

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	April 16, 1991	:	2. <u>BUREAU AGENDA NO.</u>	MAY-91-T-418*
3. <u>BUREAU:</u>	Transportation	:		
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	May 2, 1991
6. <u>APPROVED BY:</u>		:		
Director:	Ernst 7-2154	:		
Supervisor:	Bigelow/Marzolf 3-5945	:		
7. <u>MONITOR:</u>		:		
8. <u>PERSON IN CHARGE:</u>	Zeigler 3-5946	:		
9. <u>DOCKET NO.:</u>	A-00109499	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)				
(b) Short summary of history & facts, documents & briefs				
(c) Recommendation				

DOCKETED
 JUL 8 1991

(a) Application of Landis Transportation, Inc., a corporation of the Commonwealth of Pennsylvania, Reading, Berks County, for the right to begin to transport, as a common carrier, by motor vehicle, property for Brentwood Industries, Inc., Car Tech, Columbian Cutlery Co., Inc., Berk-Tek, Inc., Heyco Metals, Inc., NGK Metals Corporation, Quaker Maid Kitchens, R.A.M. Motors & Controls, Stanley G. Flagg & Co., Inc., and Snap-On-Tools Corporation, from their Pennsylvania facilities to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk.

(b) The application was opposed by three carriers; two of which withdrew upon reconsideration and one of which withdrew upon our acceptance of a restrictive amendment which eliminates Brentwood Industries and Snap-On-Tools Corporation as authorized shippers. The applicant has further stipulated that it will not provide service for Car Tech to or from Hamburg, Berks County. The applicant is a currently certificated interstate carrier providing interstate service for the eight remaining supporting shippers. The applicant has the necessary equipment, experience and capacity to provide service within Pennsylvania. The eight supporting shippers named in the amendment have entered verified statements supporting the application representative of service to and from their facilities in the counties of Berks, Lancaster and Montgomery. Approval of the application, as amended as further modified to permit service to and from the facilities of the eight named shippers in the counties of Berks, Montgomery and Lancaster is proper for the accommodation and convenience of the public.

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

TZ:rs

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

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
May 7, 1991

NVL

IN REPLY PLEASE
REFER TO OUR FILE

A-00109499

Joseph T. Bambrick, Jr., Esquire
529 Reading Avenue-Suite K
Reading, PA 19611

Application of Landis Transportation, Inc., a corporation of the
Commonwealth of Pennsylvania

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.

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DOCKETED

MAY 10 1991

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.

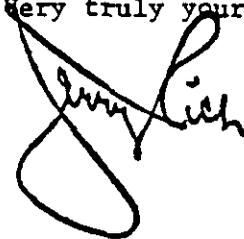
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of May 2, 1991 and dismiss the application without further proceedings.

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,



Jerry Rich, Secretary

jz
Enclosures
Certified Mail
Receipt Requested

cc:applicant
2604 Beltline Avenue
Reading, PA 19605

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 2, 1991

Commissioners Present:

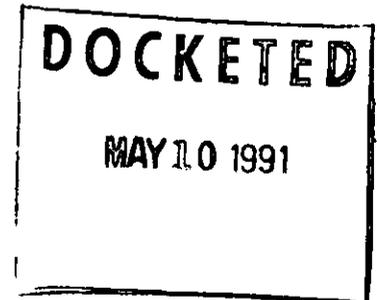
William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Frank Fischl, Commissioner
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of Landis Transportation, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, property for Brentwood Industries, Inc.; Car Tech; Columbian Cutlery Co., Inc.; Berk-Tek, Inc.; Heyco Metals, Inc., NGK Metals Corporation; Quaker Maid Kitchens; R.A.M. Motors & Controls; Stanley G. Flagg & Co., Inc.; and Snap-On-Tools Corporation, from their Pennsylvania facilities to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk.

