

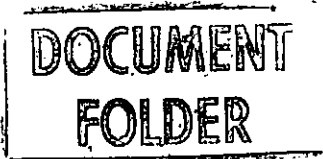
1. <u>REPORT DATE:</u>	January 16, 1992	2. <u>BUREAU AGENDA NO.</u>	FEB-92-T-89*
3. <u>BUREAU:</u>	Transportation	5. <u>PUBLIC MEETING DATE:</u>	February 6, 1992
4. <u>SECTION</u>	Technical Review		
6. <u>APPROVED BY:</u>			
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Hoshour 7-5513		
9. <u>DOCKET NO.:</u>	A-00109842		
10. (a) CAPTION (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

(a) Application of Wright's Meat Packing, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, bones, grease, dead livestock and livestock offal, from slaughter houses, retail meat markets (including supermarkets), farms, livestock auctions and other establishments where livestock is processed or sold, between points in the counties of Beaver, Butler, Lawrence, Allegheny, Mercer and Armstrong.

(b) The application is unopposed. The applicant and three supporting shippers have entered statements in support of the pending application. The record contains sufficient evidence to indicate that there exists a public need for the service being proposed by the instant application.

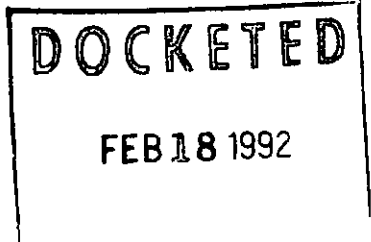
(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application.

TZ:rs



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

CONTENT OF MOTION: Staff recommendation adopted.





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

KJR

February 18, 1992

IN REPLY PLEASE  
REFER TO OUR FILE

A-00109842

JOHN R WALTERS JR ESQUIRE  
108 EAST DIAMOND STREET  
BUTLER PA 16001

Application of Wright's Meat Packing, Inc.,  
a corporation of the Commonwealth of Pennsylvania

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.

DOCKETED

FEB 24 1992

DOCUMENT  
FOLDER

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 February 6, 1992 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,



John G. Alford, Secretary

Enclosures  
Certified Mail  
Receipt Requested

WRIGHT'S MEAT PACKING INC  
WRIGHT LANE  
FOMBELL PA 16123

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

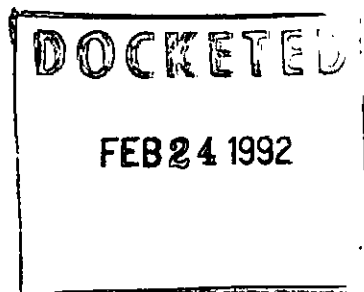
Public Meeting held February 6, 1992

Commissioners Present:

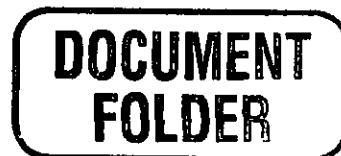
David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner

Application of Wright's Meat Packing, Inc.,  
a corporation of the Commonwealth of  
Pennsylvania, for the right to begin to  
transport, as a common carrier, by motor  
vehicle, bones, grease, dead livestock  
and livestock offal, from slaughter houses,  
retail meat markets (including super-  
markets), farms, livestock auctions and  
other establishments where livestock is  
processed or sold, between points in the  
counties of Beaver, Butler, Lawrence,  
Allegheny, Mercer and Armstrong.

A-00109842



\_\_\_\_\_  
John R. Walters, Jr., for the applicant.



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

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 3, 1991. Public notice of the application was given in the Pennsylvania Bulletin of July 27, 1991. No protests have been filed.

The unprotested application is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and three supporting shippers.

DISCUSSION AND FINDINGS

Wright's Meat Packing, Inc. (applicant or Wright's) is a Pennsylvania corporation domiciled at Wright Lane, Fombell, Beaver County.

By the instant application, the applicant seeks an initial grant of common carrier authority which would authorize the transportation of bones, grease, dead livestock, and livestock offal, from slaughter houses, retail meat markets (including supermarkets), farms, livestock auctions and other establishments where livestock is processed or sold, between points in the counties of Beaver, Butler, Lawrence, Allegheny, Mercer and Armstrong.

William L. Wright, president of the applicant, states that the applicant will utilize one 1988 C-70 Chevrolet truck to transport the commodities tendered by the supporting shippers. Shipments will originate at establishments where livestock is processed or sold.

In addition to transporting shipments for the supporting shippers, the applicant anticipates transporting, from its own facilities, approximately 30 beef sets, 40 hog sets, 5,000 pounds of fat and 2,500 pounds of bones per week. These shipments will move between the six counties of application.

The financial statement of the applicant indicates that at the close of the fiscal year 1990, it had total assets of \$55,043, liabilities of \$45,043 and capital stock of \$10,000. The income statement sets forth that from total sales of \$548,094, the applicant had total income of \$69,805, before taxes.

