



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

Rec

SRB

IN REPLY PLEASE
REFER TO OUR FILE

July 13, 1998

A-00105786

F. 1, Am-A

DENNIS S SHILOBOD
ATTORNEY AT LAW
617 GRANT BUILDING
330 GRANT STREET
PITTSBURGH PA 15219

DOCKETED

JUL 22 1998

Application of SMITH BUS COMPANY, INC.

To Whom It May Concern:

DOCUMENT
FOLDER

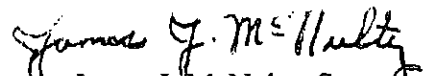
Enclosed is the compliance order issued by the Commission in this proceeding.

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 day period will cause the Commission to rescind the action of July 9, 1998 and dismiss the application without further proceedings.

Very truly yours,


James J. McNulty, Secretary

EMD

SMITH BUS COMPANY INC
RD #1 BOX 622B
BLAIRSVILLE PA 15717

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held July 9, 1998

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice-Chairman
David W. Rolka
Nora Mead Brownell
Aaron Wilson, Jr.

Application of Smith Bus Company, Inc.
a corporation of the Commonwealth of
Pennsylvania, for amendment to its
common carrier certificate, which
grants the right, to transport, by
motor vehicle, groups and parties of
persons, from points in the township
of Burrell and the facilities of Homer
Center High School in the Township of
Centre, Indiana County, and the
borough of Elderton, Armstrong County,
to points in Pennsylvania within an
airline distance of one-hundred
(100) statute miles of the point of
origin; subject to the following condi-
tions: (1) That the service herein
authorized is limited to charter
service with no right, power or
privilege granted to provide tour,
sight-seeing or special excursion
service; and (2) That all transporta-
tion herein authorized is limited to
the use of school-bus-type equipment:
SO AS TO PERMIT the transportation of
persons in group and party service,
between points in the townships of
Burrell and Centre, Indiana County,
and the borough of Elderton, Armstrong
County, and from points in the said
townships and borough, to points in
Pennsylvania, and return.

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F. 1
Am-A

Shilobod, Leger & Ball, P.C. by Dennis S. Shilobod
for the applicant.

Vuono & Gray, LLC. by William A. Gray for protestant,
Transportation Management Services, Inc., t/d/b/a
Lenzner Coach Lines.

JUL 22 1998

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 23, 1997. Public notice of the application was given in the Pennsylvania Bulletin of November 8, 1997. One (1) protest was filed by the above-mentioned carrier.

The protest was withdrawn upon restrictive amendment that service from the borough of Elderton, Armstrong County, is limited to the use of vehicles which are manufactured by Blue Bird Corporation with seating capacities of not more than thirty-six (36) passengers.

The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and seventeen (17) parties.

After complete review of the application, we find:

1. Applicant seeks to amend its group and party rights and the application was protested by one carrier.
2. The protest was withdrawn upon restrictive amendment as listed above.
3. The applicant has the experience, ability and fitness necessary to render the service, as amended.
4. The application is supported by seventeen (17) parties demonstrating a need for the service.
5. The evidence of record is sufficient to establish necessity for the service as amended.
6. 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 further amended, so that the certificate issued on October 21, 1986, be amended to include the following right:

To transport, as a common carrier, persons in group and party service, between points in the townships of Burrell and Centre, Indiana County, and the borough of Elderton, Armstrong County, and from points in the said townships and borough, to points in Pennsylvania, and return;

DOCUMENT - 2 -
FOLDER

subject to the following condition:

That service from the borough of Elderton, Armstrong County, is limited to the use of vehicles which are manufactured by Blue Bird Corporation with a seating of not more than thirty-six (36) passengers.

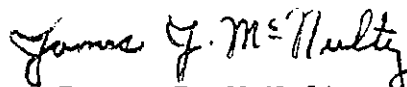
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation in this application until the following is submitted to the Commission:

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,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: July 9, 1998

ORDER ENTERED: JUL 13 1998