

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 24, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield, Abstaining
John Hanger

DOCUMENT
FOLDER

Application of ARL, Inc. for the
for the transfer of all of the
operating right of General Express,
Corp. under the permit issued at
A-00109823 subject to the same
limitations and conditions.

A-00106098
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Pillar and Mulroy by John A. Pillar 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 8, 1993. Public notice of the application was given in the Pennsylvania Bulletin of April 24, 1993. The unopposed application is certified to the Commission for its decision without oral hearing.

ARL, Inc. (transferee, applicant or ARL) seeks to amend its contract carrier permit through the acquisition of the right in this transfer proceeding. Applicant is a corporation of the Commonwealth of Pennsylvania and has facilities located in Coraopolis, Allegheny County. Transferee is an authorized ICC carrier and has extensive experience in the transportation of both bulk commodities and dry freight and handling of traffic in tank, vans and flatbeds. ARL will conduct operations utilizing 133 tractors, 6 tankers, 42 vans, 92 flats, 17 reefers, 3 drop-deck and one lowboy. A comprehensive safety and maintenance program is in effect. Applicant is in good financial condition.

As a contract carrier, it is necessary that the applicant submit a bilateral contract as required by 66 Pa. C.S. §2506 and in accordance with Commission regulations at 52 Pa. Code §31.45. The contract must place specific obligations upon the shipper and carrier, and must state a specified number of shipments during a stated period of time. The contract must state the authority granted by the instant order. Said contract must be submitted to this

Commission for its review before service may be initiated under the contract carrier authority granted.

The total consideration for the right and other assets including an automobile is \$25,000. The rights have been assigned a value of \$1,000 with the automobile assigned a value of \$24,000. The sales agreement requires the consideration to be paid as follows: upon execution of the sales agreement dated December 17, 1992, the sum of \$25,000 was paid and held in escrow. The closing date is the day selected by agreement within a period of 30 days after PUC approval of the 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.

We find that the applicant is fit, willing and able to perform the service as a contract carrier and that approval of the application is in the public interest and will not interfere with the safety and regulation of common carriers; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the contract carrier permit issued to the applicant on November 8, 1985, as amended, be further amended to include the following right:

To transport, as a contract carrier by motor vehicle, property, for The Goodyear Tire and Rubber Company, between points in Pennsylvania.

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/or 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 the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
3. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.

4. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under conditions No. 2 and 3 above.
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.

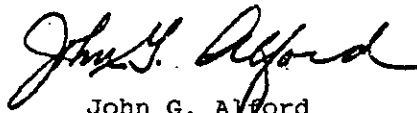
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a schedule of minimum rates and charges in accordance with 66 Pa. C.S. §2502.

IT IS FURTHER ORDERED: That issuance of the authority is subject to the applicant filing an acceptable contract with the Commission in accordance with 52 Pa. Code §31.45.

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 right granted the transferor, General Express Corp., at A-00109283 be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: June 24, 1993

ORDER ENTERED: JUN 29 1993