

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	June 3, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	JUN-91-T-589*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	June 27, 1991
Director:	Ernst 7-2154	:	
Supervisor:	Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Tim Zeigler 3-5946	:	
9. <u>DOCKET NO.:</u>	A-00109693	:	

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

(a) Application of Otto Brick & Tile Works, Inc., a corporation of the Commonwealth of Pennsylvania, Springs, Somerset County, for the right to begin to transport, as a common carrier, by motor vehicle, lumber from lumber mills in the county of Somerset to points in Pennsylvania.

(b) The application is unopposed. The applicant has the necessary equipment and financial capacity to start up and maintain common carrier operations. The applicant has the support of two shippers for this somewhat modest common carrier operation. It is our determination that the support entered is representative of the territory and type of service proposed by the application and that approval of the application is proper for the accommodation and convenience of the public.

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

TZ:np

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT FOLDER

DOCKETED
AUG 05 1991



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

July 3, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-109693

KJR

DEAN A BOWMAN ESQUIRE
133 WEST MAIN STREET
SOMERSET PA 15501

Application of Otto Brick & Tile Works, 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.

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

JUL 8 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.

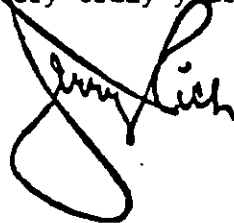
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of June 27, 1991 and dismiss the application without further proceedings.

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,

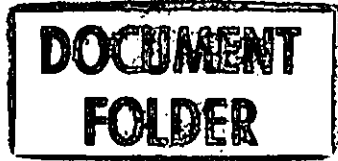
A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large loop at the bottom and a long horizontal stroke across the middle.

Jerry Rich, Secretary

lg

Enclosures
Certified Mail
Receipt Requested

cc:applicant
OTTO BRICK & TILE WORKS INC
ROUTE 669 BOX 217
SPRINGS PA 15562



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

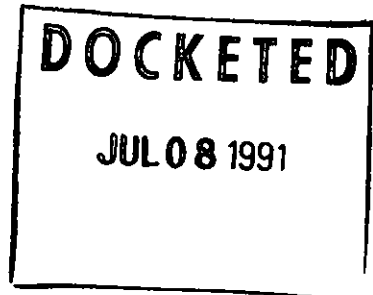
Public Meeting held June 27, 1991

Commissioners Present:

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

Application of Otto Brick & Tile Works, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, lumber from lumber mills in the county of Somerset to points in Pennsylvania.

A-00109693



Dean A. Bowman for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 6, 1991. Public notice of the application was given in the Pennsylvania Bulletin of March 23, 1991. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and two supporting shippers.

Bradley C. Otto, secretary/treasurer of Otto Brick & Tile Works, Inc., set forth in his verified statement that the company is domiciled at Springs, Somerset County. At this location it has a garage and storage facility. The garage is equipped to provide maintenance on vehicles. At the present time the company operates five trucks, two tri-axles and three tractors and trailers. It is not expected additional equipment would be required to provide the proposed service. All equipment is inspected on a regular basis and is subject to a maintenance program.

Under the proposed authority Otto Brick & Tile Works, Inc., will transport lumber from lumber yards and saw mills in Somerset County to points in Pennsylvania as requested.

As evidence of its financial capacity to initiate this service the applicant entered a balance sheet and income statement for calendar year 1989 reporting total assets of \$632,095 with total liabilities of \$131,722.

Income of \$1,608,154 provided a net income of \$16,063 after deduction of total expenses.

Daniel L. Fisher, owner of Fisher's Saw Mill in Springs, Somerset County, set forth in his verified statement that the company is engaged in the sawing and production of lumber and lumber products. It is necessary to have the lumber and lumber products transported to customers in Pennsylvania. The applicant's facility is in proximity to the saw mill and it is anticipated that a responsive and reliable service could be provided. Shipments will originate at the saw mill near Springs destined to various points in the Commonwealth.

John Miller, owner of Miller's Saw Mill, Salisbury, Somerset County, set forth in his verified statement that he ships a major portion of his lumber to points in Pennsylvania. The transportation needed by the company is one that can be provided on very little notice. The saw mill near Salisbury is approximately three miles north of the applicant's place of business and responsive service is expected. Destinations for traffic vary day to day.

DISCUSSION AND FINDINGS

The applicant seeks to initiate a somewhat modest transportation service hauling lumber from lumber mills in Somerset County to points in Pennsylvania. The applicant has a facility near Springs, Somerset County which is in proximity to the shippers supporting this application. The applicant has vehicles suitable to provide service and appears to have the financial capacity necessary to start up and maintain operations.

The applicant has the unqualified support of two lumber mills which desire the applicant's service available to aid them in meeting their transportation requirements within Pennsylvania. Both lumber mills are located in Somerset County and both have stated a need for service to points statewide.

It is our determination that the applicant has provided evidence which is representative of the type of service proposed by this application. Although only two shipper statements have been provided, it is our decision that these shippers are representative of the territory and representative of shippers desiring this typeservice. Approval of the application to permit the applicant to transport lumber from lumber mills in this county to points in Pennsylvania will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following right:

To transport, as a Class D carrier, lumber from lumber mills in the county of Somerset to points in Pennsylvania.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to

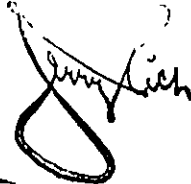
the carrier shall not be construed as conferring more than one operating right.

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

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth a certificate shall 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 service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

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

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 27, 1991

ORDER ENTERED: JUL 3_ 1991