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1. REPORT DATE: January 8, 1997	2. BUREAU AGENDA NO.: JAN-97-MC-TS-29*
3. BUREAU: Transportation & Safety	
4. SECTION(S): Applications Review	5. PUBLIC MEETING DATE: January 24, 1997
6. APPROVED BY: Director: Nicely 3-3846 Supervisor: Marzolf 3-5945	KJR DOCKETED
7. PERSONS IN CHARGE: Travitz 7-5513	JAN 30 1997
8. DOCKET NO.: A-00112473	

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

(a) Application of BHPH, Inc., Tamaqua, Schuylkill County, a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier by motor vehicle, persons in limousine service, between points in the city of Tamaqua and within an airline radius of thirty-five (35) statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania, and return.

(b) Applicant seeks to initiate common carrier limousine service and the application was opposed by six (6) carriers. The protests were withdrawn upon restrictive amendment limiting service between points in the counties of Carbon and Schuylkill which are located within an airline radius of 35 statute miles of the limits of the city of Tamaqua, Schuylkill County and from points in said territory to points in Pennsylvania and return and from the Allentown/Bethlehem/Easton Airport located in the county of Lehigh, to points in the counties of Carbon and Schuylkill located within 35 miles of the limits of the city of Tamaqua, subject to the condition that all transportation originating at the A/B/E Airport shall be limited to return transportation of passengers previously transported by applicant to the airport. Six (6) supporting parties presented a need for the service as amended. The applicant has demonstrated that approval of the application, as amended, will be an accommodation and convenience to the public.

(c) The Bureau of Transportation and Safety recommends that the Commission adopt the proposed order approving the application, as amended.

10. MOTION BY:	Commissioner Chm. Quain	Commissioner Hanger - Yes
		Commissioner Rolka - Yes
SECONDED:	Commissioner Crutchfield	Commissioner Bloom - Yes

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 P.O. BOX 3265, HARRISBURG, PA 17105-3265
 January 28, 1997

IN REPLY PLEASE
 REFER TO OUR FILE
 A-00112473

■
 WILLIAM G SCHWAB ESQUIRE
 800 BLAKESLEE BOULEVARD DRIVE EAST
 P O BOX 56
 LEHIGHTON PA 18235
 ■

JAF

DOCKETED
 JAN 28 1997

Application of BPHH, Inc.,
 a corporation of the Commonwealth of Pennsylvania

Enclosed is the compliance order issued by the Commission in this proceeding.

The Certificate of Public Convenience evidencing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements:

- I. Arrange through an insurance agent to have an insurance company file with the Commission a FORM E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this sheet.
- II. Prepare and file a tariff according to the enclosed instructions except applicants for transfer of authority must file a tariff adoption supplement which will be forwarded by separate cover at a later date.

PERSONS

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 JAN 30 AM 9:08
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 SECRETARY'S OFFICE

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Minimum Limits for Public Utility Commission Authorized Service

PASSENGER CARRIERS:

- 15 passengers or less: \$35,000 to cover liability for bodily injury, death or property damage incurred in an accident.
- \$25,000 first party medical benefits, \$10,000 first party wage loss benefits and shall conform to 75 Pa. C.S. §§1701-1798 (relating to Motor Vehicle Financial Responsibility Law).
- First party coverage of the driver of certificated vehicles shall meet the requirements of 75 Pa. C.S. §1711 (relating to required benefits).
- 16 to 28 passengers: \$1,000,000 to cover liability for injury, death or property damage incurred in an accident.
- 29 passengers or more: \$5,000,000 to cover liability for bodily injury, death or property damage incurred in an accident.

