

KJR

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	February 22, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	MAR-91-T-272*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	March 22, 1991
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-00109630	:	

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

(a) Application of Suzanne Diehl Stewart, Jeannette, Westmoreland County, for the transfer of all of the operating rights of Glenn H. Diehl (deceased) under the certificate issued at A-00064650, Folders 1, 2 and 3, 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 certificate issued to the transferor be cancelled by supplemental order and that a copy of the order be forwarded to the Department of Revenue.

LK-F:np

DOCUMENT  
FOLDER

DOCKETED  
MAY 16 1991

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

CONTENT OF MOTION: Staff recommendation adopted.



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

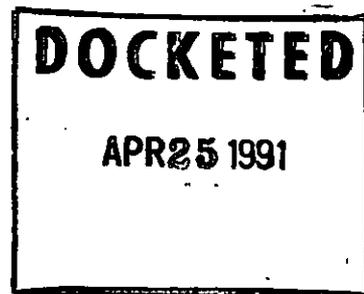
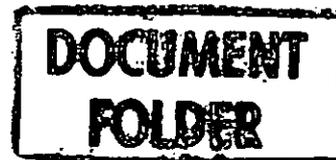
April 1, 1991

KJR  
IN REPLY PLEASE  
REFER TO OUR FILE

A-109630

Richard E. Myers, Esquire  
607 East Pittsburgh Street  
Greensburg, PA 15601

Application of Suzanne Diehl Stewart



To Whom It May Concern:

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

A Certificate of Public Convenience 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 the following forms with the Commission.
  - a. A Form E as evidence of minimum public liability and property damage insurance coverage as shown on the back of this sheet.
  - b. A Form H or Form UCPC-31 as evidence of cargo insurance coverage in an amount not less than \$5,000 per vehicle. Under certain circumstances, exemption from the cargo insurance requirement may be secured by filing the enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed instructions except applicants for transfer of authority must file a tariff adoption supplement which will be forwarded by separate cover at a later date.

917

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 certificate has been issued authorizing actual operations. A motor carrier 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 day period will cause the Commission to rescind the action of March 22, 1991 and dismiss the application without further proceedings.

If you foresee 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,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large loop at the bottom and a flourish at the end.

Jerry Rich, Secretary

lg  
Enclosures  
Certified Mail  
Receipt Requested

cc:applicant  
Suzanne Diehl Stewart  
130 Depot Street  
P.O.Box 1866  
Greensburg, PA 15644

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held March 22, 1991

Commissioners Present:

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

Application of Suzanne Diehl Stewart for the transfer of all of the operating rights of Glenn H. Diehl (deceased) under the certificate issued at A-00064650, Folders 1, 2 and 3, subject to the same limitations and conditions.

A-00109630

\_\_\_\_\_  
Richard E. Myers for the applicant.

\_\_\_\_\_  
O R D E R

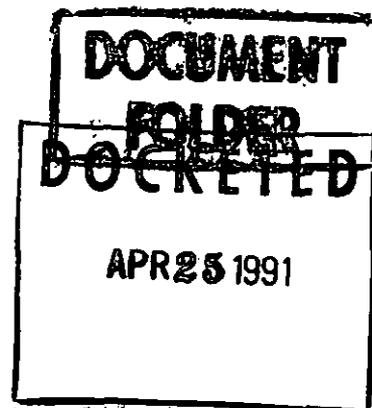
BY THE COMMISSION:

This matter comes before the Commission on an application filed January 17, 1991. Public notice of the application was given in the Pennsylvania Bulletin of February 16, 1991. The unopposed application is certified to the Commission for its decision without oral hearing.

Suzanne Diehl Stewart (applicant) is the daughter of Glenn H. Diehl, deceased (transferor). She was involved in the operation of her father's business for many years and is experienced in managing a common carrier. Two tractors, two trailers and three vans are available to perform the service involved herein. As evidence of her financial capacity to begin operations, Stewart reports assets of \$205,000, with liabilities of \$52,000, leaving a net worth of \$153,000.

The total consideration for the rights is one hundred dollars (\$100.00). No tangible assets are involved. The sales agreement, executed by Esther J. Diehl, executrix of the estate of the transferor, requires the consideration to be paid at closing, after approval of this transfer application.

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



The transferor's rights had been previously cancelled by the Commission. By order adopted November 1, 1990, the certificates were reinstated for the express purpose of allowing a transfer application to be filed. The applicant and the transferor have complied with all of the conditions of the reinstatement order and it is proper that this transfer proceed.

