

LAW OFFICES
LOUIS J. CARTER
7300 CITY LINE AVENUE
PHILADELPHIA, PA. 19151-2291
(215) 879-8665

LOUIS J. CARTER*
JOEL E. MAZOR**
JILL EISEMAN BRONSON**

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR

TELECOPIER #(215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

20416.211U-9534A/
F1RPL

July 23, 1992

Hon. Isador Kranzel
Pennsylvania Public Utility Commission
Philadelphia State Office Building, 13th Fl.
1400 West Spring Garden Street
Philadelphia, PA 19130

Re: A-00109534, F001, Am-A
Application of Joyco, Inc. t/a Rapid Delivery

Dear Judge Kranzel:

1. Enclosed is a copy of the Reply of Joyco Inc. t/d/b/a Rapid Delivery to Motion of Jamour Inc. to Strike its Reply to Jamour's Motion for Relief From Stay which is being filed with the Secretary this date.

Copies have been mailed to parties shown on the attached Certificate of Service.

2. Your Honor issued an Order on July 20 amending your Order of June 15. By that July 20 Order you directed that the Applicant republish the Amendment. This is to advise that we have, by letter and telephone, arranged with the Applications Section of the Bureau of Transportation to republish the amended application in the Pennsylvania Bulletin which is the only way in which we can comply with your Honor's Order.

Sincerely,



LOUIS J. CARTER
Attorney for Applicant
Joyco Inc. t/a Rapid Delivery

LJC/jmr/c2

Enc: As above

cc: Edward L. Ciemniecki, Esq., Atty. for Jamour, Inc.
Raymond A. Thistle, Jr., Esq., Atty. for Courier Unlimited
Office of the Secretary, Harrisburg, PA (0 + 2)
Applications Section, Bureau of Transportation
Joyco Inc. t/a Rapid Delivery

Rpdpucc.230

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF : Docket No.
JOYCO INC., t/d/b/a : A-109534, Folder 1, Am-A
RAPID DELIVERY :

REPLY OF JOYCO INC t/d/b/a RAPID DELIVERY
TO MOTION OF JAMOUR INC. TO STRIKE ITS REPLY
TO JAMOUR'S MOTION FOR RELIEF FROM STAY

Protestant Jamour, Inc. t/d/b/a Quick Courier Service ("Quick") has filed a motion seeking to strike the reply which was filed by applicant Joyco, Inc. t/d/b/a Rapid Delivery ("Rapid Delivery") to Quick's motion which seeks a relief from a stay and the issuance of a cease and desist order precluding Rapid from continuing its current service to the extent to which it is arguably beyond that permitted by its certificate while it amends its application currently being heard.

In its initial reply to the Quick initial motion seeking a cease and desist order, as well as in the Reply which the instant motion seeks to strike, Rapid Delivery has pointed out that the issuance of a cease and desist order is improper because (i) the Administrative Law Judge has no authority to do so when the only matter before him is an application, (ii) even if such an order could be issued in such an application proceeding, it would not be justified here because the operations of Rapid Delivery do not under law justify a rejection of its application, let alone a cease

DOCUMENT
FOLDER

and desist order, and (iii) even if the issuance of a cease and desist order was authorized in an application proceeding, and even if the facts initially elicited justified the issuance of such an order, no such order could be considered until a full due process hearing was afforded applicant-respondent, and no such hearing has here been afforded, in view of the ordered stay.

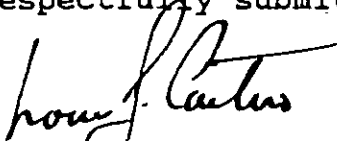
As to Quick's current motion to strike, it can readily be disposed of by making two simple points:

1. Rapid Delivery's Reply was timely filed. By telephone conference call June 29, 1992, Judge Kranzel allowed Rapid Delivery ten days to file a Reply. Counsel for Rapid Delivery filed the Reply July 10, after having notified Judge Kranzel's office the previous day that a brief additional time would be required. Such filing on the 11th day, after notification on the 10th day that the filing would be delayed one or two days should be properly considered timely, consistent with Commission practice and in effectuating the mandate that the Commission's rules be liberally construed. If a filing one day late requires a waiver of the 10 day rule, it is properly granted.

2. Even if Rapid Delivery's Reply is ignored as untimely filed, there is still no basis for the issuance of a cease and desist order. It is still beyond the authority of an Administrative Law Judge's to whom the only matter referred was an application, not a Complaint, it is still unjustified by the applicant-respondent's conduct, and it is still improper absent the affording to applicant-respondent of a full due process hearing.

Thus, the Quick Motion to Strike should be dismissed and denied. But even were the Quick Motion to Strike to be granted, the underlying Quick Motion for the lifting of a stay and the issuance of a cease and desist order should be dismissed and denied on the basis of (i) the law, (ii) as pointed out in Rapid Delivery's timely Reply to Quick's initial Motion for a Cease and Desist Order which was effectively precluded by the Stay, and which Quick currently seeks to renew.

Respectfully submitted,



LOUIS J. CARTER, Esq.
7300 City Line Avenue
Philadelphia, PA 19151
(215) 879-8665
Attorney for Joyco, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing document, viz:

REPLY OF JOYCO INC. t/d/b/a RAPID DELIVERY
TO MOTION OF JAMOUR INC. TO STRIKE ITS REPLY
TO JAMOUR'S MOTION FOR RELIEF FROM STAY

were served this 23rd day of July, 1992, by First Class United States mail, postage prepaid on the following persons:

Hon. Isador Kranzel
Pennsylvania Public Utility Commission
Philadelphia State Office Building, 13th Floor
1400 West Spring Garden Street
Philadelphia, PA 19130

Raymond A. Thistle, Jr., Esq.
206B Benson East
100 Old York Road
Jenkintown, PA 19046

Counsel for
Courier Unlimited, Inc.
Protestant

Edward L. Ciemniecki, Esq.
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106

Counsel for
Jamour, Inc. t/d/b/a
Quick Courier Service
Protestant

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



Louis J. Carter, Esq.
Counsel for Applicant
Joyco, Inc. t/a Rapid Delivery

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

113

| | | |
|--|---|--------------------------------|
| 1. REPORT DATE: June 30, 1992 | : | 2. BUREAU AGENDA NO. |
| 3. BUREAU: Transportation | : | JUL-92-T-685 |
| 4. SECTION(S): Financial Review | : | 5. PUBLIC MEETING DATE: |
| 6. APPROVED BY: | : | |
| Director: Ernst: 7-2154 | : | JULY 23, 1992 |
| Supervisor: Keiter: 7-6872 | : | |
| 7. PERSON IN CHARGE: | : | |
| H. C. Lacey 3-5975 | : | |
| 8. DOCKET NO.: | : | |

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

- (a) Motor Carrier rate increase of more than 1% and less than \$500,000 gross income.

JOYCO, INC.
 t/d/b/a

RAPID DELIVERY **A-00109534**
 Philadelphia, Philadelphia County

- (b) Proposed rate increases are to offset increases in motor carrier's general operating expenses.
- (c) The staff recommends that the Commission approve the acceptance of the tariff under the prescribed rules.

| | | | |
|-----------------------|-------------------------|--------------|---------------|
| 10. MOTION BY: | Commissioner Chm. Rolka | Commissioner | Holland - Yes |
| SECONDED: | Commissioner Rhodes | Commissioner | Commissioner |

CONTENT OF MOTION: Staff recommendation adopted.

ORIGINAL

RUBIN QUINN MOSS & PATTERSON, P. C.

ATTORNEYS AT LAW
1800 PENN MUTUAL TOWER
510 WALNUT STREET
PHILADELPHIA, PA 19106-3619
(215) 925-8300
FAX (215) 925-1572

ALEXANDER N. RUBIN, JR.
JERROLD V. MOSS
DANIEL B. PIERSON, V.
ROBERT P. STYLE
G. BRADLEY RAINER
MARY ELLEN O'LAUGHLIN
EDWARD L. CIEMNIECKI
LESLIE BETH BASKIN
RICHARD A. FRANKLIN
HOWARD H. SOFFER

WILLIAM P. QUINN
JAMES W. PATTERSON
DENIS JAMES LAWLER
WILLIAM D. PARRY
DON P. FOSTER
ERIC M. HOCKY
JOSEPH F. MESSINA
PETER C. CILIO
JOAN F. JAFFE
JEFFREY P. BATES

OF COUNSEL
MALCOLM L. LAZIN
ALAN KAHN
NICHOLAS J. SCAFIDI
GOFF & RUBIN

DIRECT DIAL NUMBER

(215) 931-0604

August 25, 1992

RECEIVED

AUG 27 1992

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

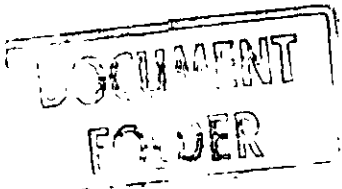
**RE: Application of Joyco, Inc., t/d/b/a
Rapid Delivery - Docket No. A-109534, F.1, Am-A**

Dear Secretary Alford:

We represent Jamour, Inc., t/d/b/a Quick Courier Service as a protestant in the above captioned matter.

