



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

March 18, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00109534
Folder 6000

LOUIS J CARTER ESQUIRE
7300 CITY LINE AVENUE
PHILADELPHIA PA 19151

DOCKETED
APR 12 1993

Application of Joyco, Inc., t/d/b/a Rapid Delivery, a corporation of the
Commonwealth of Pennsylvania

**DOCUMENT
FOLDER**

Dear Sir:

This is to advise you that the Commission at Public Meeting held
March 11, 1993 adopted an Tentative Decision in connection with the
above entitled proceeding.

A copy of the Tentative Decision is enclosed for your records.

Very truly yours,

John G. Alford, Secretary

JZ
Encls.
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held March 11, 1993

Commissioners Present:

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

Application of Joyco, Inc., t/d/b/a Rapid Delivery, a Corporation of the Commonwealth of Pennsylvania, for emergency temporary authority to operate the common carrier rights of Chariots of Fire Messenger & Delivery Service, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00107486, pending disposition of the application for transfer of the authority.

A-00109534
F. 6000
(ETA)

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Louis J. Carter for the applicant.

TENTATIVE DECISION

**DOCUMENT
FOLDER**

BY THE COMMISSION:

This matter comes before the Commission on an application for emergency temporary authority filed February 9, 1993. The applicant has filed for temporary authority and for transfer of all of the authority held by Chariots of Fire Messenger & Delivery Service, Inc.

Joyco, Inc., t/d/b/a Rapid Delivery, is a currently certificated carrier domiciled in the city and county of Philadelphia. It holds authority to transport, as a Class B carrier, property between points in the city and county of Philadelphia including the 69th Street area. It now seeks to begin operating the rights held by Chariots of Fire Messenger & Delivery Service, Inc., pending disposition of the transfer application.

Chariots of Fire Messenger & Delivery Service, Inc., filed a voluntary petition under Chapter 7 of the Bankruptcy Code on June 19, 1992 and an order for relief was entered thereon and said case is pending in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The applicant for emergency temporary authority has entered into an agreement to purchase the rights of Chariots of Fire Messenger & Delivery Service, Inc. for a total consideration of \$20,000. The Bankruptcy Court has approved the transaction pursuant to the applicable provisions of the Bankruptcy Code by order of Bankruptcy Judge David A. Scholl on November 19, 1992.

The Commission may grant emergency temporary authority upon establishment of an immediate need for the transportation of passengers or of particular commodities or classes of commodities. A showing of immediate need may involve service to a new or relocated plant, a different method of distribution, new or unusual commodities, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service or comparable situations which require new carrier service before an application for permanent authority can be filed and processed. In emergency temporary authority applications involving transfer of the authority, the Commission has recognized a showing of immediate need may be different than the criteria stated in the regulations at 52 Pa. Code §3.384(b)(2), but we have held that the immediacy of the situation is a basic criteria to be considered with every application.

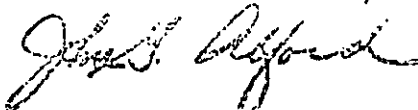
In this instance, we do not find an immediate situation which warrants a grant of emergency temporary authority pending routine processing of the application for transfer of the authority on a permanent basis. The transferor in this proceeding, Chariots of Fire Messenger & Delivery Service, Inc., has been under suspension of its operating rights since July of 1992 for failure to file evidence of insurance. This authority, while under suspension, has not been operated and the public has not had benefit of the service. We do not find an immediate continuing need for the service as no support has been provided from the public indicating that service is required on an immediate basis. We do not find it in the public interest to grant the application for emergency temporary authority pending processing of the transfer application; THEREFORE,

IT IS ORDERED: That the application for emergency temporary authority be and is hereby denied for lack of evidence of immediate need.

IT IS FURTHER ORDERED: That unless exceptions are filed within twenty (20) days of the date of entry of the order, the order shall become final without further Commission proceedings.

IT IS FURTHER ORDERED: That our action denying emergency temporary authority in this matter shall have no bearing upon final disposition of the applications for temporary authority and/or permanent transfer of the authority.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: March 11, 1993

ORDER ENTERED: MAR 18 1993