

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: July 1, 2002	2. <u>BUREAU AGENDA NO.</u> JUL-2002-TSM-0100*
3. BUREAU: Transportation and Safety	
4. SECTION(S): MCS&E	5. <u>PUBLIC MEETING DATE:</u>
6. APPROVED BY: Director: Hoffman 3-3846 <i>WPH</i> Supervisor: Zeigler 3-5946 <i>WJK</i>	July 18, 2002 DOCKETED SEP 24 2002
7. PERSONS IN CHARGE: Ehrhart 3-5945 <i>WJK</i>	
8. DOCKET NO.: A-00118835, F.2	DOCUMENT FOLD

9. (a) **CAPTION** (abbreviate if more than 4 lines)

(b) Short summary of history & facts, documents & briefs

(c) **Recommendation**

- (a) Application of Easton Coach Company, Easton, Northampton County, a Delaware Corporation, for the transfer of the group and party service rights of Vectour of Pennsylvania, Inc., authorized under the certificate issued at A-00108988, subject to the same limitations and conditions.
- (b) The application is unopposed. The applicant has the fitness necessary to provide the group and party service, in vehicles with a seating capacity of fifteen passengers or less, including the driver, under the rights to transfer. This is a total asset purchase. Applicant is acquiring all of the transferor's operating authority, equipment, inventories, contracts, and property. The total purchase price is \$2,300,000.00. Approval of the transfer is necessary for the continued accommodation and convenience of the public.
- (c) The Bureau of Transportation and Safety recommends the Commission adopt the proposed order approving the application, and canceling the certificate of the transferor at A-00108988 by supplemental order.

10. **MOTION BY:** Commissioner Chm. Thomas Commissioner Wilson - Yes
 Commissioner Fitzpatrick - Yes
SECONDED: Commissioner Bloom Commissioner Pizzingrilli - Yes

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 24, 2002

IN REPLY PLEASE
REFER TO OUR FILE
A-00118835 F0002

VINCENT A VIETTI ESQUIRE
ELEVEN PENN CENTER
14TH FLOOR
1835 MARKET STREET
PHILADELPHIA PA 19103

DOCUMENT FOLDER CCKETED

AUG 12 2002

Application of Easton Coach Company

To Whom It May Concern:

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 all of 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 July 18, 2002 and dismiss the application without further proceedings.

Very truly yours,

James J. McNulty
Secretary

LJM
Enclosure
Certified Mail
Tariff Contact Person: Tariff Unit (717) 787-5945
Modification

EASTON COACH COMPANY
1200 CONROY PLACE
EASTON PA 18040

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held July 18, 2002

Commissioners Present:

Glen R. Thomas, Chairman
Robert K. Bloom, Vice-Chairman
Aaron Wilson, Jr.
Terrance J. Fitzpatrick
Kim Pizzingrilli

DOCUMENT FOLDER

Application of Easton Coach Company, a corporation of the State of Delaware, for the transfer of the group and party rights of Vectour of Pennsylvania, Inc., authorized under the certificate issued at A-00108988, subject to the same limitations and conditions.

A-00118835
F.2

ORDER

INDEXED
AUG 12 2002

BY THE COMMISSION:

This matter comes before the Commission upon an application filed April 23, 2002. Public notice of the application was given in the Pennsylvania Bulletin of May 18, 2001. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS:

The applicant is seeking an additional grant of authority to transport persons in group and party service, in vehicles with a seating capacity of fifteen (15) passengers or less, including the driver, through a transfer of that authority from Vectour of Pennsylvania, Inc., which is currently certificated to provide that service.

The transferor has filed for Chapter 11 Bankruptcy and is selling all of its assets for \$2,300,000.00.

Easton Coach Company is presently certificated to transport persons in group and party service, exclusively operating vehicles seating more than fifteen passengers, including the driver, between points in Pennsylvania. As a presently certificated carrier, there is a presumption of fitness. Applicant has provided a pro forma balance sheet reporting current assets of \$909,000.00, total assets of \$4,859,000.00, current liabilities of \$870,000.00, total liabilities of \$2,520,000.00, leaving owner equity of \$2,339,000.00.

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 440Pa. 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.

After complete review of the record, we find:

1. The applicant has the experience and fitness to provide the proposed service.
2. Approval of the unopposed application for transfer of the authority is necessary for the continued accommodation and convenience of the public;
THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following additional rights:

1. Persons in group and party service, from that portion of Monroe County south of U. S. Highway Route 209 and west of Pennsylvania Highway Route 33, east of Pennsylvania Highway Route 33, south of a line due east and west through Bossardsville to the Northampton County Line, to points in Pennsylvania, and return; and
2. Persons in group and party service from that portion of Northampton County east of Pennsylvania Highway Route 33 and north of U. S. Highway Route 22, including the city of Easton and the Laneco Shopping Center in Palmer Township, Northampton County, at the intersection of William Penn Highway and Stone's Crossing Road, to points in Pennsylvania located within an airline distance of seventy-five (75) statute miles of the limits of the city of Easton, Northampton County, plus Derry Township, Dauphin County, and return;

Both of the above rights subject to the following conditions:

That no right, power or privilege is granted to perform transportation in trackless trolleys; that no right, power or privilege is granted to perform transportation in school bus type vehicles; and that all service shall be provided in vehicles with a seating capacity of fifteen (15) passengers or less, including the driver

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held or subsequently granted to the applicant shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose to fix a valuation on the property and/or 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 the applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the certificate holder shall not transfer, sell or in anyway convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section (a) (3) of Title 66 Pa C.S.

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

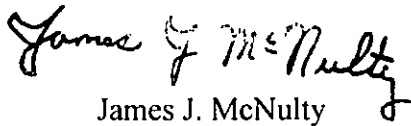
1. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements herein before set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above described.

IT IS FURTHER ORDERED: That upon compliance with the requirements of this order, the authority granted to Vectour of Pennsylvania, Inc, under the certificate issued at A-00108988, shall be canceled and the record be marked closed.

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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in black ink and is positioned above the printed name and title.

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: July 18, 2002

ORDER ENTERED: JUL 24 2002