This application was republished in the Pennsylvania Bulletin of August 22, 1992 to reflect a revision in the scope of the authority requested by Rapid Delivery. This is to advise the Commission that the changes to the scope of the authority requested in this matter do not affect the interests of Quick Courier in this proceeding. Quick Courier intends to continue its opposition to a grant of authority to Rapid Delivery.

If any further information is required, please do not hesitate to contact me.



Very truly yours,

Edward L. Ciemniecki
EDWARD L. CIEMNIECKI

ELC/jal

cc: Louis J. Carter, Esquire
Raymond A. Thistle, Jr., Esquire
Eugene A. Minahan, Operations Manager

DOCKETED
SEP - 1 1992

RAYMOND A. THISTLE, JR.
ATTORNEY AT LAW
206B BENSON EAST
100 OLD YORK ROAD
JENKINTOWN, PA. 19046

ORIGINAL
RECEIVED
AUG 27 1992
SECRETARY'S OFFICE
Public Utility Commission
(215) 576-0131

August 25, 1992

John G. Alford, Secretary
PA Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of Joyco, Inc., t/d/b/a
Rapid Delivery
Docket A-00109534, F.1, Am-A (Corrected)

Dear Secretary Alford:

In accordance with the permissive procedural rules of the Commission, this is to state that the formal protest of Courier Unlimited, Inc., filed by me on December 19, 1991 to the above referenced application of Joyco, Inc., shall stand and remain as a protest against the **corrected** application as published in the PA Bulletin dated August 22, 1992.

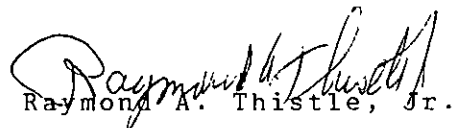
Proper service has been made per the Certificate of Service.

Please acknowledge receipt hereof and return in that provided.

Thank you for your attention and consideration in this matter.

DOCKETED
SEP - 1 1992

Very truly yours,


Raymond A. Thistle, Jr.

RAT:mt

cc: Courier Unlimited, Inc.

DOCUMENT
FOLDER

CERTIFICATE OF SERVICE

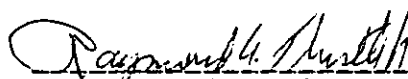
The undersigned hereby certifies that on the date indicated below, he served a copy of the confirmation of protest by protestant Courier Unlimited, Inc. upon all parties or their counsel of record in this proceeding and the Administrative Law Judge, by placing a copy thereof with the United States Postal Service, first class mail, postage prepaid:

Honorable Isador Kranzel
Administrative Law Judge
PA Public Utility Commission
1302 State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

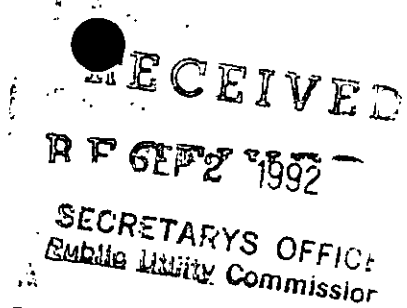
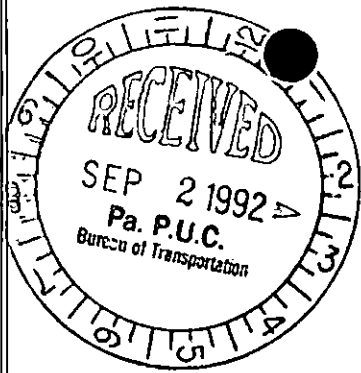
Louis J. Carter, Esquire
Suite 120
7300 City Line Avenue
Philadelphia, PA 19151-2291

Edward L. Ciemniecki, Esquire
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106-3619

Dated at Jenkintown, PA this 25th day of August, 1992.



Raymond A. Thistle, Jr.
Attorney for Protestant
Courier Unlimited, Inc.



BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FILE

IN RE: Application of A-00109534, Folder 1, Am-A, (Corrected). JOYCO, INC., t/d/b/a RAPID DELIVERY, (1933 Chestnut Street, Philadelphia Pennsylvania 19103) transportation of property, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks; subject to the following conditions, which are applicable only to service between points in the counties of Delaware, Chester, Montgomery and Bucks and between Philadelphia and points in said counties....as more particularly described in the Pennsylvania Bulletin Vol. 22, No. 34, August 22, 1992.

PROTEST OF

J.C. SERVICES, INC.
1280 Grenoble Rd.
Ivyland, PA 18974

The Protestant, above-named, supplying common carrier services for the transportation of property within the territory covered by the above-entitled application, by means of motor vehicle, hereby protests approval of the application above referred to, among others, for the following reasons:

1. The application prayed for is not necessary or proper for the service, accomodation, convenience or safety of the public.
2. The application prayed for, if granted, would authorize a service which would be unnecessary and destructively competitive with rights, powers and privileges now being exercised by Protestant or which Protestant authorized to exercise.

A restriction to the application would be acceptable if transportation within the respective areas of the protestant's rights were eliminated.

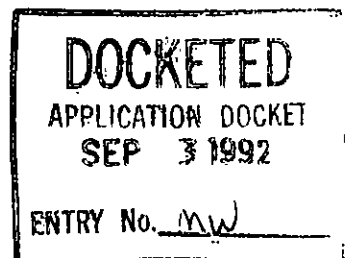
WHEREFORE, Protestant respectfully prays that the application be dismissed.

LIEDERBACH, HAHN, FOY & PETRI

BY: Scott Andrew Petri
SCOTT ANDREW PETRI, ESQUIRE
Attorney for Protestant
J.C. SERVICES, INC.

892 Second Street Pike
Richboro, PA 18954
(215) 322-8300

Dated: August 27, 1992



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

A. 96738

IN THE MATTER OF THE APPLICATION OF

J. C. SERVICES, INC., a corporation
of the Commonwealth of Pennsylvania

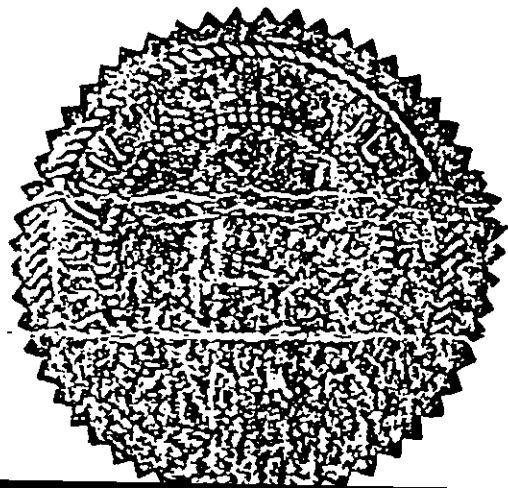
CERTIFICATE
OF
PUBLIC CONVENIENCE

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 14th day of March, 1972.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Attest:



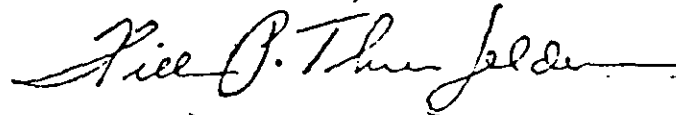
George L. Bloom

Chairman

It appearing that the holder of the certificate of public convenience in this proceeding requests that said certificate be amended to stand in the name or J. C. SERVICES, INC., trading and doing business as J. C. VAN SERVICE and it further appearing that the said certificate holder has properly filed with the Secretary of the Commonwealth and the Prothonotary of Philadelphia County to amend its name;

NOW, to wit, July 5, 1979, IT IS ORDERED:
That the certificate issued to J. C. SERVICES, INC., be and is hereby modified and amended to stand in the name of J. C. SERVICES, INC., trading and doing business as J. C. VAN SERVICE.

BY THE COMMISSION,



WILLIAM P. THIERFELDER
SECRETARY

J. C. SERVICES, INC.

t/d/b/a

J. C. VAN SERVICE

SCOPE OF CARRIER'S OPERATING AUTHORITYITEM 5

Rates and provisions named in this tariff, or as amended, are limited in their application on Pennsylvania Intrastate commerce to the extent of the operating rights set forth below. Unless specifically provided, the provisions are to be interpreted in the same manner as the Pennsylvania Public Utility Commission interprets the certificate from which the following is quoted.

CERTIFICATE NO. A-96738

To transport, as a Class D carrier, uncrated office equipment and machines, from the warehouse of J. C. Services, Inc., in the Village of Feasterville, Lower Southampton Township, Bucks County, to points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester, and the return of damaged, used or refused office equipment and machines to the said warehouse.

