

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u> April 18, 1991	:	2. <u>BUREAU AGENDA NO.</u> MAY-91-T-449*
3. <u>BUREAU:</u> Transportation	:	
4. <u>SECTION</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> May 9, 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> White 7-4387	:	
9. <u>DOCKET NO.:</u> A-00109700	:	

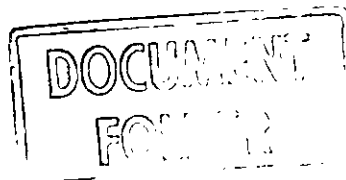
10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) Application of Ralph A. Anderson, t/d/b/a Anderson Trucking, Frenchville, Clearfield County, for the transfer to him of all of the rights authorized under the certificate issued at A-00098607 to Edmunds Contracting and Supply Co., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

(b) The application is unopposed. Pursuant to the terms of an Agreement of Sale dated March 14, 1991, the applicant will pay the sum of \$3,995 for the operating rights. No tangible assets are involved. We find the applicant to be fit, ready, willing and able to render the proposed service.

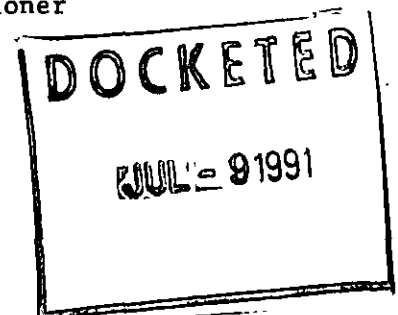
(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and that the certificate of the transferor be cancelled by supplemental order.

RW:11



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

CONTENT OF MOTION: Staff recommendation adopted.





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

May 16, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-109700

Dwight L. Koerber, Jr., Esquire
P.O. box 1320
110 North Second Street
Clearfield, PA 16830

Application of Ralph A. Anderson, t/d/b/a Anderson Trucking

To Whom It May Concern:

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.

DOCUMENT
FOLDER

DOCKETED

MAY 21 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.

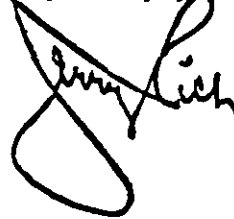
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of May 9, 1991 and dismiss the application without further proceedings.

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

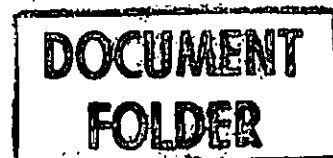
lg
Enclosures
Certified Mail
Receipt Requested
cc:applicant
Ralph A. Anderson, t/a
Anderson Trucking
P.o. Box 152
Frenchville, PA 16836

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 9, 1991

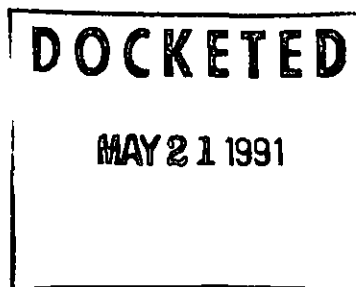
Commissioners Present:

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



Application of Ralph A. Anderson, t/d/b/a Anderson Trucking for the transfer to him of all of the rights authorized under the certificate issued at A-00098607 to Edmunds Contracting and Supply Co., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

A-00109700



Kriner, Koerber & Kirk, by Dwight L. Koerber, Jr., for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on March 18, 1991, and published in the Pennsylvania Bulletin of April 6, 1991. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

Ralph A. Anderson operates as an individual under the name of Anderson Trucking (applicant) from a facility located in Frenchville, Clearfield County. He has no affiliation with other carriers and does not hold other authority from this Commission. He owns a 1978 International tri-axle dump truck and has been in the trucking business for the past 15 years. He states that he is well versed in the safety rules and regulations.

An unaudited balance sheet shows that as of December 31, 1990, the applicant had current assets of \$3,500, total assets of \$27,556, with current liabilities of \$10,913, and no long-term liabilities, leaving a net worth of \$16,643.

Under the terms of an Agreement of Sale dated March 14, 1991, the applicant will pay the sum of \$3,995 for the operating rights. No tangible assets are involved. Settlement will be made within 10 days of receipt of our order approving the application.

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. That the applicant is fit, willing and able to provide the service proposed.
2. That 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 applicant the right to operate as follows:

1. To transport, as a Class D carrier, coal from the stripping operations known as Edmunds Mine in the township of Girard, Clearfield County, to points in the county of Clinton, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal between points in the counties of Clearfield, Centre, Clinton, Elk and Cameron, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

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 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 his 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 \$3,995 consideration paid by applicant for the rights 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 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 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 issuance of the certificate be withheld pending receipt of the 1990 annual report of the transferor.

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 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 rights granted the transferor, Edmunds Contracting and Supply Co., at A-00098607 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is written in a cursive style with a large loop at the bottom.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 9, 1991

ORDER ENTERED: MAY 16 1991



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

May 21, 1991

IN REPLY PLEASE
REFER TO OUR FILE

R-16

Dwight L. Koerber, Jr., Esquire
110 North Second Street
P.O. Box 1320
Clearfield, PA 16830

Re: A-00109700, Ralph A. Anderson, t/d/b/a Anderson Trucking

Dear Mr. Koerber:

Under date of 5-16-91, the Secretary's office transmitted to you the Commission's compliance order adopted 5-9-91, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Edmunds Contracting and Supply Co. at A-00098607. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

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

By: Joseph M. Machulsky, Chief
Financial Document Section

Enclosure (1 set)

cc: Ralph A. Anderson
P.O. Box 152
Frenchville, PA 16836

Contact Person: G.B. Harry
(717) 783-5937