A-00109499



Joseph T. Bambrick, Jr. for the applicant.
James W. Patterson for Scout Trucking, Inc.
Dwight L. Koerber, Jr. for Butler Trucking Company.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 18, 1990. Public notice of the application was given in the Pennsylvania Bulletin of October 6, 1990. Protests were filed by Scout Trucking, Inc., Butler Trucking Company, and A. Duie Pyle, Inc. The protests of Butler Trucking Company and A. Duie Pyle, Inc. were later withdrawn upon reconsideration. The protest of Scout Trucking, Inc., was withdrawn predicated upon our acceptance of a restrictive amendment which excludes service for Brentwood Industries and Snap-On-Tools Corporation. The amendment

further limits service for Car Tech to exclude service to or from points in Hamburg, Berks County.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered on behalf of the applicant and eight supporting shippers.

William Richard Landis, Jr., president of Landis Transportation, Inc., set forth in his verified statement that he founded the company in 1985. It currently operates between points in all 48 Continental United States under authority issued by the Interstate Commerce Commission. It currently has 21 tractors and 54 trailers in service. Its facilities are located in Muhlenberg Township, Berks County. It has a 20 door crossdock terminal of approximately 14,000 square feet.

The applicant proposes to offer its supporting shippers service using both van and flatbed trailers. Both truckload and LTL service will be provided. It is anticipated that the addition of Pennsylvania service will augment the applicant's operations as it currently provides interstate service for all of the supporting shippers. The availability of the applicant to serve the needs of the shippers for intrastate traffic may eliminate empty backhauls and deadhead miles.

Paul Schlear, traffic manager for Stanley G. Flagg & Co., Inc., a Division of Amcast Industrial Corporation, Stowe, West Pottsgrove Township, Montgomery County, set forth in his verified statement that the applicant would be used for approximately seven to eight shipments per week from its facilities at Stowe, Montgomery County, to such points as Pittsburgh, Butler, Lancaster, Erie, Philadelphia and Allentown. It receives inbound traffic from Erie, Butler, Lancaster, Meadville and Pittsburgh. The applicant will be requested to provide less-than-truckload service with stops on route. Some truckload shipments will be tendered.

Gene Bem, shipping and receiving supervisor, for Ram Motors and Controls, Reading, Berks County, set forth in his verified statement that the company sells motors and control panels for industrial use. It expects to tender the applicant approximately 120 shipments per month averaging 400 pounds each. Service is required to and from Reading, Berks County. Representative points of destination for outbound traffic and points of origin for inbound traffic include York, Waynesboro, Philadelphia, Pittsburgh, Erie, Shamokin, Reading, Williamsport, among many others.

Brenda J. Watkins, traffic manager for NGK Metals Corporation, Temple, Berks County, set forth in her verified statement that the company produces special alloys containing beryllium. It ships all forms of unfinished metal products of different sizes, shapes and forms. The average shipment is between 500 and 3,000 pounds. Its average volume is between 25 and 30 shipments per month. Service is required to and from Temple, Berks County. The applicant will be requested to provide less-than-truckload service with stops on route. Truckload shipments will be tendered from time to time.

James N. Trexler, corporate vice president and sales manager for Columbian Cutlery Co., Inc., Reading, Berks County, set forth in his verified statement that the company manufactures hand edged cutting tools for lawn, garden and farm. In addition to its requirement for outbound transportation of its products, it requires the inbound transportation of raw materials which it purchases. Service is needed to and from Reading, Berks County.

Thomas J. Brophy, traffic manager for Berk-Tek, Inc., set forth in his verified statement that the company is domiciled in New Holland, Lancaster County. It is a manufacturer of insulated copper wire products. It expects that it would tender the applicant from one to two shipments per week. Service is needed to and from New Holland, Lancaster County. Origins for inbound traffic and destinations for outbound traffic include Philadelphia, Pittsburgh, Reading, Scranton, Harrisburg, Norristown, and others. The applicant has provided excellent service into New Jersey and it desires the availability of this service in Pennsylvania.

