

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

|  |  |                                |                    |
|--|--|--------------------------------|--------------------|
| 1. <u>REPORT DATE:</u>                                   | : September 29, 1987                       | 2. <u>BUREAU AGENDA NO.</u>    | : OCT-87-T-1218*   |
| 3. <u>BUREAU:</u>  | : Transportation                           |                                |                    |
| 4. <u>SECTION</u>  | : Technical Review                         | 5. <u>PUBLIC MEETING DATE:</u> | : October 22, 1987 |
| 6. <u>APPROVED BY:</u>                                   | :  |                                |                    |
| Director:  | Ernst 7-2154                               |                                |                    |
| Supervisor:  | Bigelow 3-5935                             |                                |                    |
| 7. <u>MONITOR:</u>                                       | :  |                                |                    |
| 8. <u>PERSON IN CHARGE:</u>                              | : Marzolf 3-5945                           |                                |                    |
| 9. <u>DOCKET NO.:</u>                                    | : <del>A-00097467, F. 2</del> : A-97467 F1 |                                |                    |
| 10. (a) CAPTION (abbreviate if more than 4 lines)        |  |                                |                    |
| (b) Short summary of history & facts, documents & briefs |  |                                |                    |
| (c) Recommendation                                       |  |                                |                    |

(a) Application of George R. Bolus, t/d/b/a G. Bolus & Co., Scranton, Lackawanna County, for the right to begin to transport, as a common carrier, by motor vehicle: WHICH IS TO BE IN LIEU OF the contract carrier permit issued to George R. Bolus, t/d/b/a G. Bolus & Co., at A-00097467 which grants the right to transport, as a contract carrier, magazines, periodicals and printed matter, for Triangle Publications, Inc., from the facilities of said company in the counties of Lancaster, Lackawanna and Luzerne, to points in Pennsylvania; with the right to return refused, damaged, or rejected shipments to the point of origin.

(b) The application was filed on November 26, 1986. One protest was filed but later withdrawn without amendment. Three shippers have supported the application. Approval of the conversion appears to be in the public interest.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application for conversion from contract to common carrier authority; and cancelling the permit at A-00097467, F. 1 upon compliance with the order.

|                |                         |                               |
|----------------|-------------------------|-------------------------------|
| 11. MOTION BY: | Commissioner Chm. Shane | Commissioner Taliaferro - Yes |
|                |                         | Commissioner Smith - Yes      |
| SECONDED:      | Commissioner Fischl     | Commissioner                  |

CONTENT OF MOTION: Staff recommendation adopted.

A. 97467  
F. 1

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held October 22, 1987

Commissioners Present:

- Bill Shane, Chairman
- Linda C. Taliaferro
- Frank Fischl
- William H. Smith

**DOCUMENT  
FOLDER**

Application of George R. Bolus, t/d/b/a G. Bolus & Co., for the right to begin to transport, as a common carrier, by motor vehicle, (1) printed matter and materials, supplies and equipment used or useful in the manufacture and distribution of printed matter, for SLC Graphics, Inc., between points in the counties of Lackawanna and Luzerne, and from points in said counties, to points in that part of Pennsylvania lying on and west of U.S. Highway Route 15 beginning at the Pennsylvania-New York State Line and extending south to the Pennsylvania border; (2) carbonated beverages and materials, supplies and equipment used or useful in the manufacture and distribution of carbonated beverages, for Crystal Soda Water Co., Inc., between points in the county of Lackawanna, and from points in said county, to points in that part of Pennsylvania lying on and west of U.S. Highway Route 15 beginning at the Pennsylvania-New York State Line and extending south to the Pennsylvania-Maryland State Line; and (3) magazines, periodicals and printed matter, for Triangle Publications, Inc., from the facilities of said company located in the counties of Lancaster, Lackawanna and Luzerne, to points in Pennsylvania; with the right to return refused, damaged or rejected shipments to the point of origin: WHICH IS TO BE IN LIEU OF the contract carrier permit issued to George R. Bolus, t/d/b/a G. Bolus & Co., at A-00097467 which grants the right to transport, as a contract carrier, magazines, periodicals and printed matter, for Triangle Publications, Inc., from the facilities of said company

A-00097467  
F. 2

NOV 9 - 1987

in the counties of Lancaster, Lackawanna and Luzerne, to points in Pennsylvania; with the right to return refused, damaged, or rejected shipments to the point of origin.

---

Robert J. Borthwick for the applicant.  
McNees, Wallace & Nurick by William A. Chesnutt for Gilchrist  
Trucking, Inc.

---

O R D E R

BY THE COMMISSION:

This matter comes before the Commission through an application filed November 26, 1986 and docketed December 3, 1986. A protest was filed by Gilchrist Trucking, Inc. but it was later withdrawn without a restrictive amendment.

This record is certified to the Commission without an oral hearing. Verified statements have been submitted by the applicant and three supporting shippers.

The applicant is a sole proprietorship that operates from 700 North Keyser Avenue in Scranton. He is also the president and sole stockholder of Bolus Freight Systems, Inc. (a carrier which is currently seeking conversion from contract to common carrier authority). Service is rendered with five (5) tractors, five (5) semi-trailers and one (1) straight truck. Additional equipment is also available from the affiliate.

All of the shippers, Triangle Publications, SLC Graphics, Inc., and Crystal Soda Water Co., Inc. have indicated that there is a need for service. SLC and Crystal Soda state use of the applicant will cause their product to move more efficiently and eliminate congestion at its docks, respectively.

DISCUSSION AND FINDINGS

In an application proceeding, such as this, where the applicant is seeking conversion from contract to common carrier, we must determine whether a need has been shown for the service and whether the service is so specialized as to be in the nature of contract carriage. The record establishes without a doubt a need for service. Service is not specialized as to be in the nature of contract carriage. The commodities shipped are diversified in nature and no specialized type of transportation is required which could be considered beyond the service of an ordinary common carrier.

Conversion from contract carrier to common carrier is supported by the record. Approval of the application before us would appear to be in the public interest.

We find that:

1. The applicant has the fitness and equipment necessary to render the proposed service.

2. The applicant has established that the conversion from contract carrier to common carrier is in the public interest.

3. 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 and that a certificate of public convenience be issued granting the following rights:

To transport, as a Class D carrier, printed matter and materials, supplies and equipment used or useful in the manufacture and distribution of printed matter, for SLC Graphics, Inc., between points in the counties of Lackawanna and Luzerne, and from points in said counties, to points in that part of Pennsylvania lying on and west of U.S. Highway Route 15 beginning at the Pennsylvania-New York State Line and extending south to the Pennsylvania border.

To transport, as a Class D carrier, carbonated beverages and materials, supplies and equipment used or useful in the manufacture and distribution of carbonated beverages, for Crystal Soda Water Co., Inc., between points in the county of Lackawanna, and from points in said county, to points in that part of Pennsylvania lying on and west of U.S. Highway Route 15 beginning at the Pennsylvania-New York State Line and extending south to the Pennsylvania-Maryland State Line.

To transport, as a Class D carrier, magazines, periodicals and printed matter, for Triangle Publications, Inc., from the facilities of said company located in the counties of Lancaster, Lackawanna and Luzerne, to points in Pennsylvania.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relating to the filing of evidence of insurance and

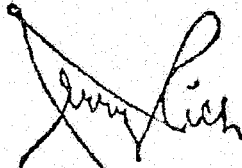
the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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.

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, upon compliance with the requirements as above set forth, the record at A-00097467, Folder 1, be marked "CLOSED" and the permit cancelled.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized "X" mark.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: October 22, 1987

ORDER ENTERED: OCT 27 1987