

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
May 27, 1992	:	
3. <u>BUREAU:</u>	:	JUN-92-T-541*
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	June 19, 1992
Director: Ernst 7-2154	:	
Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Pike 3-5947	:	
8. <u>DOCKET NO.:</u>	:	
A-00109226, F. 1, Am-C	:	
9. (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., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of property, for Nursery Supplies, Inc., between its facilities in the counties of Bucks and Franklin, and from said facilities, to points in Pennsylvania, and vice versa.

(b) One protest was filed, but withdrawn upon restrictive amendment. 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, as amended.

DAP:11

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

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**

DOCKETED

JUL 06 1992

July 1, 1992

KTR

IN REPLY PLEASE
REFER TO OUR FILE

A-00109226
Folder 1, Am-C

DAVID H RADCLIFF ESQUIRE
407 NORTH FRONT STREET
HARRISBURG PA 17101

Application of GABLER TRUCKING INC., a corporation of the Commonwealth of Pennsylvania

Dear Sir:

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 19, 1992 and dismiss the application without further proceedings.



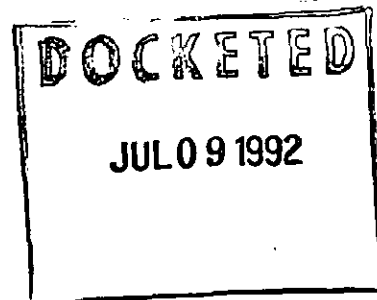
Very truly yours,

A handwritten signature in cursive script, appearing to read "John G. Alford".

John G. Alford, Acting Secretary

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

Modification



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 19, 1992

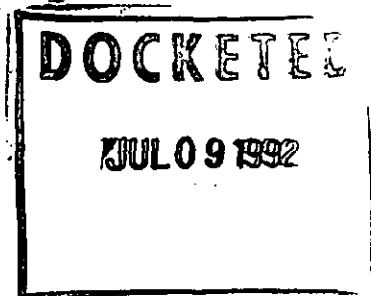
Commissioners Present:

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



Application of Gabler Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, fruit from orchards and packers in the county of Franklin to other points in Pennsylvania: SO AS TO PERMIT the transportation of property, for Nursery Supplies, Inc., between its facilities in the counties of Bucks and Franklin, and from said facilities, to points in Pennsylvania, and vice versa.

A-00109226
F. 1
Am-C



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 21, 1991. Public notice of the application was given in the Pennsylvania Bulletin of December 7, 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 stockholders' equity of \$234,312.

Francis R. Quinn, traffic and shipping manager for Nursery Supplies, Inc. submitted a verified statement in support of the application. Nursery Supplies manufactures plastic flower pots. Nursery Supplies has two facilities, its principal headquarters and a manufacturing plant in Fairless Hills, Bucks County and a manufacturing and storage facility being constructed at Chambersburg, Franklin County. Shipments are received at both locations from points throughout the state. Shipments will be made from both facilities to points throughout Pennsylvania. Truckload service is required with multiple pickups and deliveries in dry van trailers. Gabler presently serves the shipper in interstate commerce and satisfies its requirements.

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 Nursery Supplies, Inc., between its facilities in Bucks and Franklin Counties 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 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: June 19, 1992

ORDER ENTERED: JUL 1 1992