PROPERTY CARRIERS:

- Bodily Injury: \$300,000 per accident per vehicle to cover liability for bodily injury, death or property damage incurred in an accident.
- Insurance coverage of motor carriers of property shall meet the requirements of 75 Pa. C.S. §1701-1798 (relating to Motor Vehicle Financial Responsibility Law).
- Cargo: \$5,000 for loss or damage to cargo carried on a motor vehicle.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate of public convenience has been issued authorizing actual operations. You are advised that any equipment to be used in rendering the service authorized under the certificate must be registered with the Bureau of Motor Vehicles, Department of Transportation, as a bus or taxi. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

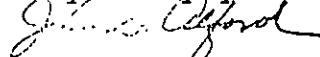
Commission regulations require compliance with all of the requirements within sixty (60) days of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of January 24, 1997 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

INSURANCE FILINGS: Insurance Section
(717) 783-5933

TARIFF FILINGS: Tariff Section
(717) 787-5945

Very truly yours,



John G. Alford
Secretary

Enclosures
Certified Mail
Receipt Requested
JEP

BHPH INC
ROUTE 309 SOUTH
TAMAQUA PA 18252

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held January 24, 1997

Commissioners Present:

John M. Quain, Chairman
Lisa Crutchfield, Vice-Chairman
John Hanger
David W. Rolka
Robert K. Bloom

Application of BHPH, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier by motor vehicle, persons in limousine service, between points in the city of Tamaqua and within an airline radius of thirty-five (35) statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania, and return.

A-00112473

**DOCKETED
JAN 28 1997**

William G. Schwab and Associates by William G. Schwab
for the applicant.

Schubert, Bellwoar, Mallon & Walheim by Richard T.
Mulcahey for protestants, Corporate Livery, Inc.,
J & J Leasing & Rentals, Inc., t/d/b/a J & J
Limousine Service, LoMa, Inc., t/d/b/a A.B.E. Limo &
Bus Service, t/d/b/a Aero Chauffeured Limo & Mini-Bus
Service and Elite Industries, Inc., t/d/b/a
Elite Limo.

Caldwell & Kearns by James D. Campbell, Jr., for protestants,
Royal Star Limousine Service, Inc. and J. J. Serafin, Inc.

O R D E R

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BY THE COMMISSION:

This matter comes before the Commission on an application filed September 12, 1995. Public notice of the application was given in the Pennsylvania Bulletin of October 14, 1995. Six (6) protests were filed by the above-mentioned carriers. Protestants withdrew upon submission of a restrictive amendment limiting service between points in the counties of Carbon and Schuylkill which are located within an airline distance of 35 statute miles of the limits of the city of Tamaqua, Schuylkill County, and from points in said territory, to

points in Pennsylvania, and return; and from the Allentown/Bethlehem/Easton Airport located in the county of Lehigh, to points in the counties of Carbon and Schuylkill located within an airline distance of 35 statute miles of the limits of the city of Tamaqua, Schuylkill County; subject to the condition that all transportation originating at the A/B/E Airport shall be limited to return transportation of passengers previously transported by applicant to the airport.

The now unprotested application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and six supporting parties.

Robert E. Silver, shareholder of BHPH, Inc. (applicant or BHPH) is authorized to present this verified statement on behalf of the applicant. Applicant will operate from terminal facilities located at Route 309, Tamaqua, Schuylkill County. Communications will be maintained by telephone, cellular phones and pagers. The vehicle equipment will be obtained after approval of the application. Applicant intends to purchase two (2) stretch limousines, one (1) Town Car and one (1) passenger van with a maximum seating capacity 10. All vehicles will be equipped with cellular telephones and pagers. A comprehensive safety and maintenance program will be put into effect. Each vehicle will be checked for safety before commencing each trip with regularly scheduled maintenance as recommended by the vehicle manufacturer.

Applicant is not affiliated with any other carrier. No duplicating authority or dual operations will result from the grant of the instant application.

The unaudited balance sheet of the applicant as of December 31, 1995 shows total current assets of \$31,862, total assets of \$32,002, total current liabilities of \$6,582, total liabilities of \$26,582 and total shareholders' equity of \$5,420.

Lynette Tirpak (supporting party or Tirpak) is a travel agent licensed by the airlines who is frequently asked to provide information as to limousine services. Tirpak is daily contacted by ticket purchasers asking about limousine service available to provide transportation from the ticket purchaser's home to the Allentown/Bethlehem/Easton Airport. Due to the lack of available service, Tirpak cannot suggest anyone for customers to contact to arrange for said service. Representative points of origin include Tamaqua and McAdoo, both located in Schuylkill County and Lansford and Nesquehoning, both located in Carbon County to the Allentown/Bethlehem/Easton Airport and return.

