

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	March 27, 1991	:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation	:	APR-91-T-360*	
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>		:	April 11, 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-00109689	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

DOCKETED

 JUN 20 1991

(a) Application of Kay Louise Krapf, t/d/b/a Airport Crown Service, Lehigh Valley, Lehigh County, for the transfer of all of the operating rights of Lesoine Services, Inc. under the certificate issued at A-00101687, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The applicant is seeking to acquire by transfer 35 common carrier rights for the total consideration of \$3,500. No tangible assets are involved.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application; and cancelling by supplemental order the certificate issued to the transferor at A-00101687.

WH:rs

**DOCUMENT
FOLDER**

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

CONTENT OF MOTION: Staff recommendation adopted.



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

April 19, 1991

KJR

IN REPLY PLEASE
REFER TO OUR FILE

A-109689

Christian V. Graf, Esquire
407 North Front Street
Harrisburg, PA 17101

DOCUMENT
FOLDER

Application of Kay Louise Krapf, t/d/b/a Airport Crown Service

DOCKETED
APR 30 1991

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.

RLX

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.

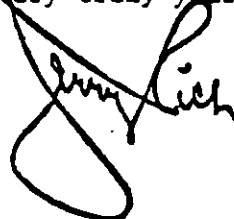
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of April 11, 1991 and dismiss the application without further proceedings.

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

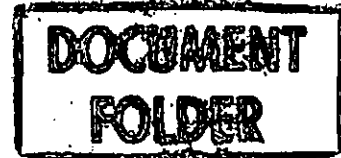
cc:applicant
Kay Louise Krapf, t/a
Airport Crown Service
P.O. Box 2251
Lehigh Valley, PA 18001

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 11, 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 Kay Louise Krapf, t/d/b/a
Airport Crown Service, for the transfer
of all of the operating rights of Lesoine
Services, Inc., under the certificate
issued at A-00101687, subject to the same
limitations and conditions.

A-00109689

DOCKETED
APR 30 1991

Graf, Andrews & Radcliff, P.C. by Christian V. Graf for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 1, 1991. Public notice of the application was given in the Pennsylvania Bulletin of March 23, 1991. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

Kay Louise Krapf, t/d/b/a Airport Crown Services (applicant) is a sole proprietorship domiciled in Lehigh Valley, Lehigh County. By the instant application, the applicant seeks to acquire by transfer 35 common carrier rights held by Lesoine Services, Inc. (transferor), under the certificate issued at A-00101687. Upon approval of the transfer, the transferor will not retain any operating authority.

The sales agreement of December 7, 1990, sets forth that the total consideration for the 35 common carrier rights is \$3,500. A deposit of \$700 has been made to the transferor with the balance of \$2,800 due within 48 hours of final approval of the transfer application. No tangible assets are involved.

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.

The third right hereinafter set forth, originally contained the wording "excavated materials and road and building construction materials". The third right will be modified to exclude the wording "excavated materials and road" since transportation of these materials are excluded from the definition of a "Common carrier by motor vehicle." 66 Pa. C.S. §102(4).

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 following rights:

1. To transport, as a Class D carrier, coal from breakers in the counties of Luzerne, Lackawanna and Schuylkill to coal dealers in the borough of East Stroudsburg, Monroe County, and within fifteen (15) miles, by the usually traveled highways, of the limits of said borough.
2. To transport, as a Class D carrier, cement pipe from the Stroudsburg Septic Tank Company plant at Stroudsburg, Monroe County, to other points in Pennsylvania.
3. To transport, as a Class D carrier, building materials, contractors' equipment, supplies and machinery, and building construction materials such as are usually transported in dump trucks between points, not to exceed a distance of twenty-five (25) miles from point of origin to point of construction or disposal, in the counties of Monroe, Pike, Luzerne, Northampton, Lackawanna and Wayne.
4. To transport, as a Class D carrier, lawfully mined and lawfully prepared coal from points in the counties of Carbon, Luzerne, Lackawanna and Schuylkill to points in the counties of Monroe and Pike.

5. To transport, as a Class C carrier, property from the Stroudsburg Septic Tank Company plant at Stroudsburg, Monroe County, to other points in Pennsylvania.
6. To transport, as a Class D carrier, building materials, construction equipment, supplies and machinery, between points in the counties of Monroe, Pike, Luzerne, Northampton, Lackawanna and Wayne, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
7. To transport, as a Class D carrier, fertilizer from points in the city of Philadelphia to farms in the county of Monroe.
8. To transport, as a Class D carrier, lumber between points in the county of Monroe, and from points in said county to points within one hundred twenty (120) miles by the usually traveled highways of the limits thereof, and vice versa.
9. To transport, as a Class D carrier, cement from points in the county of Lehigh to points in the county of Monroe, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
10. To transport, as a Class D carrier, concrete block from points in the counties of Lehigh and Carbon to points in the county of Monroe, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
11. To transport, as a Class D carrier, property for the Sunhill Products Company, from its plant in the village of Scotrun, Monroe County, to points in Pennsylvania, and vice versa.
12. To transport, as a Class D carrier, waste paper from points in Monroe County to points in the city of Scranton, Lackawanna County.
13. To transport, as a Class D carrier, waste paper from points in the city of Wilkes-Barre, Luzerne County, to points in the borough of Downingtown, Chester County.
14. To transport, as a Class D carrier, property for the Packaging Corporation of America from points in the village of Minisink Hills, Monroe County, to points in Pennsylvania, and vice versa.