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 is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following right(s):

1. To transport, as a Class D carrier, farm produce, farm machinery and farm supplies between points in the city of Jeannette, Westmoreland County, and within fifteen (15) miles by the usually traveled highways of the limits of said city;
2. To transport, as a Class D carrier, household goods and office furnishings and store equipment, in use, between points in the city of Jeannette, Westmoreland County, and within fifteen (15) miles by the usually traveled highways of the limits of said city;
3. To transport, as a Class D carrier, household goods and office furnishings and store equipment, in use, from points in the city of Jeannette, Westmoreland County, and within fifteen (15) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa;
4. To transport, as a Class D carrier, household goods and office furnishings in use, and entire store, garage and farm movings between points in the city of Greensburg, Westmoreland County, and within ten (10) miles by the usually traveled highways of the limits thereof, excluding service between points in the city of Jeannette and within three (3) miles of the limits of the city of Jeannette which are not within three (3) miles of the limits of the city of Greensburg, and excluding the boroughs of Latrobe and Mount Pleasant, Westmoreland County;
5. To transport, as a Class D carrier, household goods and office furnishings, in use, and entire store,

garage and farm movings from points in the city of Greensburg, Westmoreland County, and within ten (10) miles by the usually traveled highways of the limits thereof (excluding points in the city of Jeannette and within three (3) miles of the limits of the city of Jeannette which are not within three (3) miles of the limits of the city of Greensburg and excluding the boroughs of Latrobe and Mount Pleasant, Westmoreland County) to other points in Pennsylvania, and vice versa;

6. To transport, as a Class D carrier, coal from mines in the townships of Hempfield and Penn, Westmoreland County, to points in the said townships and within a radius of three (3) miles thereof, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination;
7. To transport, as a Class D carrier, coal from mines, not served by railroad, and stripping operations in the county of Westmoreland, to railroad sidings or coke ovens, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;
8. To transport, as a Class B carrier, property between points in the city of Jeannette, Westmoreland County, and within a radius of five (5) miles thereof;
9. To transport, as a Class D carrier, building materials between points in the county of Westmoreland, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;
10. To transport, as a Class D carrier, pre-fabricated houses from railroad sidings in the county of Westmoreland to job sites in the counties of Westmoreland and Allegheny;
11. To transport, as a Class D carrier, building supplies, lumber, and fixtures for pre-fabricated houses from points within a radius of sixty (60) miles of the county of Westmoreland to job sites in the county of Westmoreland;

with right numbers 10 and 11 subject to the following conditions:

- (a) That no right, power or privilege is granted to render service to or from points within a radius of ten (10) miles of the borough of Donora, Washington County;

- (b) That no right, power or privilege is granted to render service to or from points in the borough of Latrobe, Westmoreland County;

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 certificate 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 her utility 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 \$100.00 consideration paid by applicant for the rights and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
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 her utility 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 certificate holder shall not transfer, sell or in any way convey any of her 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. §1102(a)(3).

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 tariff establishing just and reasonable rates.

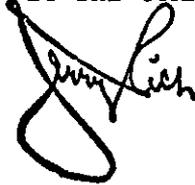
IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1990 Annual Report of the transferor.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate 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, Glenn H. Diehl (deceased) at A-00064650, Folders 1, 2 and 3, be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, circular flourish.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: March 22, 1991

ORDER ENTERED: APR 1 \_ 1991



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

April 9, 1991

IN REPLY PLEASE  
REFER TO OUR FILE

R-16

Richard E. Myers, Esquire  
607 East Pittsburgh Street  
Greensburg, PA 15601

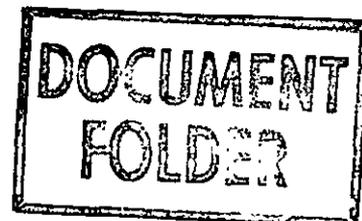
Re: A-00109630 - Suzanne Diehl Stewart.

Dear Mr. Myers:

Under date of April 1, 1991, the Secretary's office transmitted to you the Commission's compliance order adopted March 22, 1991, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Glenn H. Diehl (deceased) at A-00064650, F. 1, 2 and 3. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

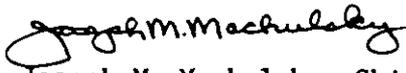
In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

We also notice that rates for a part of the authorized service being transferred are provided in tariffs published by Tristate Household Goods Tariff Conference, Inc., Agent. Should you elect to participate in the agency publication(s), two copies of a suitable power of attorney should be



included with the filing. If you do not elect to participate in the agency publication(s) a new tariff or tariffs should be filed containing the same rates, rules and regulations published by the agency (agencies) for a minimum of 30 days.

Very truly yours,  
Barry L. Ernst, Director  
Bureau of Transportation

  
By: Joseph M. Machulsky, Chief  
Financial Document Section

Enclosure (1 set)

cc: Tristate  
P.O. Box 2006  
Bristol, PA 19077  
New power of attorney to be designated:  
Pa. F. 1 No. 1 no cancellation\*  
\*(Note: Carrier makes reference to this  
agency publication but has no power of  
attorney on file.)

Suzanne Diehl Stewart  
130 Depot Street  
P.O. Box 1866  
Greensburg, PA 15644

Contact Person: G.B. Harry  
(717) 783-5937