



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

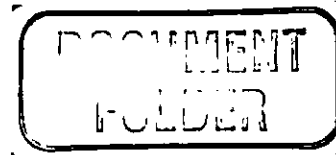
KJR

November 16, 1992

IN REPLY PLEASE
REFER TO OUR FILE

A-00109220

BRADWAY TRUCKING INC
MORTON AVENUE
PO BOX 385
ROSENHAYN NJ 08352



Pennsylvania Public Utility Commission
v.
Bradway Trucking, Inc.
Request for Reinstatement

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on November 13, 1992 in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

John G. Alford, Secretary

DOCKETED
DEC 04 1992

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Encls.
Cert.Mail

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



Public Meeting held November 13, 1992

Commissioners Present:

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

Pa. P.U.C. v. Bradway
Trucking, Inc.
Request for Reinstatement

Docket No.
A-00109220

DOCKETED
DEC 04 1992

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on a request for reinstatement. On July 8, 1992, an Order to Show Cause was entered against Bradway Trucking, Inc. (hereinafter "Bradway") for failing to file its 1991 Annual Report in violation of the Public Utility Code, 66 Pa. C.S. §§ 101, et seq., and Commission regulations, 52 Pa. Code §§ 1.1 et seq. No answer was filed by Bradway to the Order to Show Cause nor did it file its Annual Report. Bradway did, however, file a letter with the Commission on July 27, 1992 indicating that it did not file its report and requesting the proper forms so that it could file same. On September 8, 1992, we entered an Order cancelling Bradway's contract carrier permit. On September 25, 1992, Bradway filed its request for reinstatement.

Decisions as to whether to grant a petition to reinstate are left to the Commission's discretion and will be reversed only if that discretion is abused. Hoskins Taxi Service v. Pennsylvania Public Utility Commission, 87 Pa. Commonwealth Ct. 30, 486 A.2d 1030 (1985). In ruling upon a petition to reinstate, the Commission will examine all relevant factors to reach an equitable result. Medical Transportation, Inc., 57 Pa. P.U.C. 79 (1983).

The Commission has identified three factors which are particularly relevant to the determination of a petition to reinstate: (1) the amount of time which elapsed between

cancellation of the permit and the filing of a petition to reinstate; (2) the petitioner's record of compliance with the Public Utility Code and the rules and regulations of the Commission; and (3) the reasonableness of the excuse given for the violation which caused cancellation of its permit. Re Bishop, 58 Pa. P.U.C. 519 (1984).

Bradway filed its Request for Reinstatement on September 25, 1992, approximately two and one half (2 1/2) weeks after we entered our order cancelling its permit. This factor weighs in favor of reinstatement. Further, a review of Commission records indicates that Bradway's compliance record with the Public Utility Code and the rules and regulations of the Commission is good, also weighing in favor of reinstatement. Aside from the instant violation, only one other Order to Show Cause was instituted against Bradway at A-00109220C911 for failing to file its 1990 Annual Report, which Order to Show Cause was satisfied by Bradway's filing of the annual report.

The basis for Bradway's reinstatement request is that it was awaiting the proper annual report form that it had requested in its July 27, 1992 letter to the Commission. Bradway did file its annual report on September 25, 1992. While we do not condone Bradway's failure to file its annual report by the March 31, 1992 deadline, we believe the record evidences a good faith effort by Bradway to comply with our administrative requirements. In light of Bradway's timely reinstatement request and its good compliance record, we will exercise our discretion and grant reinstatement. THEREFORE, IT IS ORDERED:

1. That the Request to Reinstate filed by Bradway Trucking, Inc. on September 25, 1992 is hereby granted.

2. That the contract carrier permit issued to Bradway Trucking, Inc. at Docket No. A-00109220 is hereby reinstated.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: November 13, 1992

ORDER ENTERED: NOV 16 1992