To transport, as a Class D carrier, uncrated mechanical and electronic office equipment and machines between points in the counties of Philadelphia, Delaware, Bucks, Montgomery and Chester.

To transport, as a Class D carrier, household goods and office furnishings, in use, fixtures and contents of stores and equipment, in case of movings, between points in the city and county of Philadelphia;

To transport, as a Class D carrier, household goods and office furnishings, in use, fixtures and contents of stores and equipment, in case of movings from points in the city and county of Philadelphia, to other points in Pennsylvania and vice versa, provided that the rights, powers and privileges hereby granted shall be limited and restricted to ten (10) trips per month, and subject to the filing of a monthly statement describing such trips with the Commission.

Abbreviations and reference marks are explained on last page of tariff.

ISSUED: May 11, 1981

EFFECTIVE: June 10, 1981

Issued By:
Julius Cristinzio, President
J. C. Van Service
7350 Wissinoming Street
Philadelphia, Pennsylvania 19136

ORIGINAL PAGE

FREIGHT PA. P.U.C. NO.

J. C. SERVICES, INC.

t/d/b/a

J. C. VAN LINES

RULES AND REGULATIONS

ITEM

SCOPE OF CARRIER'S OPERATING AUTHORITY

ITEM

Rates and provisions named in this tariff, or as amended, are limited in their application on Pennsylvania Intrastate commerce to the extent of the operating rights set forth below. Unless specifically provided, the provisions are to be interpreted in the same manner as the Pennsylvania Public Utility Commission interprets the certificate from which the following is quoted.

CERTIFICATE NO. A-96738

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To transport, as a Class D carrier, uncrated mechanical and electronic office equipment and machines between points in the counties of Philadelphia, Delaware, Bucks, Montgomery and Chester.

To transport, as a Class D carrier, household goods and office furnishings, in use, fixtures and contents of stores and equipment, in case of movings, between points in the city and county of Philadelphia;

To transport, as a Class D carrier, household goods and office furnishings, in use, fixtures and contents of stores and equipment, in case of movings from points in the city and county of Philadelphia, to other points in Pennsylvania and vice versa, provided that the rights, powers and privileges hereby granted shall be limited and restricted to ten (10) trips per month, and subject to the filing of a monthly statement describing such trips with the Commission.

Abbreviations and reference marks are explained on last page of tariff.

ISSUED:

EFFECTIVE:

Issued By: Steven J. McGary, President
J. C. Van Lines
7350 Wissinoming Street
Philadelphia, Pennsylvania 19136

ORIGINAL PAGE

FREIGHT PA. P.U.C. NO.

J. C. SERVICES, INC.
t/d/b/a

J. C. VAN LINES

RULES AND REGULATIONS

ITEM _____

SCOPE OF CARRIER'S OPERATING AUTHORITY

Rates and provisions named in this tariff, or as amended, are limited in their application on Pennsylvania Intrastate Commerce to the extent of the operating rights set forth below. Unless specifically provided, the provisions are to be interpreted in the same manner as the Pennsylvania Public Utility Commission interprets the certificate from which the following is quoted.

Certificate No. A-00096738
Folder 1, Am-E

To transport, as a Class D carrier, crated mechanical and electronic office equipment and machines, between points in the counties of Philadelphia, Delaware, Bucks, Montgomery and Chester, and from points in said counties, to points in Pennsylvania, and vice versa.

Abbreviations and reference marks are explained on last page of tariff.

ISSUED:

EFFECTIVE:

ISSUED BY:
Steven J. McGary President
7350 Wissinoming Street
Philadelphia, Pennsylvania 19136

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 10, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of J. C. Services, Inc., t/d/b/a
J. C. Van Service, a corporation of the
Commonwealth of Pennsylvania, for amendment
to its common carrier certificate, which
grants the right, inter alia, to transport,
by motor vehicle, household goods and office
furnishings, in use, fixtures and contents
of stores and equipment, in case of movings,
between points in the city and county of
Philadelphia: SO AS TO PERMIT the transpor-
tation of mechanical and electronic office
equipment and machines between points in
the counties of Philadelphia, Delaware,
Bucks, Montgomery and Chester and from said
counties, to points in Pennsylvania, and
vice versa; and household goods and office
furnishings, in use, fixtures and contents
of stores and equipment, in case of movings,
from points in the city and county of
Philadelphia, to points in Pennsylvania,
and vice versa.

A-00096738
F. 1
Am-E

Rutenberg, Rutenberg, Rutenberg and Rutenberg, by Michael J. Rutenberg
for the applicant.

Rubin, Quinn & Moss, by James W. Patterson for protestant, National
Electronic Transit South Corp.

John F. Christie, III, for protestants: Ryan & Christie Transit Corp.,
Quaker Transit Co., Inc., Germantown Fireproof Storage Co., Shelly
Moving & Storage, Inc., Louderback North American, Bekins Moving &
Storage, Clemmer Moving & Storage, Inc., Hammer's Moving & Storage,
Inc. and Advance Storage Co.

Margolis, Edelstein, Scherlis and Kraemer, by Edwin L. Scherlis for
protestant, Domenic Cristinzio, Inc.

Liederbach, Rossi, Hahn, Casey & Foy, by William H. R. Casey for
protestants: Read's Van Service, Inc., Clemmer Moving & Storage, Inc.,
Hammer's Moving & Storage, Inc. and All-Ways Moving & Storage, Inc.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held August 11, 1976
-Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Chairman Carter
Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Application Docket No. 96738, Folder 1, Am-B - Application of
J.C. SERVICES, INC., a corporation of the Commonwealth of
Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of J.C. SERVICES, INC., a corporation of the Commonwealth of Pennsylvania, dated March 16, 1976, for modification of the report and order issued under date of October 18, 1971, and the certificate of public convenience issued thereunder, and having been duly presented in accordance with the rules of the Commission and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by ELIZABETH LUCERA, under report and order issued at A. 98068 on September 10, 1973 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the tariff requirements of the Commission by J.C. SERVICES, INC., a corporation of the Commonwealth of Pennsylvania the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, August 11, 1976, IT IS ORDERED: That the report and order issued under date of October 18, 1971 and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following rights:

To transport, as a Class D carrier, household goods and office furnishings, in use, fixtures and contents of stores and equipment, in case of movings, between points in the city and county of Philadelphia.

To transport, as a Class D carrier, household goods and office furnishings, in use, fixtures and contents of stores and equipment, in case of movings, from points in the city and county of Philadelphia, to other points in Pennsylvania, and vice versa, provided that the rights, powers and privileges hereby granted shall be limited and restricted to ten (10) trips per month, and subject to the filing of a monthly statement describing such trips with the Commission:

subject to the following conditions:

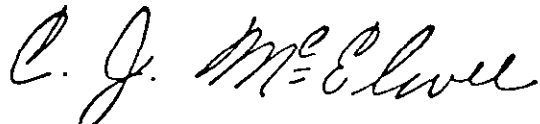
FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$3,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: August 11, 1976

ORDER ENTERED: August 26, 1976

COURIER EXPRESS

September 3, 1992

John Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

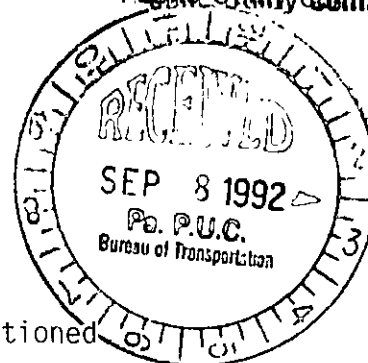
RECEIVED

SEP 8 1992

RE: Application of:
Joyco, Inc.
t/d/b/a Rapid Delivery

Docket No. A-00109534,
Folder 1, Am-A

SECRETARIES OFFICE
Public Utility Commission



Dear Mr. Alford:

Please find enclosed a protest filed to the above captioned application.

A copy of this protest has been served upon the applicant and their representative named below in accordance with the Commission's Rules of Practice.

Also, Mr. John A. Pillar, Esq., will represent us at all hearings. Please make him a party of record and direct a duplicate copy of all correspondence and notices regarding this proceeding to 312 Blvd. of the Allies, Suite 700, Pittsburgh, PA 15222.

