

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	October 10, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	NOV-91-T-1011*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	November 7, 1991
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Hoshour 7-5513	:	
9. <u>DOCKET NO.:</u>	A-00109698, F. 1, Am-A	:	

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

(a) Application of Bill Snoddy Construction Co., Inc., Uniontown, Fayette County, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of coal, for Mon West Enterprises, between points in the counties of Beaver, Fayette, Greene, Lawrence, Westmoreland, Allegheny and Washington, and from points in said counties to points in the counties of Indiana and Cambria.

(b) The application is unopposed. The applicant and one supporting shipper have entered verified statements. The record contains sufficient evidence to indicate that there exists a public need for the proposed service and that the applicant has the wherewithall to provide said service. The applicant has filed a companion application for temporary authority which should be dismissed.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and dismiss the application for temporary authority docketed at A-00109698, F. 1, Am-A.

WH:rs

11. <u>MOTION BY:</u>	Commissioner Chm. Smith	Commissioner Holland - Yes
		Commissioner Rolka - Yes
<u>SECONDED:</u>	Commissioner Rhodes	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER

DOCKETED
JAN 27 1992



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

KJR

November 7, 1991

IN REPLY PLEASE
REFER TO OUR FILE
A-00109698
Folder 1, Am-A

GREGG M ROSEN ESQUIRE
SABLE MAKOROFF SHERMAN GUSKY PC
FRICK BUILDING-7TH BUILDING
PITTSBURGH PA 15219

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

Dear Sir:

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

The applicant 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 Code.

Commission regulations require compliance with the above requirement 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 November 7, 1991 and dismiss the application without further proceedings.

Very truly yours,

DOCUMENT
FOLDER

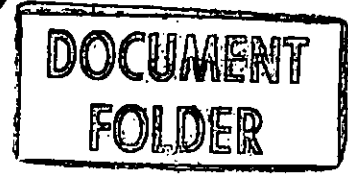
Jerry Rich, Secretary

jz
Encls.
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717)787-5521
cc:applicant
Old Route 119N-PO Box 945
Uniontown PA 15401

DOCKETED
NOV 12 1991

Modification

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



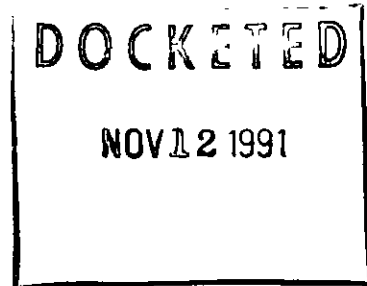
Public Meeting held November 7, 1991

Commissioners Present:

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

Application of Bill Snoddy Construction Co., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, coal from mines in the county of Fayette to the Duquesne Light Company plant in the village of Elrama, Union Township, Washington County: SO AS TO PERMIT the transportation of coal, for Mon West Enterprises, between points in the counties of Beaver, Fayette, Greene, Lawrence, Westmoreland, Allegheny and Washington, and from points in said counties to points in the counties of Indiana and Cambria.

A-00109698
F. 1
Am-A



Sable, Makoroff, Sherman & Gusky, P.C. by Gregg M. Rosen for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on applications for temporary and permanent authority filed July 29, 1991. Public notice of the applications was given in the Pennsylvania Bulletin of August 24, 1991 (Permanent) and September 14, 1991 (Temporary). No protests were filed.

The applications are now certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and by Mon West Enterprises.

DISCUSSION AND FINDINGS

By the instant application, Bill Snoddy Construction Co., Inc. (applicant) seeks to have its certificate of public convenience amended so that the applicant will be authorized to transport coal for Mon West Enterprises, between points in the counties of Beaver, Fayette, Greene, Lawrence, Westmoreland, Allegheny and Washington, and from points in said counties to points in the counties of Indiana and Cambria. The applicant's existing authority authorizes the transportation of coal, coke, building construction materials and building supplies, in the counties of Fayette, Greene, Somerset, Washington and Westmoreland, subject to mileage limitations.

The applicant is domiciled at Old Route 19 North, Uniontown, Fayette County. The terminal facilities include maintenance facilities and a fenced-in area for storage of vehicles. Available to provide transportation are four tri-axle dump trucks, four tractors and four dump trailers.

Daniel J. Stefanov, vice president of Mon West Enterprises (Mon West), states that Mon West is a coal broker located at 250 West Main Street, Uniontown. Mon West has need for transportation of bituminous coal on a daily basis. Mon West will require 15 to 20 trucks per day, with monthly shipments to total approximately 8,000 to 10,000 tons. Shipments will move between points in the counties of Beaver, Fayette, Greene, Lawrence, Westmoreland, Allegheny and Washington, and from points in said counties to points in the counties of Indiana and Cambria.

Mon West has been in contact with the applicant and through these contacts, has determined that the applicant has the terminal, equipment and experience to meet the transportation requirements of Mon West. It is anticipated that the applicant will be able to meet the changing transportation requirements of Mon West.

The applicant in this proceeding is a currently certificated common carrier engaged primarily in the transportation of coal. Through the instant application, the applicant seeks to expand its operations to include service for one additional shipper. The verified statement of the applicant demonstrates that the applicant is capable of meeting the transportation requirements of Mon West Enterprises, Inc. The statement entered on behalf of the supporting shipper provides sufficient evidence that it has need for the proposed services of the applicant.

With a grant of permanent authority, the applicant's application for temporary authority is no longer pertinent. The temporary authority application docketed at A-00109698, F. 1, Am-A, will therefore be dismissed.

We find:

1. That the applicant is fit, willing and able to render the proposed transportation.
2. That the applicant has demonstrated that there exists a public need for the proposed transportation.

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 May 24, 1991, be amended to include the following right:

To transport, as a Class D carrier, coal, for Mon West Enterprises, between points in the counties of Beaver, Fayette, Greene, Lawrence, Westmoreland, Allegheny and Washington, and from points in said counties to points in the counties of Indiana and Cambria.

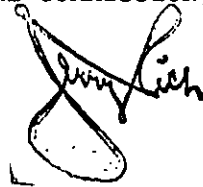
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable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

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of 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 carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the application for temporary authority docketed at A-00109698, F. 1, Am-A, be and is hereby dismissed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a faint circular stamp or seal.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 7, 1991

ORDER ENTERED: November 7, 1991