

1. <u>REPORT DATE:</u>	August 20, 1991	:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Transportation	:	SEPT-91-T-841*	
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>		:	September 20, 1991	
Director:	Ernst 7-2154	:		
Supervisor:	Bigelow/Marzolf 3-5945	:		
7. <u>MONITOR:</u>		:		
8. <u>PERSON IN CHARGE:</u>	Pike 3-5947	:		
9. <u>DOCKET NO.:</u>	A-00109664	:		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)		:		
(b) Short summary of history & facts, documents & briefs		:		
(c) Recommendation		:		

(a) Application of Robert V. Powell, t/d/b/a Powell Trucking, Coatesville, Chester County, for the right to begin to transport, as a common carrier, by motor vehicle, (1) stone, sand and slag, for Diamond-Tex, Inc., from points in the township of West Sadsbury, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery; and (2) stone, sand and slag, for International Mill Service, Inc., from points in the township of East Fallowfield, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery.

(b) One protest was filed, but withdrawn upon restrictive amendment. No oral hearings were held. Approval of the application is necessary for the accommodation and convenience of the public.

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

DAP:11

11. <u>MOTION BY:</u>	Commissioner Chm. Smith	Commissioner	Holland - Yes
		Commissioner	
<u>SECONDED:</u>	Commissioner Rolka	Commissioner	Rhodes - Yes

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**

**DOCKETED
DEC 10 1991**



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

KJR

September 26, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-109664

ROBERT V POWELL
T/A POWELL TRUCKING
369 HURLEY ROAD
COATESVILLE PA 19320

Application of Robert V. Powell, t/d/b/a Powell Trucking

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.

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OCT 02 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 September 20, 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

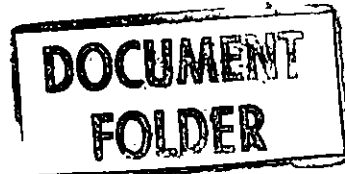
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Enclosures
Certified Mail
Receipt Requested

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held September 20, 1991

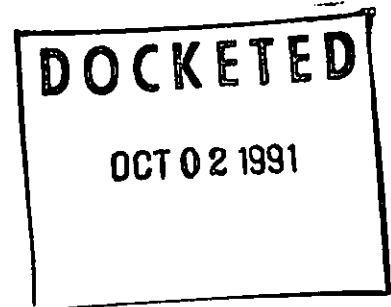
Commissioners Present:

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



A-00109664

Application of Robert V. Powell, t/d/b/a Powell Trucking, for the right to begin to transport, as a common carrier, by motor vehicle, (1) stone, sand and slag, for Diamond-Tex, Inc., from points in the township of West Sadsbury, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery; and (2) stone, sand and slag, for International Mill Service, Inc., from points in the township of East Fallowfield, Chester County, to points in the counties of Bucks, Chester, Dauphin, Lancaster and Montgomery.



Robert V. Powell, pro se.
William F. Roberts for the protestant, Jesse Baro, Inc.

O R D E R

BY THE COMMISSION:

This application, filed February 21, 1991, as corrected, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of June 22, 1991. There was one protest which was withdrawn upon restrictive amendment which eliminated Montgomery County as a destination point. The record, which consists of statements entered by the applicant and supporting shippers is now certified to the Commission for its decision.

The applicant, Robert V. Powell, t/d/b/a Powell Trucking, is domiciled at 369 Hurley Road, Coatesville, Chester County. Applicant will operate from the above address where a garage is situated for the storage and maintenance of his equipment. Applicant owns and operates a 1991 Mack dump

truck. Applicant personally inspects and maintains his equipment and is familiar with all applicable safety regulations. An unaudited financial statement submitted by the applicant shows total assets of \$325,000 with total liabilities of \$60,000, leaving owners' equity of \$265,000.

Alvin M. Zook, vice president of Diamond-Tex, Inc. submitted a statement in support of the applicant. Diamond-Tex, Inc. is a producer of baseball diamond infield material used in the initial construction, as well as, the general maintenance of baseball diamonds. It is supplied to both general contractors and municipalities.

Material is hauled from the Diamond-Tex, Inc. plant to the following locations: Lancaster, Lancaster County; West Chester, Chester County; Harrisburg, Dauphin County; Lansdale, Montgomery County; and Quakertown, Bucks County. This list is partial and representative of the destinations of Diamond-Tex.

Applicant will provide transportation for Diamond-Tex, Inc. on an as needed basis. The majority of its hauling requirements are during the spring and fall months, before and after the baseball season.

Gerald Spearing, manager, Aggregate Sales for International Mill Services, Inc. entered a statement in support of the application. International Mill Service, Inc. is producer of Slag Aggregates and services PennDOT, Contractors, Municipalities, and private customers in the construction industry.

Material is hauled from Coatesville to the following locations: Quarryville, Penna., Lancaster County; West Chester, Penna., Chester County; Harrisburg, Penna., Dauphin County; Lansdale, Penna., Montgomery County; and Quakertown, Penna., Bucks County. The list is partial and representative of the destinations served by the shipper. Transportation will be required on a daily basis.

The applicant has demonstrated that a need exists for the service proposed as amended.

We find:

1. That the applicant has shown that a public need for the proposed service as amended does exist.
2. That the applicant is fit, ready, willing and able to provide the service, as amended.
3. That approval of the application, as amended 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 a certificate be issued granting the following right:

- (1) To transport, as a Class D carrier, stone, sand and slag, for Diamond-Tex, Inc., from points in the township of West Sadsbury, Chester County, to points in the counties of Bucks, Chester, Dauphin and Lancaster.
- (2) To transport, as a Class D carrier, stone, sand and slag, for International Mill Service, Inc., from points in the township of East Fallowfield, Chester County, to points in the counties of Bucks, Chester, Dauphin and Lancaster.

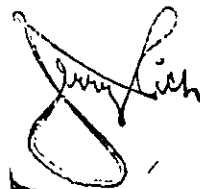
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of insurance and a tariff establishing just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

IT IS FURTHER ORDERED: That upon compliance with the requirements as 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 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,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 20, 1991

ORDER ENTERED: SEP 26 1991