

308

1. <u>REPORT DATE:</u>	June 12, 1992	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	JUL-92-T-630*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	July 9, 1992
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	Zeigler 3-5946	:	
8. <u>DOCKET NO.:</u>	A-00109844, F. 2	:	

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

(a) Application of Aim Leasing Drivers Company, t/d/b/a Aim Dedicated, an Ohio corporation, Girard, Ohio, for the transfer of part of the operating rights of Cougar Trucking, Inc., under the certificate issued at A-00101251, F. 3, subject to the same limitations and conditions.

(b) The application for transfer is unopposed. The transferee is a currently permitted contract carrier which has petitioned the Commission to convert its contract carrier authority to common carrier authority. The applicant is seeking to acquire by transfer a part of the common carrier rights of Cougar Trucking, Inc. The right is being transferred for the total consideration of \$2,000. No tangible assets are being transferred.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application; converting the contract carrier authority to common carrier authority; and modifying the certificate issued to the transferor by supplemental order.

TZ:kmb

10. MOTION BY: Commissioner Chm. Rolka Commissioner
 Commissioner
 SECONDED: Commissioner Holland Commissioner

CONTENT OF MOTION: Staff recommendation adopted



DOCKETED

OCT 26 1992



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

July 17, 1992

HL S

IN REPLY PLEASE
REFER TO OUR FILE

A-00109844, F.2

JOHN A PILLAR ESQUIRE
PILLAR & MULROY
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222

DOCUMENT
FOLDER

Application of Aim Leasing Drivers Company,
t/d/b/a Aim Dedicated

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

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

- I. Arrange through an insurance agent to have an insurance company file the following forms with the Commission.
 - a. A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this sheet.
 - b. A Form H or Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than \$5,000 per vehicle. Under certain circumstances, exemption from the cargo insurance requirement may be secured by filing the enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed instructions except applicants for transfer of authority must file a tariff adoption supplement which will be forwarded by separate cover at a later date.

DOCKETED

AUG 06 1992

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

- 15 passengers or less: \$35,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
- \$25,000 first party medical benefits, \$10,000 first party wage loss benefits and 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. §1171 (relating to required benefits).
- 16 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
- 29 passengers or more: \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

Property Carriers:

- Common or Contract: \$300,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
- 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).
- Common only: \$5,000 per accident per vehicle for loss or damage to cargo.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate has been issued authorizing actual operations. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

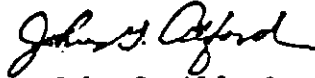
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of July 9, 1992 and dismiss the application without further proceedings.

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

Insurance Filings: Mr. William P. Hoshour-Insurance Section
(717) 783-5933

Tariff Filings: Mr. Joseph Machulsky-Tariff Section
(717) 787-5521

Very truly yours,



John G. Alford
Secretary

smk
Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AIM LEASING DRIVERS COMPANY
T/A AIM DEDICATED
1500 TRUMBLE ROAD
GIRARD OHIO 44420

DOCUMENT
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 9, 1992

Commissioners Present:

David W. Rolka, Chairman
Wendell F. Holland, Commissioner

Application of Aim Leasing Drivers Company,
t/d/b/a Aim Dedicated, for the transfer of
part of the operating rights of Cougar
Trucking, Inc., a corporation of the
Commonwealth of Pennsylvania, under the
certificate issued at A-00101251, F. 3,
subject to the same limitations and
conditions.

A-00109844
F. 2

DOCKETED
AUG 06 1992

John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 8, 1992. Public notice of the application was given in the Pennsylvania Bulletin of May 16, 1992. The unopposed application is certified to the Commission for its decision without oral hearing.

Aim Leasing Drivers Company, t/d/b/a Aim Dedicated is domiciled in Girard, Ohio. It seeks to acquire by transfer a part of the common carrier rights of Cougar Trucking, Inc. which is a Pennsylvania corporation domiciled at Ligonier, Westmoreland County. It seeks to acquire the right to transport as a Class D carrier, new building materials and supplies, new electric equipment and non-perishable food items from the facilities of wholesale and retail establishments in the borough of Whitehall, Allegheny County, to points in the said borough and from points in that borough to points in Pennsylvania, and vice versa. The authority is subject to conditions excluding the transportation of commodities in bulk in dump vehicles and excluding service for A. T. & T. Technologies, Inc. or Bell of Pennsylvania.

Since only a part of the Cougar Trucking authority is being transferred, we have examined the authority to be retained by Cougar Trucking, Inc., at A-00101251, F. 2 and that to be transferred at A-00101251, F. 3, to determine if any duplications will result and to determine if any stipulations will be required to eliminate those duplications. It is our determination that no duplication of authority will occur as the retained authority involves the transportation of coal and fly ash which are commodities not authorized by the authority to transfer.

The applicant is a currently permitted contract carrier having received its permit in October of 1991. It now provides service as a contract carrier transporting property for Robert Wholey and Company between its facilities in the city of Pittsburgh, Allegheny County, and from those said facilities to other points in the city of Pittsburgh, Allegheny County and points within an airline distance of one hundred fifty (150) statute miles of the limits thereof and vice versa. This contract carrier authority excludes the transportation of petroleum and petroleum products in bulk in tank vehicles.