Respectfully submitted,


James E. Eaborn
President

JEE/mlj

Enclosures

cc: Joyco, Inc.
t/d/b/a Rapid Delivery
Louis J. Carter, Esquire



RUSH DELIVERY SPECIALISTS

172 South 21st Street, Pittsburgh, PA 15203 • (412) 481-7300 • Fax 481-1280

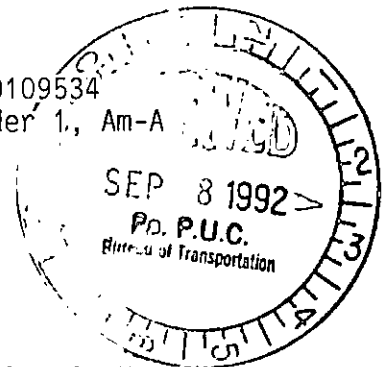
Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In Re:

Joyco, Inc.,
t/d/b/a Rapid Delivery
1933 Chestnut Street
Philadelphia, PA 19103

Docket Number: A-00109534
Folder 1, Am-A



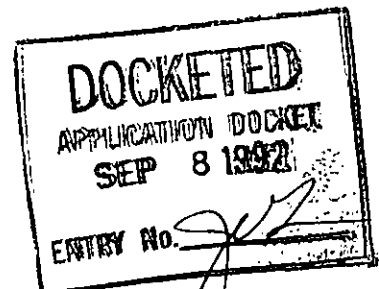
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Pennsylvania Bulletin reference: 8 / 22 / 92, Page: 4399 Vol. 22 No. 34

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PROTEST OF

COURIER EXPRESS, INC.



AND NOW, comes Courier Express, Inc., 172 South 21st Street, Pittsburgh, PA 15203 (412) 481-7300, which hereby protest the granting of the above captioned application and in support thereof aver as follows:

1. Protestant holds authority at A-105585, summarized in Appendix A attached hereto and thereby made a part hereof, in conflict with this application.

2. Protestant performs a specialized service within its territory and, within the scope of its authority, provides an adequate and satisfactory service to the shipping public. Approval of an additional carrier would disrupt protestant's traffic patterns, thereby hindering its ability to render an efficient service to the public and detriment will thereby result to the shipping public in Pennsylvania.

3. If a restrictive amendment will satisfy the interest of the protestant, a proposed restrictive amendment is attached as Appendix B which, if accepted by the Commission, will result in the withdrawal of the protest of the protestant.

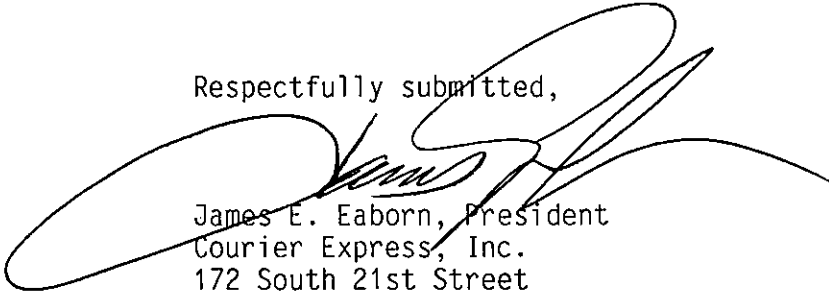
4. Pursuant to Section 333(c) of the Public Utility Code (66 Pa.C.S. 333[c]), we hereby request a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony.

5. Protestant is represented by counsel: Mr. John A. Pillar, Esq., located at 312 Blvd. of the Allies, Suite 700, Pittsburgh, PA 15222.

WHEREFORE, absent an appropriate amendment, protestant prays the application may be dismissed.

AND IT WILL EVER PRAY.

Respectfully submitted,



James E. Eaborn, President
Courier Express, Inc.
172 South 21st Street
Pittsburgh, PA 15203
(412) 481-7300

Re: Application of:

Joyco, Inc.,
t/d/b/a Rapid Delivery

Docket No. A-00109534,
Folder 1, Am-A

APPENDIX A

Summary of Authority

A-105585, Folder 1:

To transport, as a Class D carrier, property for American Red Cross Blood Services, Johnstown Region, and Central Blood Bank of Pittsburgh, between points in Pennsylvania on and west of U.S. Highway Route 15.

To transport, as a Class D carrier, property between points in that portion of Pennsylvania in and west of the eastern boundaries of the counties of McKean, Elk, Clearfield, Blair and Bedford, and from points in said territory to points on and west of U.S. Highway Route 15, and vice versa.

Both rights subject to the following conditions:

That no right, power or privilege is granted to provide service between points in the counties of Perry, Cumberland and that part of Adams County on and west of U.S. Highway Route 15.

Transportation is restricted to shipments weighing not more than 1,000 pounds and which are transported in a vehicle which contains the freight of only one consignor moving from one origin to one destination.

Transportation is restricted to shipments picked up and delivered on the same calendar day.

That no right, power or privilege is granted to transport new or used household goods and new or used office furniture and commodities in bulk.

A-105585, Folder 1, Am-B:

To transport, as a Class B carrier, parcels and packages between points in the City of Harrisburg, Dauphin County, and within an airline distance of five (5) statute miles of the limits of the said city, excluding transportation to or from the United States Navel Supply Depot, located near Mechanicsburg, Cumberland County.

APPENDIX A continued

A-105585, Folder 1, Am-B continued:

To transport, as a Class D carrier, parcels and packages for Montgomery Ward and Company between points in the City of Harrisburg, Dauphin County, and within fifteen (15) miles by the usually traveled highways of the limits of the said city.

To transport, as a Class D carrier, property, from the facilities of W. W. Grainger, Inc., in the Township of Swatara, Dauphin County, to points in the Counties of Adams, Blair, Centre, Cumberland, Dauphin, Huntingdon, Juniata, Lancaster, Lebanon, Franklin, Fulton, Mifflin, Perry, Snyder, Union, York, and Clairfield, provided no single shipment is to exceed five hundred (500) pound in weight;

Subject to the following condition:

That the word shipment, as used herein is defined as being a lot of freight received from a shipper at one point, at one time, for delivery to one consignee at one destination, and covered by one bill of lading

A-105585, Folder 2:

To transport as a Class D carrier, property of unusual value, including money and securities, in armored vehicles, between points in Pennsylvania.

A-105585, Folder 1, Am-E:

To transport, as a Class D Carrier, Property, for Westinghouse Electric Corporation, its subsidiaries and divisions, between points in Pennsylvania;

Subject to the following condition:

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

A-105585, Folder 1 Am-A:

To transport, as a Class D carrier, property for American Red Cross Blood Services, Johnstown Region, and Central Blood Bank of Pittsburgh, between points in Pennsylvania on and west of U.S. Highway Route 15.

APPENDIX A continued

A-105585, Folder 1, Am-A:

To transport, as a Class D carrier, property between points in that portion of Pennsylvania in and west of the eastern boundaries of the counties of McKean, Elk, Clearfield, Blair and Bedford, and from points in the said territory to points on and west of U.S. Highway Route 15, and vice versa.

To transport, as a Class D carrier, human laboratory specimens, clinical laboratory instruments and related supplies and reports, between points in the county of Allegheny for hospitals in the said county;

all rights above subject to the following conditions:

That no right, power or privilege is granted to provide service between points in the counties of Perry, Cumberland and that part of Adams County on and west of U.S. Highway Route 15.

That the service herein authorized is restricted to the following transportation:

- (a) A shipment which weighs more than 200 pounds but not more than 2,000 pounds may not be transported in a vehicle which contains other shipments and may be transported in a vehicle which contains the freight of only one consignor moving from one origin to one destination;
- (b) Shipments weighing more than 50 pounds but not more than 200 pounds may not be transported in a vehicle which contains the freight of more than 3 consignors, may not move from more than 3 origins and may not move to more than 3 destinations;
- (c) Shipments weighing 50 pounds or less may not be transported in a vehicle containing any shipment weighing more than 50 pounds.

The service herein authorized is restricted to transportation of shipments which are delivered within 8 hours after the time of pick up, both of which times must be noted on carrier's delivery receipt.

That no right, power or privilege is granted to transport household goods and office furniture in use, new or used household goods, new or used office furniture and commodities in bulk.

That no right, power or privilege is granted to transport shipments between points in the city of Pittsburgh, Allegheny County, and from points in the said city to points within 30 miles by the usually traveled highways of the limits of the said city.

APPENDIX A continued

A-105585, Folder 1, Am-B continued:

That no right, power or privilege is granted to transport human laboratory instruments and related supplies and reports, between points in the counties of Allegheny (except as above authorized), Armstrong, Lawrence, Butler, Somerset, Washington, Westmoreland, Green, Indiana, Mercer, Bedford and Beaver.

That no right, power or privilege is granted to transport property to or from the facilities of Westinghouse Electric Supply Company in the counties of Blair, Cambria and Erie, and that no right, power or privilege is granted to transport property for the account of McCreary Tire & Rubber Company, Gidden Division of SCM Corporation, McKesson Chemical Company, The Drug House, Inc., Value Drug Company and Alco Health Service Company.

The transportation herein authorized relative to the transportation of shipments shall be defined as a lot of freight moving from one consignor at one origin point on one day to one consignee at one destination point.

