

1. <u>REPORT DATE:</u>	February 5, 1992	:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation	:	FEB-92-T-159*	
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>		:	February 27, 1992	
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>	A-00109226, F. 1, Am-B	:		
10. (a) <u>CAPTION</u> (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, for Food Lion, from its facilities located in the township of Antrim, Franklin County, to points in Pennsylvania, and vice versa.

(b) One protest was filed but withdrawn upon restrictive amendment. No oral hearings were held. One supporting shipper submitted a verified statement indicating a public need for the proposed service, as amended.

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

LK-F:11

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

CONTENT OF MOTION: Staff recommendation adopted.

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DOCKETED
MAR 11 1992



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

March 10, 1992

IN REPLY PLEASE
REFER TO OUR FILE
A-00109226, f.1, Am-B

DAVID H RADCLIFF ESQUIRE
407 NORTH FRONT STREET
HARRISBURG PA 17101

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

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 February 27, 1992 and dismiss the
application without further proceedings.

DOCUMENT
FOLDER

Very truly yours,

John G. Alford, Secretary

smk
Encls.
Certified Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717)787-5521
GABLER TRUCKING INC
1580 GABLER ROAD
CHAMBERSBURG PA 17201

Modification

DOCKETED
MAR 13 1992

DOCUMENT
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

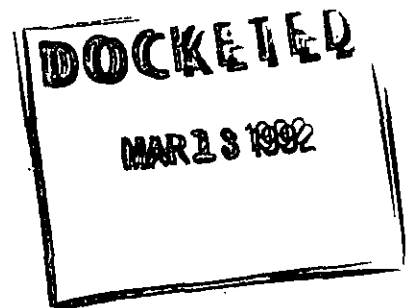
Public Meeting held February 27, 1992

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, 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, animal feed, from the facilities of Perk Foods Company, Division of C.H.B. Foods, Inc., located in the township of Lower Allen, Cumberland County, to points in Pennsylvania: SO AS TO PERMIT the transportation of property, for Food Lion, from its facilities located in the township of Antrim, Franklin County, to points in Pennsylvania, and vice versa.

A-00109226
F. I
Am-B



David H. Radcliff for the applicant.
Peter G. Loftus for the protestant, Seaboard Tank Lines, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 15, 1991. Public notice of the application was given in the Pennsylvania Bulletin of November 23, 1991. One protest was filed to the application but was withdrawn contingent upon the Commission's acceptance of a restrictive amendment prohibiting the transportation of petroleum, petroleum products and dry litharge, in bulk. The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements submitted by the applicant and the supporting shipper.

Gabler Trucking, Inc. (Gabler or applicant), is a Delaware corporation with its principal place of business in Chambersburg, Franklin County. It is the successor of H. C. Gabler, Inc., and presently operates under fifty

paragraphs of rights. The applicant operates terminals in Chambersburg, Aspers, Adams County, and Silver Springs, Cumberland County. A fleet of 140 tractors and 400 trailers is available to perform the proposed service. As a currently certificated carrier, the applicant has a comprehensive safety program for drivers and vehicles in place. As evidence of its financial capacity to perform the additional service, Gabler reports assets of \$4,090,069, with liabilities of \$3,855,757, leaving a shareholders' equity of \$234,312.

By this application, Gabler seeks the additional right to transport property (except petroleum, petroleum products and dry litharge, in bulk) for Food Lion, from its facilities in Antrim Township, Franklin County, to points in Pennsylvania, and vice versa.

Gary Hart, transportation procurement specialist for Food Lion, submitted a verified statement in support of the amended application. Food Lion is a supermarket chain with three stores in Pennsylvania and more planned for the future. It operates a warehouse facility in Antrim Township, Franklin County, which receives inbound shipments from suppliers and ships outbound shipments to its retail stores. Approximately one hundred truckloads per year are expected to be handled by the facility. Suppliers are located throughout the state, including such points as Allentown, Bristol, Chester, Erie, Hanover, Lancaster, New Castle, Pittsburgh, Reading and Shiremanstown. The applicant presently serves the shipper in interstate commerce and Food Lion is satisfied with the quality of its service.

After a complete review of the record before us, we find:

1. That the applicant has shown that there is a public need for the proposed service, as amended.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service, as amended.
3. That 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 and that the certificate issued to the applicant on October 6, 1990, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, for Food Lion, from its facilities in Antrim Township, Franklin County, to points in Pennsylvania, and vice versa;

subject to the following condition:

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

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 the Commission relative to the filing and acceptance of 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 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: February 27, 1992

ORDER ENTERED: March 10, 1992