

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	June 26, 1991	:	2. <u>BUREAU AGENDA NO.</u>	JUL-91-T-674*
3. <u>BUREAU:</u>	Transportation	:		
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	July 16, 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>	Hoshour 7-5513	:		
9. <u>DOCKET NO.:</u>	A-00109813	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

DOCKETED

OCT. 1 - 1991

(a) Application of Chester A. Wylie, Saxonburg, Butler County, for the transfer of all of the operating rights of Howard W. Wylie (deceased) subject to the same limitations and conditions. *A-93960*

(b) The applicant seeks to acquire by transfer two common carrier rights held by his deceased father. The father died intestate. A Certificate Intestate was filed along with a Disclaimer of Interest signed by his wife and surviving children.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application and cancel by supplemental order the certificate issued to the transferor.

WH:11

DOCUMENT
FOLDER

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

CONTENT OF MOTION: Staff recommendation adopted.



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

KJR

July 19, 1991

IN REPLY PLEASE
REFER TO OUR FILE
A-109813

JOHN A PILLAR ESQUIRE
SUITE 700 312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222

Application of Chester A. Wylie

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.

DOCUMENT
FOLDER

DOCKETED
JUL 23 1991

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 July 16, 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,



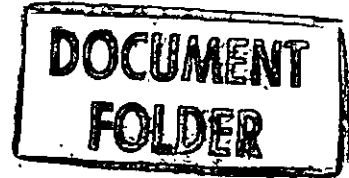
Jerry Rich, Secretary

lg

Enclosures
Certified Mail
Receipt Requested

cc:applicant
CHESTER A WYLIE
175 WYLIE ROAD
SAXONBURG PA 16056

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



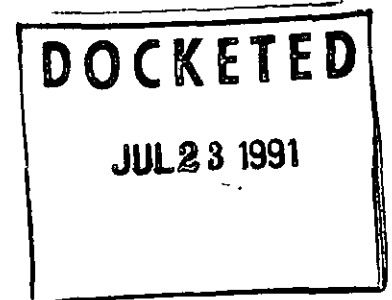
Public Meeting held July 16, 1991

Commissioners Present:

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

Application of Chester A. Wylie, for the transfer of all of the operating rights of Howard W. Wylie (deceased) under the certificate issued at A-00093960, subject to the same limitations and conditions.

A-00109813



Pillar and Mulroy, P.C. by John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 31, 1991. Public notice of the application was given in the Pennsylvania Bulletin of June 22, 1991. No protests were filed. The unopposed application is certified to the Commission for its decision without an oral hearing.

Chester A. Wylie (applicant), 175 Wylie Road, Saxonburg, Butler County, seeks to acquire by transfer the two common carrier rights issued to Howard W. Wylie (deceased) (transferor). The two rights authorize the transportation of various bulk commodities.

The transferor, the applicant's father, died on April 3, 1991, intestate. A Disclaimer of Interest has been submitted by the transferor's wife and surviving children setting forth that it was the intention of the transferor to transfer his certificate of public convenience to his son, Chester A. Wylie. A Certificate Intestate dated April 23, 1991, was also filed by Helen N. Wylie, the legally appointed Administratrix.

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 authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant is fit, willing and able to provide the service proposed.

2. That 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 rights:

To transport, as a Class D carrier, coal, ice, red dog, slag, cinders, lumber, sand and boney between points in the township of West Deer, Allegheny County, and from points in said township to points in the county of Allegheny, and vice versa;

To transport, as a Class D carrier, coal, red dog and boney, in bulk in dump trucks, between points in the counties of Allegheny and Westmoreland, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.

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 his 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 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 his utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

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 applicant shall not engage in any transportation granted herein until he 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 1991 Assessment of the transferor.

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, Howard W. Wylie (deceased), at A-00093960 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, looped flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1991
ORDER ENTERED: JUL 19 1991



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

July 24, 1991

IN REPLY PLEASE
REFER TO OUR FILE

R-16

JOHN A PILLAR ESQUIRE
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222

Re: A-00109813, Chester A. Wylie

Dear Mr. Pillar:

Under date of 7-19-91, the Secretary's office transmitted to you the Commission's compliance order adopted 7-16-91, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Howard W. Wylie (deceased) at A-00093960. 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.

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

By: Joseph M. Machulsky, Chief
Financial Document Section

Enclosure (1 set)

cc: Chester A. Wylie
175 Wylie Road
Saxonburg, PA 16056

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