A-105585, Folder 1, Am-F:

The transportation of property, between points in the city of Pittsburgh, Allegheny County, and from points in said city, to points within an airline distance of 30 statute miles of the limits of said city; subject to the following conditions:

- (a) Excluding household goods and office furniture in use, new or used household goods and office furniture, and commodities in bulk;
- (b) Service is restricted to the transportation of shipments which are delivered within 8 hours after the time of pickup, both of which times must be noted on the carrier's delivery receipt;
- (c) A shipment which weighs more than 200 pounds but not more than 2,000 pounds may not be transported in a vehicle which contains the freight of only one consignor moving from one origin to one destination;
- (d) Shipments weighing more than 50 pounds but not more than 200 pounds may not be transported in a vehicle which contains the freight of more than three consignors, may not move from more than three origins and may not move to more than three destinations;

APPENDIX A continued

A-105585, Folder 1, Am-F continued:

- (e) A shipment as defined hereinabove shall mean a lot of freight moving from one consignor to one origin of one day consignee at one destination point; and
- (f) That no right, power or privilege is granted to transport human laboratory specimens, clinical laboratory instruments and related supplies and reports from points in the city of Pittsburgh, Allegheny County, to points beyond the county of Allegheny which are within an airline distance of 30 statute miles of limits of said city.

A-105585, Folder 1, Am-G

To transport, as a Class D carrier, property, for the Commonwealth of Pennsylvania and its agencies, between points in Pennsylvania:

subject to the following conditions:

- (1) That no single parcel, package or container is to exceed one hundred (100) pounds in weight.
- (2) That no right, power or privilege is granted to transport commodities in bulk.
- (3) That no right, power or privilege is granted to transport household goods in use.
- (4) That no right, power or privilege is granted to provide service for the Pennsylvania Lottery of the Commonwealth of Pennsylvania, Department of Revenue.

A-105585, Folder 1, Am-H

To transport, as a Class D carrier, property, between points in that portion of Pennsylvania east of the counties of McKean, Elk, Clearfield, Blair and Bedford, and from points in said territory to points in and west of the counties of McKean, Elk, Clearfield, Blair and Bedford, and vice versa;

subject to the following conditions:

- a. That no right, power or privilege is granted to transport commodities in bulk, household goods and office furniture in use, new or used household goods and office furniture;

APPENDIX A continued

- b. That no right, power or privilege is granted to transport any single shipment in excess of 2,000 pounds; all transportation authorized herein is restricted further as follows:
- (1) A shipment which weighs more than 500 pounds; but not more than 2,000 pounds, may not be transported in a vehicle which contains other shipments and may be transported in a vehicle which contains the freight of only one consignor moving from one origin to one destination;
 - (2) A shipment weighing more than 125 pounds, but not more than 500 pounds, may not be transported in a vehicle which contains the freight of more than five consignors and may not move from more than five origins and may not move to more than five destinations;
 - (3) A shipment weighing 125 pounds or less may not be transported in a vehicle containing any shipment weighing more than 125 pounds;
- c. That the time of pickup and the time of delivery shall be set forth in the bill of lading for each shipment and all shipments shall be made on an expedited basis of not more than 10 hours from the time of pickup to the time of delivery, subject to the consignee's availability but, in no event, more than 24 hours from the time of pickup to the time of delivery, except that on weekends or holidays, deliveries may be made more than 24 hours after pickup but, in no event, later than 12:00 noon on the next business day;
- d. The transportation herein authorized relative to the transportation of shipments shall be defined as a lot of freight moving from one consignor at one origin point on one day to one consignee at one destination point;
- e. That no right, power or privilege is granted to provide transportation of bound and unbound printed paper and partially printed paper or printing orders, instructions and materials originating between points within an airline distance of 35 statute miles of the limits of the borough of Columbia, Lancaster County;
- f. That no right, power or privilege is granted to transport garments and wearing apparel on hangers and garments, wearing apparel and materials, equipment and supplies used in the manufacture and sale of garments and wearing apparel, when moving in the same vehicle as garments and wearing apparel on hangers;

APPENDIX A continued

- g. That no right, power or privilege is granted to transport property for Union Camp Corporation; Victaulic Company of America, Inc.; Atlantic Track & Turnout Company; Atlantic States Cast Iron Pipe Company; Owens-Brockway Glass Container Division of Owens-Illinois, Inc.; R.R. Donnelley & Sons, Inc., and the Pennsylvania Lottery of the Commonwealth of Pennsylvania, Department of Revenue;
 - h. That no right, power or privilege is granted to provide services for IBM Corporation from its facilities in the townships of Hampden and Silver Springs, Cumberland County;
 - i. That no right, power or privilege is granted to transport checks, deposit tickets, notes, money orders, drafts, travelers checks, commercial papers, documents, written instruments and office supplies from the facilities of The Bank of Old York Road, Fox Chase Federal Savings & Loan Association, Fidelity Bank, Philadelphia National Bank, Union National Bank, Independence Bancorp (including Bucks County Bank, Independence International, Freedom Valley Bank, Lehigh Valley Bank and Cheltenham Bank), located in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and the city of Allentown, Lehigh County, to points in the said counties and city, and vice versa, except for transportation between points in the city and county of Philadelphia.
 - j. That no right, power or privilege is granted to provide transportation from points in the counties of Crawford, Erie, Mercer and Venango to points in Pennsylvania, east of the counties of McKean, Elk, Clearfield, Blair and Bedford, and vice versa, except for shipments of the Department of Environmental Resources.
3. That the time of pickup and the time of delivery shall be set forth in the bill of lading for each shipment and all shipments shall be made on an expedited basis, if not more than 10 hours from the time of pickup to the time of delivery, subject to the consignee's availability but, in no event, more than 24 hours from the time of pickup to the time of delivery, except that on weekends or holidays, deliveries may be made more than 24 hours after pickup but, in no event, later than 12:00 noon on the next business day.

Re: Application of:
Joyco, Inc.
t/d/b/a Rapid Delivery

Docket No. A-00109534,
Folder 1, Am-A

APPENDIX B

Proposed Restrictive Amendment

Protestant knows of no amendment which will satisfy its interests in this matter but is willing to discuss the same with applicant's counsel.

Pennsylvania, and vice versa; and (2) cat litter, from the borough of McConnellsburg, Fulton County, to points in Pennsylvania, and vice versa. *Attorney:* Jeremy Kahn, 1726 M Street, N. W., Suite 702, Washington, DC 20036.

A-00096025, Folder 2, Am-E. Herbert W. Heffner, Inc. (R. D. 2, Box 2741, Reading, Berks County, Pa. 19605), a corporation of the Commonwealth of Pennsylvania, *inter alia*—limestone and limestone products from the facilities of Eastern Industries, Inc., located in the township of Maxatawny, Berks County, to the facilities of Agway, Inc., located in the county of Schuylkill; and fertilizer from the facilities of Agway, Inc., located in the city of York, York County, to the facilities of said company located in the county of Schuylkill: *so as to permit* the transportation of packaged asphalt, in cartons and drums, for Koch Materials Company, from its facilities located in the township of Muhlenberg, Berks County, and the township of Point, Northumberland County, to points in Pennsylvania. *Attorney:* William F. Roberts, 519 Walnut Street, P. O. Box 8551, Reading, Pa. 19603.

A-00097068, Folder 1, Am-N, (Corrected). Ace Motor Freight, Inc. (R. D. 2, Box 130, Summerville, Jefferson County, Pa. 15864), a corporation of the Commonwealth of Pennsylvania, *inter alia*—sand and gravel, in bulk, in dump vehicles, from the facilities of Tionesta Sand and Gravel, Inc., located in the counties of Forest, Venango and Warren, to points in Pennsylvania; *so as to permit* the transportation of (a) building materials for J. A. Kohlhepp Sons, Inc. from its facilities in the county of Clearfield; the facilities of Darlington Brick & Clay Products Co. in the county of Beaver; the facilities of Harmar Brick, Inc. in the county of Allegheny; the facilities of R. I. Lampson Co. in the county of Allegheny; the facilities of Allentown Cement Co., Inc. in the county of Berks; and the facilities of Hanover Architectural Products, Inc. in the county of York to points in that part of Pennsylvania on and west of U. S. Highway Route No. 15; (b) building materials for Pittsburgh Structural Clay Products Co. from the facilities of Lehigh Portland Cement Co. in the county of York, and the facilities of United Glazed Products in the county of Dauphin to points in that part of Pennsylvania on and west of U. S. Highway Route 219; and (c) lumber and lumber products for Keck Wood Products from its facilities in the county of Clarion to points in Pennsylvania, and vice versa. *Attorney:* Kent S. Pope, 10 Grant Street, Clarion, Pa. 16214.

A-00097068, Folder 1, Am-O. Ace Motor Freight, Inc. (R. D. 2, Box 130, Summerville, Jefferson County, Pa. 15864) a corporation of the Commonwealth of Pennsylvania, *inter alia*—clay products from the borough of Summerville, Jefferson County, to points in Pennsylvania, with the right to return empty pallets and refused or rejected materials: *so as to permit* the transportation of building materials, on flatbed trailers for Georgia-Pacific Corp. between points in Pennsylvania. *Attorney:* Kent S. Pope, Ten Grant Street, Clarion, Pa. 16214.

