

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
May 24, 1991	:	JUN-91-T-600*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	June 27, 1991
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u>	:	
Pike 3-5947	:	
9. <u>DOCKET NO.:</u>	:	
A-00109226, F. 1, Am-A	:	

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

(a) Application of Gabler Trucking, Inc., Chambersburg, Franklin County, a corporation of the State of Delaware, for amendment to its common carrier certificate, SO AS TO PERMIT the transportation of property (except household goods in use, Classes A and B explosives, commodities in bulk and commodities which, because of size or weight, require the use of special equipment or special permits for their transportation) from the facilities of Borden, Inc., Food Service Division in the borough of Chambersburg, Franklin County, to points in Pennsylvania, and vice versa.

(b) The application filed March 8, 1991 was unopposed. No oral hearings were held. Approval of the application is necessary for the accommodation and convenience of the public.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and dismissing the application for temporary authority.

DP:np

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER

DOCKETED
AUG 05 1991



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

KJR

July 3, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-109226
F. 1, Am-A

CHRISTIAN V GRAF ESQUIRE
407 NORTH FRONT STREET
HARRISBURG PA 17101

Application of Gabler Trucking, Inc., a corporation of the State of
Delaware

To Whom It May Concern:

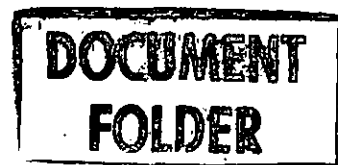
Enclosed is the compliance order issued by the Commission
in this proceeding.

The applicant will not be permitted to operate or engage in
any transportation granted by the enclosed order until a tariff has
been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above
requirement will be subject to the penalty provisions of the Public
Utility Code.

Commission regulations require compliance with the above
requirement within sixty (60) days of the date of this letter. Failure
to comply within the sixty (60) day period will cause the Commission
to rescind the action of June 27, 1991 and dismiss the
application without further proceedings.

Very truly yours,



Jerry Rich, Secretary

lg

Encls.

Certified Mail

Receipt Requested

Tariff Contact Person: Joseph Machulsky (717)787-5521

cc:applicant

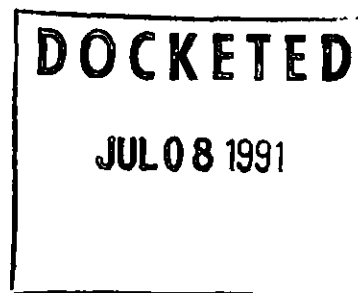
GABLER TRUCKING INC

1580 GABLER ROAD

PO BOX 1089

CHAMBERSBURG PA 17201

Modification

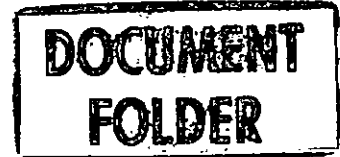


PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 27, 1991

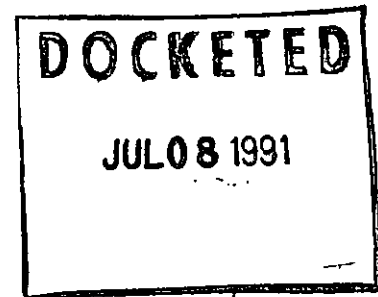
Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner



Application of Gabler Trucking, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property for Dial Corporation, between the facilities owned, leased or utilized by the Dial Corporation, and from said facilities 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: SO AS TO PERMIT the transportation of property (except household goods in use, Classes A and B explosives, commodities in bulk and commodities which, because of size or weight, require the use of special equipment or special permits for their transportation) from the facilities of Borden, Inc., Food Service Division in the borough of Chambersburg, Franklin County, to points in Pennsylvania, and vice versa.

A-00109226
F. 1
Am-A



Christian V. Graf for the applicant.

O R D E R

BY THE COMMISSION:

This application, filed March 8, 1991, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of March 30, 1991. The record, which consists of statements entered by the applicant and the supporting shipper is now certified to the Commission for its decision. Emergency temporary authority was granted by order adopted March 22, 1991 and entered March 25, 1991. Application for temporary authority is herewith dismissed.

The applicant, Gabler Trucking, Inc., (Gabler or applicant) is a corporation of the State of Delaware, domiciled at 1580 Gabler Road, Chambersburg, Franklin County. Harold C. Gabler, Jr. is president, P. Thomas Gabler is vice-president and Harmon Pipe is secretary-treasurer. Gabler owns and operates seventy-five tractors, three hundred eighty five trailers and forty-two refrigerated trailers. Applicant also leases one hundred fifteen tractors and drivers. Applicant's Chambersburg terminal is three miles from the supporting shipper's facilities.

This facility also contains a major repair garage and corporate offices. Two other terminals will be used to service the requirements of the shipper, Borden, Inc., Food Service Division. One is at Aspers, Adams County, thirty miles east of Chambersburg. The other is located at New Kingstown, Cumberland County about forty miles from Chambersburg. All facilities have docks for consolidation of LTL traffic, any location will be used for service to Borden.

Borden, Inc., Foodservice Division's new plant at Chambersburg is due to be completed in early 1991. The 400,000 square foot "hyper-plant" will produce and distribute individual serving packets of condiments, jellies, creamers and seasonings according to a verified statement entered by Randy Moberg, transportation manager. A broad spectrum of ingredients and packaging materials will be received at the new plant.

The new Chambersburg plant will serve points in the northeastern United States bounded by the states of Indiana on the west, Kentucky and South Carolina to the south, including points within those states. Pennsylvania is in the center of the service area. Therefore, service between this plant and all points in Pennsylvania is required. Borden, Inc., Food Service Division has customers at virtually all points in Pennsylvania. Representative destinations for such customers are; Allentown, Altoona, Bridgeville, Chambersburg, DuBois, Harrisburg, Lancaster, Oaks, Philadelphia and Mechanicsburg. Shipments to Pennsylvania are not moved in an acceptable fashion since the carriers offer fragmented service areas, and do not understand or supply the service required of the shipper.

Mr. Moberg states that, beginning in October 1990, he has sought carriers with state-wide authority and specialized equipment (refrigerated units) who could handle Borden's need. Only general commodity carriers have been located, none with adequate authority or refrigerated equipment.

DISCUSSION AND FINDINGS

The facility to be served is a new facility from which general commodity carriers currently hold authority. However, the shipper has found no certificated carrier who can supply the specialized equipment required, and is able to serve its statewide needs. A review of the record before us shows that the product to be transported requires specialized equipment and that the applicant is prepared to provide that equipment.

It has been the policy of this Commission to grant authority "from the facilities" of a shipper only when sufficient support was received from several different shippers. No such support is present in the instant application. The attorney of record agrees that the authority granted be modified to read for the supporting shipper, Borden, Inc., Foodservice Division.

There is sufficient evidence to warrant the grant of authority;
THEREFORE,

IT IS ORDERED: That the application, as modified, be and is hereby approved and that the certificate issued to the applicant on October 26, 1990, be further amended to include the following right:

To transport as a Class D carrier property for Borden, Inc., Foodservice Division, from its facility in the borough of Chambersburg, Franklin County, to points in Pennsylvania and vice versa;

subject to the following condition:

That no right, power or privilege be granted to transport household goods in use, Classes A and B explosives, commodities in bulk and commodities which, because of size or weight, require the use of special equipment or special permits for their transportation.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have 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 a tariff establishing just and reasonable rates.

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 authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the application for temporary
authority be herewith dismissed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 27, 1991

ORDER ENTERED: JUL 3_ 1991