



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 29, 1994

A-00109827F0001AM-A

SUSAN M SHANAMAN ESQ
21 NORTH 4TH STREET
HARRISBURG PA 17101

DOCUMENT
FOLDER

DOCKETED
SEP 23 1994

Application of Timothy R. Engles,
t/d/b/a Engles Family Moving


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 August 18, 1994 and dismiss the application without further proceedings.

Very truly yours,


John G. Alford, Secretary

las
encls.
cert.mail

Tariff Contact Person: Joseph Machulsky (717) 787-5521

TIMOTHY R ENGLES
T/A ENGLES FAMILY MOVING
805 ATLANTIC AVE
P O BOX 123
FRANKLIN PA 16323

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 18, 1994

Commissioners Present:

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

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Application of Timothy R. Engles, t/d/b/a Engles Family Moving, for the right to begin to transport, as a common carrier by motor vehicle, property for Joy Technologies, Inc., from the city of Franklin, Venango County to points in Pennsylvania, and vice versa, and property for Franklin Steel Company from the city of Franklin, Venango County, to points in Pennsylvania and vice versa.

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Susan M. Shanaman for the applicant.
John A. Pillar for the protestant, Klapec Trucking Co.
Albert L. Evans for the protestant, West Motor Freight of Pennsylvania.
Peter G. Loftus for the protestant, Seaboard Tank Lines, Inc.
J. Bruce Walter for the protestant, Keen Transport, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 22, 1994. Public notice of the application was given in the Pennsylvania Bulletin of March 26, 1994. Four protests were filed, but withdrawn, contingent upon the Commission's acceptance of a restrictive amendment limiting authority to Joy Technologies and to points in the counties of Indiana, Washington, Allegheny, Mercer, Lawrence, Crawford and Erie and vice versa, with certain other restrictions. The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements filed by the applicant and the supporting shipper witness.

The applicant, Timothy R. Engles, t/d/b/a Engles Family Moving (Engles) is domiciled at 803 Atlantic Avenue, Franklin, Venango County. Applicant operates two tractors, one drop-deck trailer, two straight trucks and a van. Maintenance is performed by certified mechanics at commercial establishments. Pre-trip and post-trip inspections are required and any defect must be repaired immediately. Communications are by commercial telephone service. Applicant has served the shipper, Joy Technologies, Inc. through its current authority which allows the transport of emergency shipments. The applicant refers, by reference, to its most current annual report on file with this Commission as proof of his financial fitness.

G. B. Marwood, manager of Procurement Division and T. L. Wiand, manager of physical distribution for Joy Technologies, Inc. (Joy) submitted a statement in support of the applicant. Joy's Mining Machinery Division, located at 120 Liberty Street, Franklin, Venango County, manufactures underground coal mining equipment. Joy requires daily service to its locations and customers within the amended application territory. Joy requires consistent, reliable service for delivery of equipment and parts for the repair and building of underground mining equipment.

It appears that the applicant has the equipment and experience necessary to perform the proposed service. It also appears the proposed service is necessary for the public interest.

We find:

1. That the applicant has the equipment and financial fitness necessary to perform the proposed service.
2. Applicant is fit, ready and willing to provide the requested service.
3. That approval of the application 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 be further amended to include the following right:

To transport, as a Class D carrier, property, for Joy Technologies, Inc. from the city of Franklin, Venango County to points in the counties of Indiana, Washington, Allegheny, Mercer, Lawrence, Crawford, and Erie and vice versa.

subject to the following conditions:

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

2. That no right, power or privilege is granted to transport assembled machinery and such described commodities which, because of their size or weight, require special handling, equipment, service or permits, with the exception of shipments destined for Meadow Lands, South Strabane Township, Washington County and the borough of West Middlesex, Pennsylvania.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. 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: August 18, 1994

ORDER ENTERED: AUG 20 1994