Anthony J. Tuzzio, credit and traffic manager for Quaker Maid Division of White Consolidated Industries, set forth in his verified statement that Quaker Maid is a manufacturer of kitchen and bathroom cabinets. It requires service to and from Leesport, Berks County, approximately 20 times per month for truckload traffic. The applicant will be required to provide stop-offs on route. Quaker Maid has a large private fleet, but desires the availability of the applicant to provide supplemental service. The applicant has provided excellent interstate service providing special handling of the cabinets.

Betty Jane Muller, office administrator with responsibility for traffic, for Heyco Metals, Inc., Reading, Berks County, set forth in her verified statement that the company is a non-ferrous reroll mill shipping its products to stamping companies. It ships approximately 15 times per week with weights varying between 25,000 and 40,000 pounds per shipment. Service is needed to and from Reading, Berks County. The company requires reliable and responsive service with trailers often required on one hour's notice.

Frederick H. Phillips, manager of shipping and traffic control for Carpenter Technology Corporation, Reading, Berks County, set forth in his verified statement that the supporting party is a producer of specialty bar and coil steel products. It has approximately seven truckloads per day moving from its Reading facilities. It also requires inbound service. Points of destination for outbound service and points of origin for inbound traffic include Fort Washington, Coatesville, Pottstown, Deer Lake, Wyomissing, Lancaster, Hamburg, Lansdale, and Montgomeryville.

DISCUSSION AND FINDINGS

The applicant is a currently certificated interstate common carrier desiring to acquire authority to provide service within Pennsylvania serving specific shippers. The applicant now operates from facilities in Berks County which are within proximity to the shippers supporting this application. The applicant has a fleet of equipment which is suitable to provide service.

As the application has been amended, eight shippers now support the application. Brentwood Industries and Snap-On-Tools Corporation have been excluded from service by the applicant's restrictive amendment. The applicant has further stipulated that no service will be provided for Car Tech to or from points in Hamburg, Berks County. It is necessary to note at this point that Car Tech is a commonly used abbreviation for the actual supporting shipper, Carpenter Technology Corporation. In any authority to issue in this matter, the legal name of the supporting party, Carpenter Technology Corporation, will be used. Each of the eight supporting shippers have entered a verified statement indicating a desire to have the applicant's service available to aid them in meeting their Pennsylvania transportation requirements. Each of the shippers require service to and from their facilities which are located in the counties of Berks, Montgomery and Lancaster.

It is our determination that authority in this matter should issue to permit the applicant to provide service for the eight supporting shippers from their facilities which are located in the counties of Berks, Lancaster and Montgomery. The only stated facilities of the shipper's are located in the three aforementioned counties. The shippers have provide representative evidence, however, that service is required from their facilities to all points in Pennsylvania, and vice versa.

We find:

1. The applicant has the necessary experience, equipment and capacity to initiate common carrier service as the application has been amended and modified.
2. The applicant has support from the eight named shippers in the restrictive amendment and that support is representative of service from their facilities which are located in the counties of Berks, Lancaster and Montgomery to points in Pennsylvania, and vice versa.
3. Approval of the application, as amended, as further modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED; That the application, as amended, as further modified, be and is hereby approved granting the following right:

To transport, as a Class D carrier, property for Carpenter Technology Corporation, Columbian Cutlery Co., Inc., Berk-Tek, Inc., Heyco Metals, Inc., NGK Metals Corporation, Quaker Maid Division of White Consolidated Industries, Ram Motors and Controls, and Stanley G. Flagg & Co., Inc., from their facilities in the counties of Berks, Lancaster and Montgomery, to points in Pennsylvania, and vice versa;

subject to the following conditions:

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

That no right, power or privilege is granted to provide service for Carpenter Technology Corporation to or from points in Hamburg, Berks County.

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

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

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a certificate shall 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 service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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: May 2, 1991

ORDER ENTERED: MAY 7 _ 1991