from points in Pennsylvania to their facilities, owned, leased or utilized, in the county of Westmoreland and Fayette;

subject to the following condition:

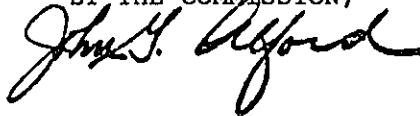
That no right, power or privilege is granted to transport household goods in use and commodities in bulk.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted 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 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. Alford  
Secretary

(SEAL)

ORDER ADOPTED: August 19, 1993

ORDER ENTERED: AUG 24 1993