15. To transport, as a Class D carrier, malt beverages for the East Stroudsburg Beverage Company from the city of Wilkes-Barre, Luzerne County, to its place of business in the borough of East Stroudsburg, Monroe County, and the return of empty containers.
16. To transport, as a Class D carrier, malt beverages for the Twin-County Distributors from the Stegmaier Brewing Company in the city of Wilkes-Barre, Luzerne County, to the place of business of Twin-County Distributors in the borough of East Stroudsburg, Monroe County, and the return of empty containers.
17. To transport, as a Class D carrier, malt beverages for the Pocono Bottling Works from the city of Philadelphia, Philadelphia County, to its place of business in the borough of East Stroudsburg, Monroe County, and the return of empty containers.
18. To transport, as a Class D carrier, malt beverages from the borough of Latrobe, Westmoreland County, to points in the borough of East Stroudsburg, Monroe County, and the return of empty barrels or cases.
19. To transport, as a Class D carrier, wrecked or disabled vehicles, including trailers, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of thirty-five (35) statute miles of the limits of the said borough and from points in said territory to other points in Pennsylvania and vice versa.
20. To transport, as a Class D carrier, building materials, such as bricks, cement, lumber and building construction equipment between points in the borough of Stroudsburg, Monroe County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.
21. To transport, as a Class C carrier, vinegar for the Kistler Vinegar Works Company from the borough of Stroudsburg, Monroe County, to points in Pennsylvania within one hundred (100) miles by the usually traveled highways of the limits of the said borough.
22. To transport, as a Class D carrier, brick, cement, lumber and building construction equipment for the East Stroudsburg Lumber Company, Frisbie Lumber Company and R. C. Cramer Lumber Company between building sites and/or warehouses from points in the borough of Stroudsburg, Monroe County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points within

fifty (50) miles by the usually traveled highways of the limits of the said borough, and vice versa.

23. To transport, as a Class D carrier, boilers and stacks for the International Boiler Works from points in the borough of Stroudsburg, Monroe County, to points within one hundred (100) miles by the usually traveled highways of the limits thereof.
24. To transport, as a Class D carrier, heavy machinery requiring special equipment, rigging or handling between points in the borough of Stroudsburg, Monroe County, and within ten (10) miles by the usually traveled highways of the limits thereof.
25. To transport, as a Class D carrier, heavy machinery requiring special equipment, rigging or handling from points in the borough of Stroudsburg, Monroe County, and points within ten (10) miles by the usually traveled highways of the limits thereof to points within one hundred (100) miles by the usually traveled highways of the limits of the said borough, and vice versa.
26. To transport, as a Class D carrier, boilers and stacks for the International Boiler Works from the borough of East Stroudsburg, Monroe County, to points in Pennsylvania.
27. To transport, as a Class D carrier, property used in the manufacture of boilers and stacks for the International Boiler Works from points in Pennsylvania, excluding the city of Philadelphia, to the borough of East Stroudsburg, Monroe County, with the right to return rejected boilers and stacks for the said company from points in Pennsylvania to East Stroudsburg.
28. To transport, as a Class D carrier, property used in the manufacture of tanks, reclaimers and coolers for the Patterson Kelly Company, Inc., from points in Pennsylvania, excluding the city of Philadelphia, to the borough of East Stroudsburg, Monroe County.
29. To transport, as a Class C carrier, stokers which require special equipment for handling such as winches and rigging for the McClave Company from the city of Allentown, Lehigh County, to other points in Pennsylvania.
30. To transport, as a Class D carrier, building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five

(25) miles from point of origin to point of destination in the counties of Lackawanna and Monroe.

31. To transport, as a Class D carrier, scrap iron and other scrap metals between points in the borough of Stroudsburg, Monroe County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough and from points in the said borough and territory to points in Pennsylvania, and vice versa;

with right no. 31 above subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport scrap iron and other scrap metals to or from points in the township of Decatur, Mifflin County.

SECOND: That no right, power or privilege is granted to transport scrap iron and other scrap metals to or from the borough of Spring City, Chester County, and points within an airline distance of ten (10) statute miles of the limits of said borough and to or from the city of Allentown, Lehigh County, and points within an airline distance of five (5) statute miles of the limits of said city, except in dump vehicles.

32. To transport, as a Class D carrier, water heaters, septic tanks, coolers, exchangers, condensers, reclaimers and tanks between points in the borough of Stroudsburg, Monroe County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough and from points in said borough and territory to points in Pennsylvania, and vice versa.
33. To transport, as a Class D carrier, property, from the facilities of Pocono Fabricators Division of Patterson-Kelly Company, Inc., and Patterson-Kelly Company, Inc., Division of Harsco Corp., from points in the county of Monroe to points in Pennsylvania, and vice versa.
34. To transport, as a Class D carrier, property, from the facilities of Sage Overhaul Services, Inc., in the county of Northampton, to points in Pennsylvania, and vice versa.
35. To transport, as a Class D carrier, property, from the facilities of Westinghouse Electric Corporation, in the county of Luzerne, to points in Pennsylvania, and vice versa;

with Rights Nos. 33, 34 and 35 subject to the following condition:

No right, power or privilege is granted to transport household goods in use and commodities in bulk.

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 her 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 \$3,500 consideration paid by applicant for the rights and/or 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 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 applicant shall not engage in any transportation granted herein until she 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 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, Lesoine Services, Inc., at A-00101687 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, looping initial "J".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 11, 1991

ORDER ENTERED: APR 19 1991