

KJR

1. <u>REPORT DATE:</u>	September 4, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	SEPT-91-T-897*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	September 26, 1991
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-00109674	:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

(a) Application of Sally Fiesler, t/d/b/a Sally Fiesler Trucking, for the right to begin to transport, as a common carrier by motor vehicle, gravel, sand, stone and top soil, in bulk in dump vehicles, between points in the county of Erie.

(b) The application is unopposed. The application is supported by three shippers. One of the supporting shipper's needs are not relevant to the service proposed and has been removed from consideration. The applicant has failed to show that a need for the proposed service between all points in Erie County does exist, but rather, that a need exists for service for the two supporting shippers from a facility in Greene Township, Erie County, to points in Erie County. The applicant has shown that she is fit, ready, willing and able to render the service as proposed and modified.

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

RW:rs

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT FOLDER

DOCKETED
DEC 19 1991



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

October 2, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-19674

A-00109674

SALLY FIESLER T/A
SALLY FIESLER TRUCKING
10521 GREENLEE ROAD
WATERFORD PA 16441

BLS

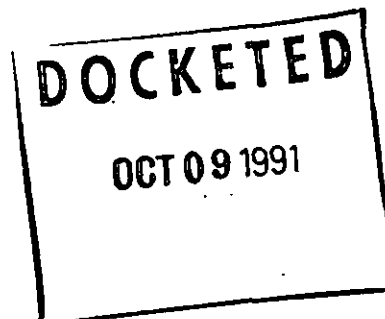
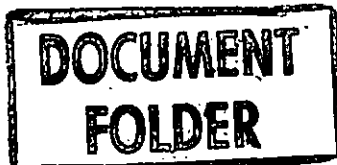
Application of Sally Fiesler, t/d/b/a Sally Fiesler Trucking

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.



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 September 26, 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,

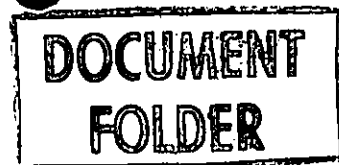
A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, looped flourish.

Jerry Rich, Secretary

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Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



Public Meeting held September 26, 1991

Commissioners Present:

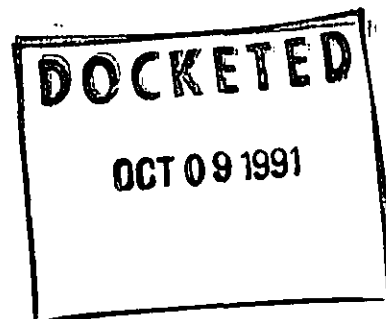
William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of Sally Fiesler, t/d/b/a Sally Fiesler Trucking, for the right to begin to transport, as a common carrier by motor vehicle, gravel, sand, stone and top soil, in bulk, in dump vehicles, between points in the county of Erie.

A-00109674

Sally J. Fiesler pro se.

O R D E R



BY THE COMMISSION:

This matter comes before the Commission by an application filed on February 26, 1991, and published in the Pennsylvania Bulletin of March 16, 1991. There are no protests and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and three shippers.

Sally Fiesler (applicant) operates as a sole proprietor under the name of Sally Fiesler Trucking from a terminal located at 10521 Greenlee Road, Waterford, Erie County. She holds no authority from this Commission or the I.C.C., and she is not affiliated with any other carriers.

The applicant owns two tri-axle dump trucks and two single-axle dump trucks. She has used the equipment in a small private carriage operation in the past for a period of approximately six years. During that time, she has not experienced any accidents and as a result, her insurance carrier premiums have been reduced by more than \$1,000. Safety is practiced daily. The vehicles are checked by the drivers daily, and the vehicles are kept in good operating condition at all times.

A personal financial statement of the applicant discloses that at the time of filing the application, she had total assets of \$212,600, with total liabilities of \$40,200, leaving a net worth of \$172,400.