Don Reese (supporting party or Reese) is the advertising manager of the Time News, a newspaper. Reese

requires limousine transportation five to six times yearly for service commencing at 180 North 11th Street, Lehigh, Carbon County to Lake Harmony, Carbon County and return home to Lehigh along with other locations as may be needed.

Mark M. Marek, (supporting shipper or Marek) manager of WLSH Radio Station, requires limousine service approximately five to six times monthly for promotions with transportation originating from Lansford, Carbon County to points of destination located in the Stabler area and Montage Mountain for concert promotions.

Joseph Blazosky (supporting party or Blazosky) owner and funeral home director, requires limousine transportation once per week from such representative origins as Jim Thorpe, Nesquehoning, and Lansford, all located in Carbon County and Hometown, Schuylkill County with transportation destined to local cemeteries.

Megan Anderson (supporting party or Anderson) is a florist with the trade name of Porvaznik's Florist located at 42 West Rich Street, Lansford, Carbon County, PA. Anderson provides wedding packages for her customers including limousine transportation for the wedding. Transportation for the weddings would originate from such representative points as Lansford, Nesquehoning both located in Carbon County and Coaldale, Schuylkill County, to such representative destinations as White Haven and Hazleton, both located in Luzerne County and Lehigh, Carbon County. Service would be required as frequently as once weekly.

Keith R. McCall, State Representative of the 122nd Legislative District representing the boroughs of Lansford and Lehigh both located in Carbon County, fully supports this application and requests that consideration be made for this request for service.

DISCUSSION AND FINDINGS

BHPH, Inc., a corporation of the Commonwealth of Pennsylvania, seeks to initiate common carrier limousine service and the application was opposed by six (6) carriers. The protests were withdrawn upon restrictive amendment limiting service between points in the counties of Carbon and Schuylkill which are located within an airline distance of 35 statute miles of the limits of the city of Tamaqua, Schuylkill County and from points in said territory, to points in Pennsylvania, and return; and from the Allentown/Bethlehem/Easton Airport, located in the county of Lehigh, to points in the counties of Carbon and Schuylkill, located within an airline radius of 35 statute miles of the limits of the city of Tamaqua, Schuylkill County; provided that all transportation originating at the A/B/E Airport shall be

limited to return transportation of passengers previously transported by applicant to the airport.

The territory as now amended includes only the base area of Carbon and Schuylkill Counties which are located within 35 statute miles of the limits of the city of Tamaqua, Schuylkill County. This restriction includes all of Carbon County and practically all of Schuylkill County except for a very small portion located in the far western point near Kingerstown, Schuylkill County. The application has been supported by six (6) parties demonstrating sufficient need for the service.

We find:

1. Applicant seeks to initiate common carrier limousine service and the application was protested by six (6) carriers.
2. The six (6) protests were withdrawn upon restrictive amendment as set forth in the order.
3. Six (6) supporting parties have presented need for the service as amended.
4. The applicant has the fitness and ability to render the service, as amended.
5. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved granting the following rights:

To transport, as a common carrier, persons in limousine service:

- (a) between points in the counties of Carbon and Schuylkill, which are located within an airline distance of thirty-five (35) statute miles of the limits of the city of Tamaqua, Schuylkill County, and from points in said counties, to points in Pennsylvania, and return.
- (b) from the Allentown/Bethlehem/Easton Airport, located in the county of Lehigh, to points in the counties of Carbon and Schuylkill located within an airline distance of thirty-five (35) statute miles of the limits of the city of Tamaqua, Schuylkill County;

subject to the following condition:

That all transportation originating at the Allentown/Bethlehem/Easton Airport shall be limited to return transportation of passengers previously transported by applicant to the airport.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation in this application until the following is submitted to the Commission:

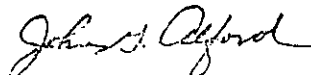
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: January 24, 1997

ORDER ENTERED: **JAN 28** 1997