Filed with the application for transfer of the common carrier authority, is a petition to convert the applicant's permit to a certificate of public convenience. The petition requests conversion of the contract carrier authority to common carrier authority so that the applicant will be in compliance with the provisions of the Public Utility Code, specifically 66 Pa. C.S. §2504, which provides that no person or corporation shall hold both a certificate of public convenience and a permit, unless for good cause shown, the Commission shall find that the certificate and permit may be held consistently with the public interest. The petition indicates that the applicant's intention is to operate pursuant to the common carrier rights of the transferor. Submitted with the petition is a statement from Robert Wholey, president of Robert Wholey and Company who avers that the company has no objection to being served by Aim Leasing Drivers Company, t/d/b/a Aim Dedicated, as a common carrier.

It is our determination that it is in public interest to convert the contract carrier authority to common carrier authority and that it is consistent with the provisions of the Public Utility Code and the rules and regulations of the Commission. This order will make that conversion contingent upon compliance with the provisions of the order transferring the common carrier authority.

As a currently permitted carrier, Aim Leasing Drivers Company has experience in the Pennsylvania transportation industry and operates a fleet of equipment suitable to provide transportation. Its financial capacity appears to be such that it can obtain additional equipment should that be required.

The total consideration for the rights is \$2,000. No tangible assets are involved. The total purchase amount will be paid in cash at closing which is to occur within thirty days of entry of the order approving the transfer of the authority.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following right:

To transport, as a Class D carrier, new building materials and supplies, new electronic equipment and non-perishable food items from the facilities of wholesale and retail establishments located in the borough of Whitehall, Allegheny County, to points in said borough, and from points in said borough, to points in Pennsylvania, and vice versa;

subject to the following conditions:

That no right, power or privilege is granted to transport commodities in bulk in dump vehicles.

That no right, power or privilege is granted to render service for A. T. & T. Technologies, Inc. or Bell of Pennsylvania.

IT IS FURTHER ORDERED: That the contract carrier authority held by Aim Leasing Drivers Company, t/d/b/a Aim Dedicated at A-00109844, shall now stand as common carrier authority and read as follows:

To transport, as a Class D carrier, property for Robert Wholey and Company, between its facilities in the city of Pittsburgh, Allegheny County, and from those said facilities to other points in the city of Pittsburgh, Allegheny County and points within an airline distance of one hundred fifty (150) statute miles of the limits thereof, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum products in bulk in tank vehicles.

subject to the following general conditions:

1. 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 property and 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.
2. 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.
3. That the applicant charge to Account 1550, Other Intangible Property, \$2,000, 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; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate/permit holder shall not transfer, sell or in any way convey any of its outstanding capital

stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

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

IT IS FURTHER ORDERED: That 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.

IT IS FURTHER ORDERED: That the right contained in the order adopted September 14, 1989, entered September 20, 1989, granted to the transferor, Cougar Trucking, Inc., at A-00101251, F. 3, be and is hereby cancelled.

IT IS FURTHER ORDERED: That the operating right authorized for transfer, and all rules, regulations and rates applicable thereto, as contained in the transferor's tariff, are hereby cancelled.

IT IS FURTHER ORDERED: That the contract carrier permit issued to Aim Leasing Drivers Company, t/d/b/a Aim Dedicated, at A-00109844, be and is hereby cancelled upon compliance with the provisions set forth in this order and all rights, powers and privileges granted thereby shall forthwith cease and terminate.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: July 9, 1992

ORDER ENTERED: JUL 17 1992



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

KUR

July 21, 1992

IN REPLY PLEASE
REFER TO OUR FILE

R-16

JOHN A PILLAR ESQUIRE
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222



Re: A-00109844, F. 2 - Aim Leasing Drivers Company,
t/d/b/a Aim Dedicated

Dear Mr. Pillar:

Under date of July 17, 1992, the Secretary's office transmitted to you the Commission's compliance order adopted July 9, 1992, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Cougar Trucking, Inc. at A-00101251, F. 3. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

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

Joseph M. Machulsky
By: Joseph M. Machulsky, Chief
Financial Document Section

Enclosure (1 set)

cc: Aim Leasing Drivers Company
t/a Aim Dedicated
1500 Trumble Road
Girard, OH 44420

Contact Person: G. B. Harry
(717-783-5937)



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

July 20, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00 109844
Foldr 2

RJR

JOHN A PILLAR ESQUIRE
PILLAR & MULROY
312 BOULEVARD OF THE ALLIES SUITE 700
PITTSBURGH PA 15222

DOCUMENT
FOLDER

Application of AIM LEASING DRIVERS COMPANY, t/d/b/a AIM DEDICATED

DOCKETED
JUL 29 1993

To Whom It May Concern:

After reviewing our records of Compliance Orders it has come to our attention that you have not complied completely with the Order adopted July 9, 1992 and entered July 17, 1992. You have failed to file a cargo insurance certificate in the amount of \$5,000 per vehicle (Form H) or a cargo waiver (which is enclosed with this letter). This information has been supplied to us by William Hoshour, Supervisor, Bureau of Transportation-Insurance Section after we submitted a memo to him inquiring as to the status of the case.

You have been afforded thirty (30) days from the date of this letter to complete compliance or your application in the above docketed proceeding will be deemed dismissed without further Commission action.

Questions you may have concerning this filing may be directed to: William Hoshour, Supervisor-Insurance Section at 717-783-5933.

Your cooperation is appreciated in this matter.

Very truly yours,

John G. Alford, Secretary

cc:applicant
Aim Leasing Drivers Company
1500 TRUMBLE ROAD
GIRARD OHIO 44420

JZ

Encls.(Cargo Waiver)

Copy of Secretary Letter to: William Hoshour, Insurance Section
Bureau of S&C-Enforcement Section