

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

KJR

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
April 3, 1991	:	
3. <u>BUREAU:</u>	:	APR-91-T-391*
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	April 25, 1991
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-00109698	:	
10. (a) CAPTION (abbreviate if more than 4 lines)		
(b) Short summary of history & facts, documents & briefs		
(c) Recommendation		

DOCKETED

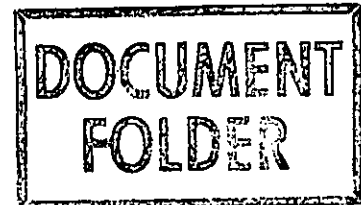
'JUN 24 1991

(a) Application of Bill Snoddy Construction Co., Inc., a corporation of the Commonwealth of Pennsylvania, Uniontown, Fayette County, for the transfer of all of the operating rights of Curtis P. Bixler, under the certificate issued at A-00061456, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The transferor seeks to transfer all its operating authority to the applicant for the total consideration of \$3,500. No tangible assets are being transferred.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application; and cancelling the certificate issued to the transferor by supplemental order.

TZ:kmb



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

CONTENT OF MOTION: Staff recommendation adopted.



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

April 25, 1991

KJR

IN REPLY PLEASE
REFER TO OUR FILE

A-109698

Bill Snoddy Construction Co., Inc.
Old Route 119 North
P.O. Box 945
Uniontown, Pa 15401

Application of Bill Snoddy Construction Co., Inc., a corporation of
the Commonwealth of Pennsylvania.

To Whom It May Concern:

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

The 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 with the Commission a Form E as evidence of
minimum public liability and property damage insurance
coverage as shown on the back of this sheet.
- II. Prepare and file a tariff according to the enclosed instruc-
tions except applicants for transfer of authority must file a
tariff adoption supplement which will be forwarded by separate
cover at a later date.

**DOCUMENT
FOLDER**

DOCKETED
APR 30 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 of public convenience has been issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Transportation, as a bus or taxi. Motor carriers 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 requirements within sixty days of the date of this letter. Failure to comply within the sixty days will cause the Commission to rescind the action of April 25, 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

lg

Enclosures
Certified Mail
Receipt Requested

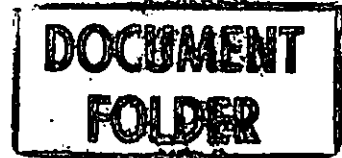
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 25, 1991

Commissioners Present:

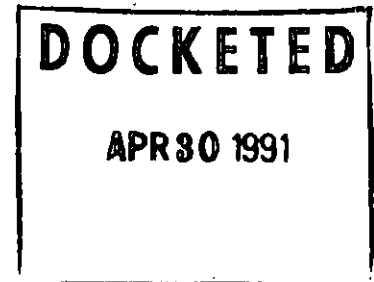
William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Frank Fischl, Commissioner

David W. Rolka, Commissioner



Application of Bill Snoddy Construction Co., Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Curtis P. Bixler under the certificate issued at A-00061456 subject to the same limitations and conditions.

A-00109698



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 14, 1991. Public notice of the application was given in the Pennsylvania Bulletin of March 30, 1991. The unopposed application is certified to the Commission for its decision without oral hearing.

Bill Snoddy Construction Co., Inc., seeks to initiate common carrier service in Pennsylvania through acquisition of all of the common carrier rights held by Curtis P. Bixler. The applicant is a Pennsylvania corporation domicile at Old Route 119 North in Uniontown, Fayette County. It's sole shareholder and office is William R. Snoddy, Jr. It has a fleet of dump vehicles with which to provide service. It has experience in the transportation industry through lease of tri-axle dump trucks and tractor dump trailer units to a currently certificated carrier.

As evidence of its financial capacity to initiate service, the applicant provided a balance sheet dated December 31, 1990, reporting total assets of \$603,526,28 with total liabilities of \$516,579,34.

The total consideration for the rights is \$3,500. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: \$100.00 was paid upon the execution of the sales agreement dated March 12, 1991. The balance of \$3,400 will be paid within three days after approval of the transfer application by the Commission.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following rights:

1. To transport, as a Class D carrier, coal for domestic consumption between points in the county of Fayette, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal and coke from mines and ovens in the county of Fayette, to docks, ramps and railroad sidings in said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of delivery.
3. To transport, as a Class D carrier, building construction materials and building supplies, such as are usually transported in dump trucks, between points in the county of Fayette, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of delivery.
4. To transport, as a Class D carrier, coal from mines in the counties of Fayette, Somerset, Greene, Westmoreland and Washington, to Hoover Works, Nos. 1 and 2, in German Township, Fayette County, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination.

5. To transport, as a Class D carrier, coal from mines in the county of Fayette to the Duquesne Light Company Plant in the village of Elrama, Union Township, Washington County.

subject to the following general 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 property and rights 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 its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$3,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.

6. That the certificate/permit holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1990 Annual Report of the transferor.

IT IS FURTHER ORDERED: That upon compliance with the requirements above 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 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.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor Curtis P. Bixler, at A-00061456 be cancelled and the record be marked closed.

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: April 25, 1991

ORDER ENTERED: April 25, 1991



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

May 1, 1991

IN REPLY PLEASE
REFER TO OUR FILE

R-16

Bill Snoddy Construction Co., Inc.
Old Route 919 North
P.O. Box 945
Uniontown, PA 15401

Re: A-00109698, Bill Snoddy Construction Co., Inc.

Dear Sir:

Under date of 4-25-91, the Secretary's office transmitted to you the Commission's compliance order adopted 4-25-91, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Curtis P. Bixler at A-00061456. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change of ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariff for the reason that the present tariff's description of operating authority does not conform with the approval of this application.

It will be necessary, therefore, to file a new tariff which should be designated Freight Pa. P.U.C. No. 1. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42.

Very truly yours,
Barry L. Ernst, Director
Bureau of Transportation

By: Joseph M. Machulsky, Chief
Financial Document Section

cc:

Contact Person: G.L. Baker
(717) 783-5936