A-00101487, Folder 1, Am-F. Raymond C. Hayes Trucking, Inc. (P. O. Box 156, NuMine, Armstrong County, Pa. 16244), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal, in dump vehicles, from the facilities of the Valley Coal Company, the Rochester and Pittsburgh Coal Company, and the Kent Mining Company, between points in the counties of Armstrong, Butler and Indiana, no transportation to exceed an airline distance of 25 statute miles from point of origin to point of destination: *so as to permit* the transportation of (1) coal in bulk, in dump vehicles, for Beth-Energy Company

from its No. 33 mine located in the township of Cambria, Cambria County, to the coal tippie of Green Valley Coal Company located in the township of Armstrong, Indiana County, and to the coal yard and tippie of Challenger Coal Company in the township of East Wheatfield, Indiana County; and (2) coal, in bulk in dump vehicles, for Green Valley Coal Company from the Jenner strip mine in the township of Jenner, Somerset County, to the coal yard and tippie of Challenger Coal in the township of East Whitefield, Indiana County, and to the coal tippie of Green Valley Coal Company in the township of Armstrong, Indiana County. *Attorney:* Blair F. Green, 125 North McKean Street, Kittanning, Pa. 16201.

A-00108637, Folder 7, Am-C. Pleasant Trucking, Inc. (North Pittsburgh Street Ext., Box 453, Connellsville, Fayette County, Pa. 15425) a corporation of the Commonwealth of Pennsylvania, *inter alia*—glass products, caps, covers and stoppers; and materials, equipment and supplies used in the manufacture, sale, transportation, display or distribution of glass products, caps, covers and stoppers, for the Anchor Glass Container Corporation and Anchor Hocking Packaging Company from the city of Connellsville and the borough of South Connellsville, Fayette County and the townships of East Huntingdon and Mount Pleasant, Westmoreland County, 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 and household goods in use: *so as to permit* the transportation of malt beverages and non-alcoholic beverages, and empty beverage containers, (a) for The Stroh Brewery Company, from points in Lehigh County to points in Pennsylvania, and vice versa; (b) for Shewak Distributing, from its facilities in Rochester Township, Beaver County, to points in Pennsylvania, and vice versa; (c) for Joseph M. Paris Distributor, Inc., from its facilities in the city of Connellsville, Fayette County, to points in Pennsylvania, and vice versa; and, (2) property, (excluding commodities in bulk and household goods in use): (a) for Asphalt Sealer, Inc. from its facilities in Lawrence County to points in Pennsylvania, and vice versa; (b) for Dopaco, Inc. located in the borough of Downingtown, Chester County, to points in Pennsylvania; (c) for the Havi Group Transportation Services from its facilities in the borough of Ashton, Delaware County, the borough of Carnegie, Allegheny County, and the borough of Mars, Butler County, to points in Pennsylvania. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222.

A-00109534, Folder 1, Am-A, (Corrected). Joyco, Inc., t/d/b/a Rapid Delivery (1933 Chestnut Street, Philadelphia, Philadelphia County, Pa. 19103), a corporation of the Commonwealth of Pennsylvania—as a Class B carrier, property between points in the city and county of Philadelphia, including the 69th Street area: *so as to permit* the transportation of property, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks; subject to the following conditions, which are applicable only to service between points in the counties of Delaware, Chester, Montgomery and Bucks and between Philadelphia and points in said counties: (1) that no right, power or privilege is granted to provide services for, or to and from facilities of banks and financial institutions; (2) that no right, power or privilege is granted to transport fresh or frozen foods including seafood; (3) that no right, power or privilege is granted to transport garments and apparel on hangers; (4) that no right, power or privilege is granted to transport shipments exceeding 100 pounds in weight, with a ship-

ment defined as one lot of freight on one bill of lading moving from one consignor to one consignee on one calendar day; (5) that no right, power or privilege is granted to render transportation in tractor trailer equipment; and (6) that no right, power or privilege is granted to provide service for, or to or from the facilities of, the following named shippers: a. Sorbus, Inc.; b. AT&T Technologies, Inc.; c. Tozour Energy Systems, Inc.; and d. Bell of Pennsylvania. *Attorney:* Louis J. Carter, 7300 City Line Avenue, Philadelphia, Pa. 19151.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *contract carriers* for transportation of *property* as described under each application:

A-00110375. Donald E. Niles, t/d/b/a Donald E. Niles Trucking, (80 Main Street, P. O. Box 858, Wellsboro, Tioga County, Pa. 16901)—contract carrier—property, for Dietrick Milk Products, Inc., between points in Pennsylvania. *Attorney:* John Fullerton, Box 12105, Harrisburg, Pa. 17108-2105.

Applications of the following for *amendment* to the *contract carrier* permits which authorize the transportation of *property* as described under each application:

A-00109407, Folder #1, Am-A Distribution Carrier, Inc. (4893 Campbell's Run Road, Pittsburgh, Allegheny County, Pa. 15205), a corporation of the Commonwealth of Pennsylvania—contract carrier—property (except property in bulk and property which, because of size or weight, requires the use of special equipment) for PPG Industries, Inc. from the Pennsylvania facilities owned, leased or used by PPG Industries, Inc. to points in Pennsylvania, and vice versa. *Attorney:* John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *contract carriers* for the transportation of *property* by *transfer of rights* as described under each application.

A-00110380. Group 4 Distribution Network, Inc. (347 Lincoln Avenue East, Cranford, New Jersey 07016), a corporation of the State of New Jersey—contract carrier—property, in shipments weighing 100 pounds or less, for Sears, Roebuck & Co., between points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport merchandise held for sale and distribution as inventory for retail stores; which is to be a transfer of the right authorized under the permit issued at A-00108455 to Click Messenger Service, Inc., a corporation of the State of Delaware, subject to the same limitations and conditions. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, Pa. 17110.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *persons* as described under each application.

A-00110370. Samuel Kuchwara (1502 Tall Trees Drive, Scranton, Lackawanna County, Pa. 18505)—persons and their baggage in airport transfer service, from points in the counties of Lackawanna and Luzerne to the Scranton

Wilkes-Barre International Airport in the borough of Avoca, Luzerne County. *Attorney:* Frank J. McDonnell, 203 Franklin Avenue, Scranton, Pa. 18505.

Applications of the following for approval of the *additional right and privilege* of operating motor vehicles as common carriers for transportation of *persons*, as described under each application:

A-00107591, Folder 3. James Gary Klasch, t/d/b/a Erie Limousine (1300 Manchester Road, P. O. Box 8632, Erie, Erie County, Pa. 16505)—additional right—persons, in airport transfer service from points in the counties of Erie, Crawford, Warren, McKean, Forest and Venango, to the Bradford Regional Airport located in Lafayette Township, McKean County, and to the Greater Pittsburgh International Airport, located in Moon Township, Allegheny County and from points in the counties of Erie, Crawford, Warren, McKean, Forest and Venango, excluding the city of Erie, the borough of Wesleyville and the townships of Millcreek and Lawrence Park, all in Erie County, to the Erie International Airport located in Millcreek Township, Erie County. Application for temporary authority has been filed at A-00107591, F.3, seeking the rights cited above.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 92-1719. Filed for public inspection August 21, 1992, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting Notice

Section 7(19) of the Public Official and Employee Ethics Law requires that the State Ethics Commission hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The State Ethics Commission will conduct a public meeting in Room 307 Finance Building, Commonwealth and North Streets, Harrisburg, Pa. on September 16, 1992, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business.

Any persons seeking to testify or present any statement, information or other comments in relation to the Ethics Law, the Regulations of the State Ethics Commission or agency operations should contact Claire Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of said meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 92-1720. Filed for public inspection August 21, 1992, 9:00 a.m.]

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

R
KJR
AUG 31 1992

Application of Joyco, Inc. : DOCKET NO.
t/a Rapid Delivery : A-109534, F001, Am-A

ORDER

On April 14, 1992, the protestant, Jamour, Inc., t/a Quick Courier Service filed a Motion for a Cease and Desist Order requesting that the Administrative Law Judge direct the applicant, Rapid Delivery to cease and desist alleged violations of the Public Utility Code. Rapid Delivery filed a Reply Motion on May 15, 1992 disputing the basis for protestant's Motion and asked that the Administrative Law Judge dismiss and deny protestant's Motion for a Cease and Desist Order. Further, applicant assumed that no further action would be taken by the Administrative Law Judge as a result of a Stay Order issued by the Administrative Law Judge on July 20, 1992 staying all proceedings until the applicant would have an opportunity to republish its application as applicant had requested. There is, in the Administrative Law Judge's opinion, an insufficient basis at this time to establish that applicant is currently violating the Public Utility Code by performing illegal transportation as alleged by protestant.