Patricia A. Blum, owner of P. B. Excavating Company located in Mill Village, Erie County, supports the applicant and states that the company purchases sand, gravel, stone and top soil from Ganzer Sand & Gravel, Inc., which is located in Greene Township, Erie County. The applicant would be used to transport the material from the Green Township facility to construction sites at various destinations in Erie County including, but not limited to, McKean Township, Girard Township, Girard Borough, North East, Erie, Edinboro, Millcreek Township, Harborcreek, Waterford, Fairview Township and Fairview Borough. The applicant would be used regularly.

Helen Nelson, part owner of Nelson's Alternative Disposal System located in Summit Township, Erie County, supports the application. The company is a DER approved waste wood grinding facility. As such, it has material such as stumps, branches, leaves, brush, pallets, crating, lumber and trees trucked in for processing through its grinding machine. The end product is a high grade mulch which is resold for landscaping purposes. The material comes in from various areas of Erie County.

Josephine M. Ganzer is president of Ganzer Sand & Gravel, Inc., located in Greene Township, Erie County, and supports the applicant. The company crushes, washes and screens gravel for the building industry and asphalt companies. The types of gravel are crushed or natural 1B and 2B, sand, 2A, oversize, and roofing ballast material. The company needs the material transported from its Greene Township facilities to various Erie County points such as Waterford, North East, McKean, Erie, Wattsburg, Girard, Edinboro, Summit Township, Fairview, Harborcreek Township, Millcreek Township, etc. The applicant will be used regularly on a five days per week basis.

DISCUSSION AND FINDINGS

Sally Fiesler, t/d/b/a Sally Fiesler Trucking, seeks initial entry into the field of regulated transportation and has applied for a common carrier certificate which would authorize the transportation of gravel, sand, stone and top soil, in bulk in dump vehicles, between points in Erie County. Three shippers support the application.

Our discussion must begin with the applicant's initial response to this Commission's request for verified statements from the applicant and from members of the shipping public who have need for the proposed service and would support the application accordingly. In this regard, the applicant submitted a statement on her own behalf and statements from two shippers, i.e., P. B. Excavating Company and Nelson's Alternative Disposal Systems.

The shippers' statements fell far short of supporting the service proposed. Obviously, the need for transportation of stumps, trees, brush, leaves, etc., as expressed by Nelson's Alternative Disposal Systems has no relevancy to the transportation of gravel, sand, stone and top soil as proposed here, and must therefore be removed from consideration. The statement

of P. B. Excavating Company dealt only in generalities and failed to specify points of origin or destination.

The verified statement shortcomings were called to the applicant's attention by staff letter of May 23, 1991, and an additional extension of 30 days was given in order to obtain more appropriate support. The applicant responded by enlarging upon the verified statement initially supplied by P. B. Excavating Company and also by submitting a statement from one additional shipper, Ganzer Sand & Gravel, Inc.

The supplemental statement of P. B. Excavating Company now shows that the company requires transportation of gravel, sand, etc., from the facilities of Ganzer Sand & Gravel, Inc. in Greene Township in Erie County, to a variety of specified points in Erie County. Of course, the needs of Ganzer Sand & Gravel, Inc., are also from its Greene Township facility to a number of specified points in Erie County. The authority granted hereinafter will be granted in such manner so as to conform to the evidence of record before us.

We find:

1. That the applicant seeks authority to transport gravel, sand, stone and top soil, in bulk in dump vehicles, between points in Erie County.
2. That the needs of Nelson's Alternative Disposal System, a shipper of stumps, trees, brush, leaves, etc. are not relative to the proposed service.
3. That, territorially, the two supporting shippers' transportation needs do not support a grant of authority between all points in Erie County.
4. That a public need exists for the proposed service to the extent hereinafter modified.
5. That the applicant is fit, ready, willing and able to provide the service as proposed and modified.
6. That approval of the application, as modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as modified and that a certificate be issued granting the applicant the right to operate as follows:

To transport, as a Class D carrier, gravel, sand, stone and top soil, in bulk in dump vehicles, for P. B. Excavating Company and Ganzer Sand & Gravel, Inc., from points in Greene Township, Erie County, to points in Erie County.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until she 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 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 in the event the 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 the application in all other respects be and is hereby denied for lack of proof of necessity.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, handwritten letter "S".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 26, 1991

ORDER ENTERED: **OCT 2_ 1991**