

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	April 2, 1990	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	MAY-90-T-501*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	May 10, 1990
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Keener-Farley 7-4386	:	
9. <u>DOCKET NO.:</u>	<del>A=001092205</del>	:	

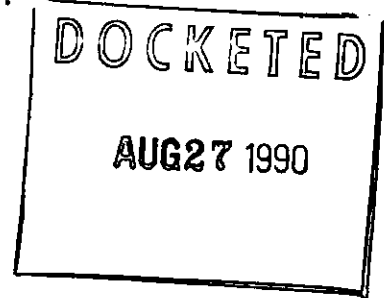
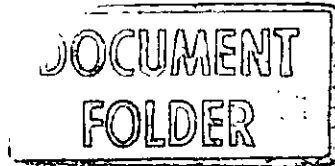
10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation

(a) Application of Bradway, Inc., Rosenhayn, NJ., a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Bradway Trucking, Inc., under the permit issued at A-00106672, F. 1 and F. 2, subject to the same limitations and conditions.

(b) Transferor proposes to transfer all of its PUC operating authority for a total consideration of \$100.00; no tangible assets are involved in the sale.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and that the permit issued to the transferor be cancelled by supplemental order and that a copy of the order be forwarded to the Department of Revenue.

LKF:kmb



11. MOTION BY:	Commissioner	Chm. Shane	Commissioner	Rhodes - Yes
			Commissioner	Smith - Yes
SECONDED:	Commissioner	Fischl	Commissioner	Rolka - Yes

CONTENT OF MOTION: Staff recommendation adopted.

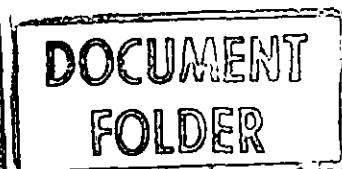
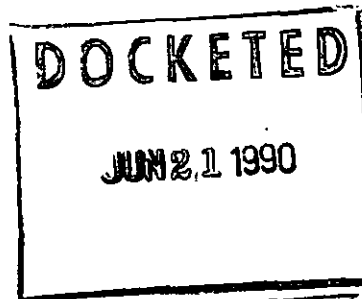


COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

May 17, 1990

IN REPLY PLEASE  
REFER TO OUR FILE  
A-00109220

James W. Patterson, Esquire  
1800 Penn Mutual Tower  
510 Walnut Street  
Philadelphia, PA 19106



Application of Bradway, Inc., a corporation of the State of New Jersey

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

A Contract Carrier Permit 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 public liability and property damage insurance coverage as shown on the back of this sheet.
- II. File a bilateral contract, if required by the order.
- III. Prepare and file a schedule of minimum rates and charges according to the enclosed instructions.

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 \$1,500 first party funeral benefits for all passengers and pedestrians.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits for drivers (PA registered vehicles only).

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.

\$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits (PA registered vehicles only).

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 contract carrier permit has been issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

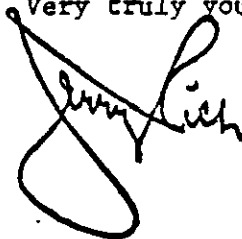
Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty days will cause the Commission to rescind the action of May 10, 1990 and dismiss the application without further proceedings.

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

Insurance Filings: Mr. James McCarthy-Insurance Section  
(717) 783-5933

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

Very truly yours,



Jerry Rich, Secretary

jz  
Enclosures  
Certified Mail  
Receipt Requested

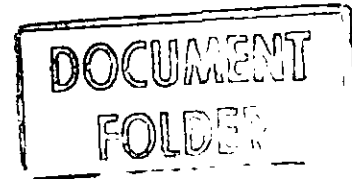
cc:applicant  
Morton Avenue  
P.O. Box 385  
Rosenhayn, NJ 08352

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 10, 1990

Commissioners Present:

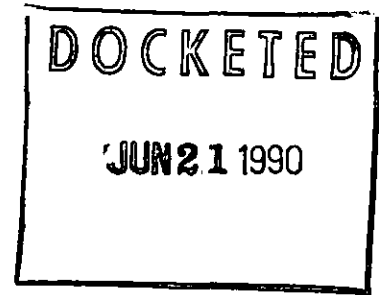
Bill Shane, Chairman  
William H. Smith, Vice-Chairman  
Joseph Rhodes, Jr.  
Frank Fischl  
David W. Rolka



Application of Bradway, Inc., a corporation of the State of New Jersey for the transfer of all of the operating rights of Bradway Trucking, Inc., under the permit issued at A-00106672, F. 1 and F. 2, subject to the same limitations and conditions.

A-00109220

\_\_\_\_\_  
James W. Patterson for the applicant.  
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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 5, 1990. Public notice of the application was given in the Pennsylvania Bulletin of March 24, 1990. The unopposed application is certified to the Commission for its decision without oral hearing.

Bradway, Inc. (applicant), is a corporation of the State of New Jersey, duly registered to conduct business in Pennsylvania. Melvin R. Bradway is president of the corporation and Rosemarie Bradway is secretary; each of these officers hold fifty percent of the outstanding common stock of the applicant. These stockholders are also the owners of Bradway Trucking, Inc., the transferor. The purpose of this transfer is to effect a corporate reorganization of assets and operating activities into two separate entities. The applicant will conduct operations from a facility in Rosenhayn, New Jersey, using a fleet of forty-three tractors and one hundred and eighty-two trailers. As a new corporation, the applicant reports initial cash assets of \$1,000, with no other assets or liabilities.

The applicant has not submitted contracts with the shippers involved herein as required by 66 Pa. C.S. §2506. Prior to providing service, the applicant will be required to file with this Commission bilateral contracts which comply with the provisions contained at 52 Pa. Code §31.45. The contracts shall place specific obligations on the shippers and the carrier, and must state a specified number of shipments during a stated period of time. The contracts shall also state the authority granted by this order as it pertains to the respective shippers.

The total consideration for the rights is one hundred dollars (\$100.00). No tangible assets are involved. The sales agreement requires the consideration to be paid at closing after approval of this transfer.

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

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 will not interfere with the safety and regulation of common carriers; THEREFORE,

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

1. To transport, as a contract carrier by motor vehicle, food and related products and equipment, materials and supplies used in the production and distribution thereof, for the Pillsbury Company and its subsidiaries, Green Giant Company, Burger King Corporation and Steak & Ale Restaurants of America, Inc., from the facilities of said shippers located in the borough of East Greenville, Montgomery County, and the borough of Parkesburg and the township of West Sadsbury, Chester County, to points in Pennsylvania, and vice versa;
2. To transport, as a contract carrier by motor vehicle, property, for Oscar Mayer Food Corporation, from the Pennsylvania facilities owned, leased or used by Oscar Mayer Food Corporation to points in Pennsylvania and vice versa;

with right no. 2 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport commodities in bulk;

- (b) That no right, power or privilege is granted to transport household goods, personal effects and property used or to be used in a dwelling, when a part of the equipment or supplies of such dwelling, as an incidental party of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; and articles in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and the equipment usually employed in moving household goods.

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 permit 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 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, \$100.00, 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 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 permit holder shall not transfer, sell or in any way convey any of its interest 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. §2503(b).

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 schedule of minimum rates and charges.

IT IS FURTHER ORDERED: That the issuance of the permit is contingent upon the applicant filing acceptable contracts in accordance with the requirements of 52 Pa. Code §31.45.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a permit 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 upon compliance with this order, the rights granted the transferor Bradway Trucking, Inc., at A-00106672, F. 1 and F. 2, be cancelled and the record be marked closed.

BY THE COMMISSION,

  
Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: May 10, 1990

ORDER ENTERED: MAY 17 1990