Therefore, it is the determination of the Administrative Law Judge to deny protestant's Motion of April 14,

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1992 for a Cease and Desist Order without prejudice, it being understood that the issue of whether applicant is continuing to violate the code will be dealt with in the context of resolving the issue of the fitness of applicant.

IT IS HEREBY ORDERED:

1. That the protestant, Jamour, Inc., t/a Quick Courier Service's Motion for a Cease and Desist Order requesting that the Administrative Law Judge direct applicant Rapid Delivery to cease and desist from further violations of the Public Utility Code be denied without prejudice.

DATE

August 26 1992


ISADOR KRANZEL
Administrative Law Judge

SERVICE LIST

Louis J. Carter, Esquire
7300 City Line Avenue
Philadelphia, PA 19151-2291

Raymond A. Thistle, Jr., Esquire
206B Benson East
100 Old York Road
Jenkintown, PA 19046

Edward Ciemniecki, Esquire
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, PA 19106

Kenneth A. Olsen, Esquire
P.O. Box 357
Gladstone, New Jersey 07934

James D. Campbell, Jr., Esquire
3631 North Front Street
Harrisburg, PA 17110

John E. Fullerton, Esquire
320 Market Street
Suite E400
Harrisburg, PA 17101

Joseph J. Carroll
STS Motor Freight Incorporated
4219 Richmond Street
Philadelphia, PA 19137

cc: Honorable Allison K. Turner
Annette Shelley

6/10/80 11:00 AM
CIVIL SERVICE
MAY 8 1980
MAY 8 1980



September 4, 1992

John Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RE: Application of:
Joyco, Inc., tld/bla Rapid Delivery
Docket No. A-00109534
Folder 1

Dear Mr. Alford:

Please find enclosed a protest filed to the above captioned application.

A copy of this protest has been served upon the applicant and their representative named below in accordance with the Commission's Rules of Practice.

Respectfully submitted,

A handwritten signature in cursive script that reads "Claudia Post".

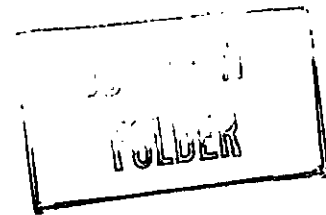
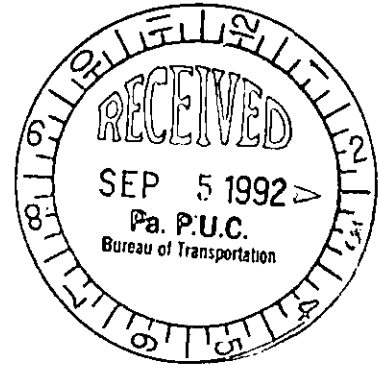
Claudia Post
President

CP:nk

enclosures

cc: Rapid Delivery Service
Louis J. Carter, Esquire

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SEP 10 1992
SECRETARY'S OFFICE
Public Utility Commission



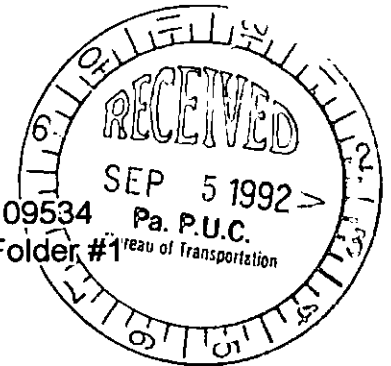
Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re.

Joyco, Inc., t/d/b/aRapid Delivery
1933 Chestnut Street
Philadelphia, PA 19103

Docket Number: 00109534

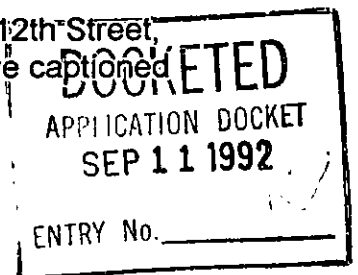
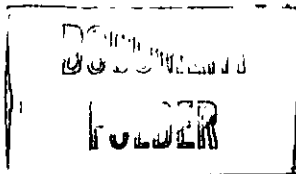
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Pennsylvania Bulletin reference: 8/22/92, Page 4399, Vol. 22, No. 34-

PROTEST OF
DIAMOND COURIER SERVICE, INC.

215-569-8800 AND NOW, comes Diamond Courier Service, Inc., 9 S. 12th Street, Philadelphia, PA 19107, which hereby protest the granting of the above captioned application and in support thereof aver as follows:



1. Protestant holds authority at A-00109245, summarized in Appendix A attached hereto and thereby made a part hereof, in conflict with this application.
2. Protestant performs a specialized service within its territory and within the scope of its authority, provides an adequate and satisfactory service to the shipping public. Approval of an additional carrier would disrupt protestant's traffic patterns, thereby hindering its ability to render an efficient service to the public and detriment will thereby result to the shipping public in Pennsylvania.
3. If a restrictive amendment will satisfy the interest of the protestant, a proposed restrictive amendment is attached as Appendix B which, if accepted by the Commission, will result in the withdrawal of the protest of the protestant.
4. Pursuant to Section 333(c) of the Public Utility Code (66 Pa.C.S. 333(c)), we hereby request a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony.

WHEREFORE, absent an appropriate amendment, protestant prays the application may be dismissed.

AND IT WILL EVER PRAY.

Respectfully submitted,

Claudia Post, President
Diamond Courier
9 S. 12th Street
Philadelphia, PA 19104



APPENDIX A

CERTIFICATE NO. A-109245

To transport, as a common carrier, by motor vehicle, parcels, packages and items of prepay, no single parcel, package or item of property, to exceed one hundred (100) pounds in weight, between points in said counties, to points in Pennsylvania, and vice versa.



Re: Application of:
Joyco, Inc., t/d/b/a Rapid Delivery

Docket No. A-00109534
Folder 01

APPENDIX B

Proposed Restrictive Amendment

Protestant knows of no amendment which will satisfy its interests in this matter but is willing to discuss the same with applicant's counsel.

sylvania, and vice versa; and (2) cat litter, from the
ugh of McConnellsburg, Fulton County, to points in
sylvania, and vice versa. *Attorney:* Jeremy Kahn,
M Street, N. W., Suite 702, Washington, DC 20036.

00096025, Folder 2, Am-E. Herbert W. Heffner, Inc.
D. 2, Box 2741, Reading, Berks County, Pa. 19605), a
poration of the Commonwealth of Pennsylvania, *inter*
-limestone and limestone products from the facilities
Eastern Industries, Inc., located in the township of
atawny, Berks County, to the facilities of Agway,
located in the county of Schuylkill; and fertilizer
the facilities of Agway, Inc., located in the city of
k, York County, to the facilities of said company
ed in the county of Schuylkill: *so as to permit* the
portation of packaged asphalt, in cartons and
ns, for Koch Materials Company, from its facilities
ed in the township of Muhlenberg, Berks County
the township of Point, Northumberland County, to
ts in Pennsylvania. *Attorney:* William F. Roberts,
Walnut Street, P. O. Box 8551, Reading, Pa. 19603.

00097068, Folder 1, Am-N, (Corrected). Ace Motor
ht, Inc. (R. D. 2, Box 130, Summerville, Jefferson
nny, Pa. 15864), a corporation of the Commonwealth
sylvania, *inter alia*—sand and gravel, in bulk, in
p vehicles, from the facilities of Tionesta Sand and
vel, Inc., located in the counties of Forest, Venango
Warren, to points in Pennsylvania: *so as to permit*
transportation of (a) building materials for J. A.
hepp Sons, Inc. from its facilities in the county of
rfield; the facilities of Darlington Brick & Clay
ducts Co. in the county of Beaver; the facilities of
mar Brick, Inc. in the county of Allegheny; the
ilities of R. I. Lampus Co. in the county of Allegheny;
facilities of Allentown Cement Co., Inc. in the county
Berks; and the facilities of Hanover Architectural
ducts, Inc. in the county of York to points in that
t of Pennsylvania on and west of U. S. Highway
te No. 15; (b) building materials for Pittsburgh
ctural Clay Products Co. from the facilities of Lehigh
land Cement Co. in the county of York, and the
ilities of United Glazed Products in the county of
phin to points in that part of Pennsylvania on and
t of U. S. Highway Route 219; and (c) lumber and
ber products for Keck Wood Products from its
ilities in the county of Clarion to points in Pennsylva-
and vice versa. *Attorney:* Kent S. Pope, 10 Grant
et, Clarion, Pa. 16214.

00097068, Folder 1, Am-O. Ace Motor Freight, Inc.
D. 2, Box 130, Summerville, Jefferson County, Pa.
4), a corporation of the Commonwealth of Pennsylva-
inter alia—clay products from the borough of Sum-
ville, Jefferson County, to points in Pennsylvania,
i the right to return empty pallets and refused or
cted materials: *so as to permit* the transportation of
ding materials, on flatbed trailers for Georgia-Pacific
p, between points in Pennsylvania. *Attorney:* Kent S.
e, Ten Grant Street, Clarion, Pa. 16214.

