



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

August 5, 1993

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PA. P. U. C.  
INFO. CONTROL DIV.

LOUIS J CARTER ESQUIRE  
7300 CITY LINE AVENUE  
PHILADELPHIA PA 19151

Re: A-00109534, F. 1, Am-C - Joyco, Inc., t/d/b/a Rapid Delivery

Dear Mr. Carter:

Under date of July 28, 1993, the Secretary's office transmitted to you the Commission's compliance order adopted July 22, 1993, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Chariots of Fire Messenger & Delivery Service, Inc., at A-00107486. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change of ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariff for the reason that item 20 of present tariff does not follow our regulations as to the proper method of identifying pages.

It will be necessary, therefore, to file a new tariff which should be designated Freight Pa. P.U.C. No. 3. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42.

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

By Joseph M. Machulsky, Chief  
Financial Document Section

LJD/A

Enclosure (1 set)  
cc: Joyco, Inc., t/a Rapid Delivery  
1933 Chestnut Street  
Philadelphia PA 19103  
Contact Person: G.L. Baker (717) 783-5936

ORIGINAL

RJR

LAW OFFICES  
LOUIS J. CARTER  
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LOUIS J. CARTER\*

JOEL E. MAZOR\*\*

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TELECOPIER #(215) 877-0955

IN REPLY PLEASE  
REFER TO FILE NO.

August 12, 1993

Office of the Secretary (Filing Unit)  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Via UPS

Re: Application of

Docket No.

JOYCO, INC. t/a RAPID DELIVERY

A-00109534 F.1, Am-C

To the Secretary:

Enclosed for filing is an original and two copies of the  
Petition by Applicant for Reconsideration Seeking Rescission of  
Part of the Order Approving Transfer Pursuant to 66 PA C.S. SEC.  
703(g) in the above-captioned matter.

Kindly acknowledge receipt on the enclosed copy of this  
letter.

Sincerely,

LOUIS J. CARTER  
Attorney for Petitioner

RECEIVED  
AUG 18 1993

REGISTERED  
AUG 14 1993

LJC/jmr/c2

RapidPUC.333

Enclosure: As above

DOCUMENT  
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RECEIVED  
AUG 12 1993  
SECRETARY'S OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Re: Application of Docket No.  
JOYCO, INC., t/a RAPID DELIVERY A-00109534 F.1, Am-C  
(transfer of the authority of  
Chariots of Fire Messenger &  
Delivery Service, Inc.)

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PETITION BY APPLICANT FOR RECONSIDERATION  
SEEKING RESCISSION OF PART OF THE ORDER APPROVING  
TRANSFER PURSUANT TO 66 PA C.S. SEC. 703(g)

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RECEIVED  
AUG 17 1993  
SECRETARY'S OFFICE  
Public Utility Commission

To the Chairman and Members of the Commission:

Joyco, Inc. t/a Rapid Delivery (Rapid) by its attorney Louis J. Carter, Esq. respectfully petitions the Commission to reconsider and rescind part of the order issued in the proceeding.

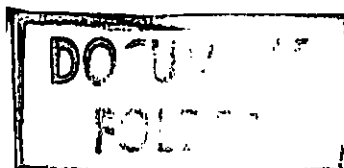
A. History of the Case

1. By order adopted July 22, 1993 and entered July 28, 1993 the rights previously issued to Chariots of Fire Messenger and Delivery Service, Inc. (Chariots) were transferred to the petitioner. One of the ordering paragraphs provided as follows:

"IT IS FURTHER ORDERED:

That issuance of the certificate be withheld pending receipt of all outstanding assessments of the transferor."

INDEXED  
AUG 17 1993



B. Factual Background

2. Before agreeing to purchase the authority of Chariots, Petitioner's counsel inquired of the Secretary's Bureau whether there were any assessments due and counsel was advised that there were no assessments due by the transferor.

3. Counsel thereupon negotiated with the trustee in bankruptcy for the purchase of Chariots' rights which was set forth in an Agreement to Purchase dated January 10, 1993..

4. The application for transfer was filed February 9, 1993 by the applicant which was previously certificated in 1991.

5. Subsequently, on March 1, 1993, Rapid was advised that there was, in fact, an outstanding unpaid assessment balance due the Commission of \$3,571.

C. Grounds for Relief Sought

Petitioner seeks relief from the imposition of the assessment on the Applicant-Petitioner based on the following grounds:

6. That the Commission is estopped from collecting the assessment from Petitioner by reason of having provided information that was incorrect on the basis of which the applicant entered into a contract and thus will suffer a loss in the amount of \$3,571.

7. The requirement of the commission as to the payment by a transferee of a transferor's assessments is not based on law or regulation of the commission.

8. The practice or policy of charging a transferee for assessments due by a transferor is contrary to law as not being based on any evidence in any proceeding and violates the ruling in the case of Sun Cab Inc. v. PUC, 561 A.2d 829, 127 Pa Cmwlth 269 (1989).

9. The commission has waived its rights in that it has failed to pursue any remedies available against the transferor in the bankruptcy proceeding and elected only to hold Petitioner responsible.

10. The commission has discriminated against this applicant in that it failed to permit the applicant to operate during the period between the date the application was filed and the date of July 28, 1993 the date of the final order in the case whereas all other applicants in similar situations have been granted temporary authority which was denied to this applicant and a review of that denial was ignored by the commission. Had the commission treated Petitioner as other, it would have been better able to meet this financial commitment.

D. Alternative Averment and Offer in Compromise

In the alternative, Petitioner submits the following:

11. The amount in controversy is not a considerable amount but due to the Petitioner's financial condition and the costs of litigation both for the Petitioner and the commission a hearing and briefing of this matter may involve costs far greater than the amount in controversy. This works for the benefit of the commission and its staff but works against the public interest of Petitioner who as in this case has been harmed by commission misinformation and denied rights to operate that had been granted to others under similar circumstances.

Petitioner is a very small operator whose 1992 net operating income was \$10,942. The Commission is requested to consider this fact in its deliberations.

Without waiving any rights, Petitioner has authorized its counsel to resolve this matter by a one-time payment of one-half of the claim by the payment of \$1785.50.

WHEREFORE, Petitioner, for the reasons stated herein and for the reasons to be included in an additional or supplemental brief to be filed within fifteen (15) days hereof prays (a) that the final order issued July 28, 1993 in this matter be amended by deleting the requirement of paying the \$3,571 assessment or in the alternative to accept a compromise in the amount of \$1785.50; or

(b) that a hearing be granted; and (c) that the normal compliance procedure he followed to allow the transfer of the rights pending the resolution of this matter.

Respectfully submitted,



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LOUIS J. CARTER  
Counsel for  
Joyco, Inc. t/a Rapid Delivery

*Aug 12, 1993*

VERIFICATION

The undersigned states that he is counsel for the Applicant Petitioner in this proceeding and verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements therein made are subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.



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Louis J. Carter

Dated: August 12, 1993