John B. Leali, on behalf of Leali Bros. Meats, Inc. (Leali Bros.), Victor Posner Boulevard, Wheatland, Mercer County, sets forth in his supporting statement that Leali Bros. is a meat packer, slaughterer, wholesale and retail. It is the intent of Leali Bros. to tender the applicant shipments of offal from the slaughtering of cattle, hogs, lambs and goats, and also bones and fat from boning and cutting.

Shipments will originate in Wheatland every Tuesday through Friday, and will consist of 25 beef sets, 100 hog sets and 25 lamb and goat sets per week. Shipments to be tendered the applicant will be destined to rendering plants located in the counties of application.

John B. Leali, on behalf of Castle Brand, Inc. (Castle Brand), Hobart & Mahoning Avenue, New Castle, Lawrence County, states that Castle Brand is a meat packer and sausage manufacturer. Castle Brand desires the services of the applicant to transport fat, bones and offal from New Castle, Lawrence County, to rendering plants located in the counties of Beaver, Butler, Lawrence, Allegheny, Mercer and Armstrong, including such plants as Inland Products, Inc., Neville Island; and to Darlington Products, McKees Rocks.

Shipments to be tendered the applicant will be comprised of approximately 5,000 pounds of bones and 5,500 pounds of fat per day. Service is required five to six times per week. All shipments to be tendered in bulk.

Jeffrey M. Banks, proprietor of Banks' Big "B" Market (Market), R.D. 1, Karns City, Butler County, states in support of the pending

application that the Market requires the service of the applicant to transport fat, bones and offal which are generated by the Market's meat packing and sausage manufacturing operations.

Transportation is required twice weekly of approximately 2,000 pounds of bones and 2,500 pounds of fat per day. Shipments will originate at the Market and will be destined to rendering plants which are located in the counties of Beaver, Butler, Lawrence, Allegheny, Mercer and Armstrong. Initially, shipments will be destined to such plants as Inland Products, Inc., Neville Island; and to Darlington Products, McKees Rocks.

The statement entered on behalf of the applicant contains sufficient evidence to demonstrate that the applicant has the experience and fitness to institute the proposed service. The record indicates that the applicant is engaged in a business enterprise similar to that of the supporting shippers and that the applicant's business generates the identical commodities which the supporting shippers will tender the applicant. Although the applicant will utilize the same vehicle in providing the proposed certificated service and its private carriage operations, the applicant has indicated that its private carriage operations will be limited to the same six counties of application, therefore, the applicant's private and common carrier operations conform to the Commission's decision Re Gene Fuller Homes, Inc., A-00108928, 73 Pa PUC 194 (1990). In the Fuller decision it was determined that we would " . . . cease granting common carriers the specific right to haul for themselves, when the carriers merely wish to haul their own property to points specified in their certificate of public convenience. Such a grant is unnecessary to avoid the Makovsky prohibition. A common carrier may haul its own property in certificated vehicles subject to the territorial limitations of its certificate".

The evidence presented by the three supporting shippers, although minimal, is adequate to demonstrate that a public need exists for the service proposed by the instant application. The transportation of bones, grease, dead livestock and livestock offal is a highly specialized service. The number of carriers available to the shipping public capable of providing this transportation is extremely limited.

We find:

1. That the applicant is fit, willing and able to render the proposed transportation.
2. That the applicant has demonstrated that a public need for the service proposed by the instant application.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, granting the following right:

To transport, as a Class D carrier, bones, grease, dead livestock and livestock offal, from slaughter houses, retail meat markets (including supermarkets), farms, livestock auctions and other establishments where livestock is processed or sold, between points in the counties of Beaver, Butler, Lawrence, Allegheny, Mercer and Armstrong.

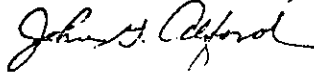
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of 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 the requirements of the Public Utility Code relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing this Commission's approval of the right to operate as above-determined.

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.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: February 6, 1992

ORDER ENTERED: FEB 18 1992



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

March 23, 1992

IN REPLY PLEASE  
REFER TO OUR FILE

RJR

JOHN R WALTERS JR  
ATTORNEY AT LAW  
SOLKOVY BUILDING  
108 EAST DIAMOND STREET  
BUTLER PA 16001

In re: Application of Wright's Meat Packing, Inc. - A-00109842

Dear Mr. Walters:

We have received Form PUC 288 whereby Wright's Meat Packing, Inc. is claiming an exemption from filing the cargo insurance. The form filed is acceptable. However, it will be necessary that your client file Form E as evidence of minimum public liability and property damage insurance as set forth in the Secretary's letter of February 18, 1992. If there should be any questions you may contact our office at 717-783-5933.

Very truly yours,

William P. Hoshour  
Supervisor  
Insurance Section

WPH:kmb

cc: Insurance File  
Main File ✓

