

KJR

1. <u>REPORT DATE:</u>	July 23, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	AUG-91-T-757*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	August 15, 1991
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Keener-Farley 7-4386	:	
9. <u>DOCKET NO.:</u>	A-00109679	:	

NOTED  
NOV 26 1991

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

(a) Application of CBP Motor Express, Inc., Levittown, Bucks County, a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, (1) galvanized flat sheet metal, from the facilities of Carter Donlevy Co., Inc. located in the city and county of Philadelphia, the township of New Briton, Bucks County, and the township of West Goshen, Chester County, to points in Pennsylvania; (2) plastic flower pots and related articles, from the facilities of Nursery Supplies, Inc. located in the township of Falls, Bucks County, to points in Pennsylvania; and (3) Christmas garlands, cardboard boxes, dividers and separators, PVC film, metalized film and other holiday decorations, and materials and supplies used in the manufacture and distribution of said commodities, from the plant and warehouse facilities of F. C. Young & Co., Inc. located in the county of Bucks, to points in Pennsylvania, and vice versa; subject to conditions set forth in the proposed order.

(b) No protests were filed; no oral hearings were held. Three statements of support indicate a need for the proposed service. Approval of the application will be an accommodation and convenience to the public.

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

LK-F:11

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

CONTENT OF MOTION: Staff recommendation adopted.

NOTED  
NOV 26 1991



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

KJR

August 21, 1991

IN REPLY PLEASE  
REFER TO OUR FILE

A-109679

RAYMOND A THISTLE JR ESQUIRE  
206B BENSON STREET  
100 OLD YORK ROAD  
JENKINTOWN PA 19046

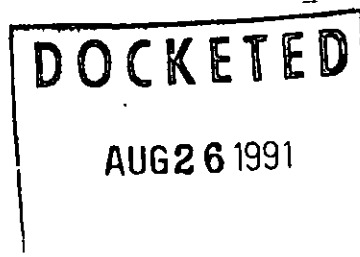
Application of CBP Motor Express, Inc., a corporation of the Commonwealth of Pennsylvania

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.



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.

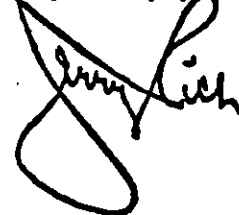
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of August 15, 1991 and dismiss the application without further proceedings.

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 loop.

Jerry Rich, Secretary

lg  
Enclosures  
Certified Mail  
Receipt Requested  
cc:applicant  
CBP MOTOR EXPRESS INC  
PO BOX 1063  
LEVITTOWN PA 19058

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

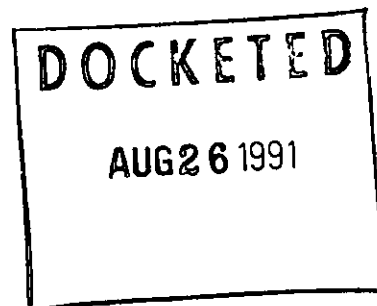
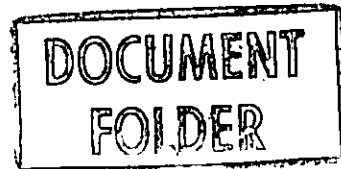
Public Meeting held August 15, 1991

Commissioners Present:

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

Application of CBP Motor Express, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, (1) galvanized flat sheet metal, from the facilities of Carter Donlevy Co., Inc. located in the city and county of Philadelphia, the township of New Briton, Bucks County, and the township of West Goshen, Chester County, to points in Pennsylvania; (2) plastic flower pots and related articles, from the facilities of Nursery Supplies, Inc. located in the township of Falls, Bucks County, to points in Pennsylvania; and (3) Christmas garlands, cardboard boxes, dividers and separators, PVC film, metalized film and other holiday decorations, and materials and supplies used in the manufacture and distribution of said commodities, from the plant and warehouse facilities of F. C. Young & Co., Inc. located in the county of Bucks, to points in Pennsylvania, and vice versa; with all rights subject to the following condition: Excluding commodities in bulk, in tank or hopper-type vehicles; items of property which because of size or weight require special equipment and special handling; household goods in use and property requiring refrigeration.