00101487, Folder 1, Am-F. Raymond C. Hayes Truck-
Inc. (P. O. Box 156, NuMine, Armstrong County, Pa.
4), a corporation of the Commonwealth of Pennsylva-
inter alia—coal, in dump vehicles, from the facilities
he Valley Coal Company, the Rochester and Pitts-
th Coal Company, and the Kent Mining Company,
een points in the counties of Armstrong, Butler and
ana, no transportation to exceed an airline distance
5 statute miles from point of origin to point of
ination: *so as to permit* the transportation of (1) coal
bulk, in dump vehicles, for Beth-Energy Company

from its No. 33 mine located in the township of Cambria,
Cambria County, to the coal tipple of Green Valley Coal
Company located in the township of Armstrong, Indiana
County, and to the coal yard and tipple of Challenger
Coal Company in the township of East Wheatfield,
Indiana County; and (2) coal, in bulk in dump vehicles,
for Green Valley Coal Company from the Jenner strip
mine in the township of Jenner, Somerset County, to the
coal yard and tipple of Challenger Coal in the township of
East Whitefield, Indiana County, and to the coal tipple
of Green Valley Coal Company in the township of
Armstrong, Indiana County. *Attorney:* Blair F. Green,
125 North McKean Street, Kittanning, Pa. 16201.

A-00108637, Folder 7, Am-C. Pleasant Trucking, Inc.
(North Pittsburgh Street Ext., Box 453, Connellsville,
Fayette County, Pa. 15425) a corporation of the Com-
monwealth of Pennsylvania, *inter alia*—glass products,
caps, covers and stoppers; and materials, equipment and
supplies used in the manufacture, sale, transportation,
display or distribution of glass products, caps, covers
and stoppers, for the Anchor Glass Container Corpora-
tion and Anchor Hocking Packaging Company from the
city of Connellsville and the borough of South Connells-
ville, Fayette County and the townships of East Hun-
tingdon and Mount Pleasant, Westmoreland County, 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 and household
goods in use: *so as to permit* the transportation of malt
beverages and non-alcoholic beverages, and empty bever-
age containers, (a) for The Stroh Brewery Company,
from points in Lehigh County to points in Pennsylvania,
and vice versa; (b) for Shewak Distributing, from its
facilities in Rochester Township, Beaver County, to
points in Pennsylvania, and vice versa; (c) for Joseph M.
Faris Distributor, Inc., from its facilities in the city of
Connellsville, Fayette County, to points in Pennsylvania,
and vice versa; and, (2) property (excluding commodities
in bulk and household goods in use): (a) for Asphalt
Sealer, Inc. from its facilities in Lawrence County to
points in Pennsylvania, and vice versa; (b) for Dopaco,
Inc. located in the borough of Downingtown, Chester
County, to points in Pennsylvania; (c) for the Havi
Group Transportation Services from its facilities in the
borough of Ashton, Delaware County, the borough of
Carnegie, Allegheny County, and the borough of Mars,
Butler County, to points in Pennsylvania. *Attorney:* John
A. Pillar, Suite 700, 312 Boulevard of the Allies, Pitts-
burgh, Pa. 15222.

A-00109534, Folder 1, Am-A, (Corrected). Joyco, Inc.,
t/d/b/a Rapid Delivery (1933 Chestnut Street, Philadel-
phia, Philadelphia County, Pa. 19103), a corporation of
the Commonwealth of Pennsylvania—as a Class B car-
rier, property between points in the city and county of
Philadelphia, including the 69th Street area: *so as to*
permit the transportation of property, between points in
the counties of Philadelphia, Delaware, Chester, Mont-
gomery and Bucks; subject to the following conditions,
which are applicable only to service between points in the
counties of Delaware, Chester, Montgomery and Bucks
and between Philadelphia and points in said counties:
(1) that no right, power or privilege is granted to provide
services for, or to and from facilities of banks and
financial institutions; (2) that no right, power or privilege
is granted to transport fresh or frozen foods including
seafood; (3) that no right, power or privilege is granted
to transport garments and apparel on hangers; (4) that
no right, power or privilege is granted to transport
shipments exceeding 100 pounds in weight, with a ship-

ment defined as one lot of freight on one bill of lading moving from one consignor to one consignor on one calendar day; (5) that no right, power or privilege is granted to render transportation in tractor trailer equipment; and (6) that no right, power or privilege is granted to provide service for, or to or from the facilities of the following named shippers: a. Sorbus, Inc.; b. AT&T Technologies, Inc.; c. Tozour Energy Systems, Inc.; and d. Bell of Pennsylvania. *Attorney:* Louis J. Carter, 7300 City Line Avenue, Philadelphia, Pa. 19151.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of property as described under each application.

A-00110375. Donald E. Niles, t/d/b/a Donald E. Niles Trucking (80 Main Street, P. O. Box 858, Wellsboro, Tioga County, Pa. 16901)—contract carrier—property for Dietrick Milk Products, Inc., between points in Pennsylvania. *Attorney:* John Fullerton, Box 12105, Harrisburg, Pa. 17108-2105.

Applications of the following for amendment to the contract carrier permits which authorize the transportation of property as described under each application.

A-00109407, Folder 1, Am-A. Distribution Carrier, Inc. (4893 Campbell's Run Road, Pittsburgh, Allegheny County, Pa. 15205), a corporation of the Commonwealth of Pennsylvania—contract carrier—property (except property in bulk and property which, because of size or weight, requires the use of special equipment) for PPG Industries, Inc. from the Pennsylvania facilities owned, leased or used by PPG Industries, Inc. to points in Pennsylvania, and vice versa. *Attorney:* John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of property by transfer of rights as described under each application.

A-00110380. Group 4 Distribution Network, Inc. (347 Lincoln Avenue East, Cranford, New Jersey 07016), a corporation of the State of New Jersey—contract carrier—property, in shipments weighing 100 pounds or less, for Sears, Roebuck & Co.; between points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport merchandise held for sale and distribution as inventory for retail stores; which is to be a transfer of the right authorized under the permit issued at A-00108455 to Click Messenger Service, Inc., a corporation of the State of Delaware, subject to the same limitations and conditions. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, Pa. 17110.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00110370. Samuel Kuchwara (1502 Tall Trees Drive, Scranton, Lackawanna County, Pa. 18505)—persons and their baggage in airport transfer service, from points in the counties of Lackawanna and Luzerne to the Scranton

Wilkes-Barre International Airport in the borough of Avoca, Luzerne County. *Attorney:* Frank J. McDonnell 203 Franklin Avenue, Scranton, Pa. 18505.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00107591, Folder 3. James Gary Klasch, t/d/b/a Eric Limousine (1300 Manchester Road, P. O. Box 8632, Erie, Erie County, Pa. 16505)—additional right—persons, in airport transfer service from points in the counties of Erie, Crawford, Warren, McKean, Forest and Venango, to the Bradford Regional Airport located in Lafayette Township, McKean County, and to the Greater Pittsburgh International Airport, located in Moon Township, Allegheny County and from points in the counties of Erie, Crawford, Warren, McKean, Forest and Venango, excluding the city of Erie, the borough of Wesleyville and the townships of Millcreek and Lawrence Park, all in Erie County, to the Erie International Airport located in Millcreek Township, Erie County. Application for temporary authority has been filed at A-00107591, F.3, seeking the rights cited above.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 92-1719. Filed for public inspection August 21, 1992, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting Notice

Section 7(19) of the Public Official and Employee Ethics Law requires that the State Ethics Commission hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The State Ethics Commission will conduct a public meeting in Room 307 Finance Building, Commonwealth and North Streets, Harrisburg, Pa. on September 16, 1992, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business.

Any persons seeking to testify or present any statement, information or other comments in relation to the Ethics Law, the Regulations of the State Ethics Commission or agency operations should contact Claire Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of said meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 92-1720. Filed for public inspection August 21, 1992, 9:00 a.m.]

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JOEL E. MAZOR**
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** PENNA. & N.Y. BAR

TELECOPIER #(215) 877-0955

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October 19, 1992

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OCT 22 1992

Office of A. L. J.
Public Utility Commission

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Attn: Mr. Bud Huntington
Bureau of Transportation

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OCT 26 1992

Re: Application of
Joyco, Inc. t/a Rapid Delivery

Docket No.
A-109534, F.1, Am A

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Huntington:

In accordance with the terms of Act 294, the undersigned is attorney for the applicant waives the requirement of a hearing within 90 days.

The applicant has made an offer to purchase rights from a bankrupt estate. Should the purchase proceed as planned, further hearings on this application would be unnecessary.

Sincerely,



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

DOCKETED

NOV 04 1992

LJC/kmd
(RpdPUC.242)
cc: Joyco, Inc. t/a Rapid Delivery

**DOCUMENT
FOLDER**