A-00109679



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Raymond A. Thistle, Jr., for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 22, 1991. Public notice of the application was given in the Pennsylvania Bulletin of March 16, 1991. No protests were filed and the application is now certified to the Commission for its decision without oral hearing. The record consists of verified statements filed by the applicant and three supporting shippers.

CBP Motor Express, Inc. (CBP or applicant), is a Pennsylvania corporation, chartered February 16, 1982, with its principal place of business in Levittown, Bucks County. Francis E. Becker is the sole shareholder and officer of the corporation. CBP holds authority from the Interstate Commerce Commission and by this applicant seeks initial intrastate rights to serve three named shippers. Operations are conducted from a facility in Fairless Hills, Bucks County, using one tractor and four van trailers. A comprehensive safety program for drivers and vehicles is presently in operation. The applicant reports assets of \$7,992, with current liabilities of \$1,004 and long term debt of \$21,066, leaving a deficit shareholders' equity of \$14,078. We note that the negative financial position of CBP is primarily due to its long term debt and that current obligations are being met. Furthermore, Becker indicates that he will personally provide additional funds for the corporation, if needed to maintain operation. All matters considered, we believe that the applicant and its owner have demonstrated sufficient financial fitness to begin operations as a common carrier.

Steve Prior, general manager of Carter Donlevy Co., Inc. (Carter), submitted a verified statement in support of this application. This shipper manufactures and distributes galvanized flat sheet metal. Carter's facilities are located in Philadelphia; New Briton, Bucks County; and West Goshen, Chester County. It expects to tender at least two shipments per month to the applicant for delivery to customers; recent shipments have been destined to such counties as Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia, but shipments could be required to any point in the state.

Frank Quinn, shipping supervisor of Nursery Supplies, Inc. (Nursery), submitted a verified statement in support of this application. Nursery is engaged in the distribution of plastic flower pots, flower pot dishes and related items. All shipments will originate at the shipper's facility in Falls Township, Bucks County, and be destined to customers throughout Pennsylvania. One or two shipments per week, with multiple drop-offs, will be offered to CBP for delivery to such points as Philadelphia, Lancaster, Lock Haven, Mechanicsburg, Kittanning and New Stanton.

Francis Young, shipping supervisor of F. C. Young & Co., Inc. (Young), submitted a verified statement in support of this application. Young is a manufacturer and distributor of Christmas garlands, cardboard

boxes, dividers and separators, PVC film, metalized film, and other holiday decorations and various materials and supplies used in the manufacture and distribution of these commodities. This shipper expects to tender daily shipments, usually multiple drop-off, to the applicant at Young's factory and warehouse facilities in Bucks County. Presently, Young has customers located in fifty Pennsylvania counties; inbound shipments of materials and supplies will also be required from various points in the state.

After a review of the record before us, we find it sufficient to warrant approval of the application.

We find that:

1. The applicant is fit to hold a certificate of public convenience.
2. The applicant has demonstrated that there is a public need for the proposed service.
3. 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 granting the following rights:

1. To transport, as a Class D carrier, galvanized flat sheet metal, from the facilities of Carter Donlevy Co., Inc. located in the city and county of Philadelphia, the township of New Briton, Bucks County, and the township of West Goshen, Chester County, to points in Pennsylvania;
2. To transport, as a Class D carrier, plastic flower pots and related articles, from the facilities of Nursery Supplies, Inc. located in the township of Falls, Bucks County, to points in Pennsylvania;
3. To transport, as a Class D carrier, Christmas garlands, cardboard boxes, dividers and separators, PVC film, metalized film and other holiday decorations, and materials and supplies used in the manufacture and distribution of said commodities, from the plant and warehouse facilities of F. C. Young & Co., Inc. located in the county of Bucks, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles; items of property which because of size or weight require special equip-

ment and special handling; household goods in use and property requiring refrigeration.

IT IS FURTHER ORDERED: That the applicant shall not engage in any service herein authorized 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 above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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 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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written in a cursive style.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: August 15, 1991

ORDER ENTERED: AUG 21 1991