

## APPLICATION CHECKLIST Motor Common Carrier of Property

Use this checklist to make sure you have enclosed all required items or your application will not be processed. You cannot operate in Pennsylvania until you receive a Certificate of Public Convenience from the Commission.

- The original Application with original signatures (unless e-Filed with the Commission's online e-Filing system at [www.puc.pa.gov](http://www.puc.pa.gov) )
- A certified check, money order, or check from your attorney for \$100 made payable to "Commonwealth of Pennsylvania;"
- Application is being made as an individual or sole proprietor.
- IF application is being filed by a Partnership, provide a list of the names and addresses of ALL partners.
- IF application is being filed by a Limited Partnership, provide a list of names and addresses of ALL partners, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Limited Liability Partnership, provide a list of names and addresses of ALL partners, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Limited Liability Company, provide a list of the names and addresses of ALL members and the Title of each member, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Corporation For Profit, provide a list of ALL corporate officers and titles, the name of each shareholder, distribution of shares, and your PA Corporation Bureau Entity ID Number.
- IF application is being filed by a Corporation Non-Profit, provide a list of ALL corporate officers and titles and those serving on the Board of Directors, and your PA Corporation Bureau Entity ID Number.
- DO NOT SUBMIT AND APPLICATION IF ONE OR MORE OF THE LISTED EXEMPTIONS APPLY.

ALL Parties to proceedings pending before the Commission must open and use an e-filing account through the Commission's website, OR you may submit your filing by overnight delivery. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery.

If not e-Filed, mail your application and attachments to: SECRETARY PA PUBLIC UTILITY COMMISSION, 400 NORTH STREET, 2<sup>ND</sup> FLOOR, HARRISBURG, PA 17120

Corporate entities (corporations, LPs, LLPs, and LLCs) and fictitious trade names must be registered with the PA Department of State. Companies incorporated in other states must register as a foreign business corporation. Individuals acting as sole proprietors and partnerships do not have to register.

If you are not registered with the PA Department of State, you can apply at its website at [www.dos.state.pa.us/corps](http://www.dos.state.pa.us/corps) on how to do business in Pennsylvania as:

PA Corporations (Profit and Non-Profit) – apply for Articles of Incorporation

Foreign Corporations – apply for a Certificate of Authority

PA Limited Partnerships (LPs), Limited Liability Partnerships (LLPs), and Limited Liability Companies (LLCs) – apply for an Application of Registration

Fictitious Name Registration – File ONLY IF Trade Name will be different than the business name you register with the PA Department of State.

## General Information for Preparing and Filing the Application for Motor Carrier of Property.

1. This application is required to request a Certificate of Public Convenience to operate as a commercial carrier of property for compensation between points in Pennsylvania.
2. Upon approval of the application, you will be notified that prior to providing service in Pennsylvania you must submit evidence of insurance to the Public Utility Commission. **Your permanent evidence of insurance will be a Form E for bodily injury and property damage insurance.** This form is mailed to the Commission directly from the home office of your insurance carrier. The name and address on your Form E must **exactly** match the name and address you have provided on your application. Your insurance company must subscribe to the NIC Insurance Filing website at [www.nicinsurancefilings.com](http://www.nicinsurancefilings.com) . You will request the insurance company (not the agent) to file the required insurance forms electronically through NIC. Mailed insurance forms are no longer acceptable. The minimum limits of insurance are as follows:

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Bodily Injury - The liability of the insurance company on each motor vehicle operated in common or contract carrier service shall be in amounts not less than \$300,000 per accident for a vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of 10,000 pounds or less, in the case of an articulated vehicle. The liability of the insurance company on each motor vehicle operated in common or contract carrier service shall be in amounts not less than \$750,000 per accident for a vehicle with a manufacturer's gross vehicle weight rating over 10,000 pounds, in the case of a single vehicle, or a manufacturer's gross combination weight rating over 10,000 pounds, in the case of an articulated vehicle. Insurance coverage of motor carriers of property shall meet the requirements of 75 PA C.S. Section 1711.

Cargo - \$5,000 for loss or damage to cargo being transported.

Cargo insurance may be waived if you meet any one of the following criteria:

1. All transportation will be provided in dump trucks.
2. All transportation will be limited to farm products, garbage, ashes, rubbish, coal debris, earth, crushed stone, amesite, and similar construction materials.
3. The value of any one load being transported will not be more than \$500 in value.

If applicant meets one of these three criteria, you may complete a Cargo Waiver available on the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov) under Online Forms.

## Application for Motor Common Carrier of Property

THIS APPLICATION IS REQUIRED TO REQUEST A CERTIFICATE OF PUBLIC CONVENIENCE TO OPERATE AS A COMMERCIAL CARRIER OF PROPERTY FOR COMPENSATION BETWEEN POINTS IN PENNSYLVANIA.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

Lucabaugh Trucking LLC

- If you are an individual who has not formed any type of corporate entity, you should enter your name **as it will appear on your insurance documents**.
- If you are filing for a partnership, but **not a limited liability partnership**, the names of all partners must be entered on this line. Those names should be entered **as they will appear on your insurance documents**. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), **even if you are the sole shareholder member**, you must enter the name **exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State**.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

\_\_\_\_\_

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Trucking" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Trucking" or "J. Doe Trucking" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PA PUC Authority?**  **NO** **Previous Authority?**  **NO**

**If yes, at PUC No. A-** \_\_\_\_\_

4. **Are you a business entity registered with the PA Department of State?**  **NO**

If No, you must first register (see checklist)

**If Yes, provide your PA Corporation Bureau Entity ID Number** 7483278

(see checklist and indicate type of business entity registered)



10. **What type of commodities do you intend to transport other than your own? Please note applicable exemptions on pages 4-5.**

Construction Materials, Earth/Dirt, Stone, Black Top, Black Top Millings, Sand

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11. **Certification:**

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Property; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

**Verification of Application**

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Jed Lucabaugh

(Print Name)



(Signature)

5/20/2022

(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

# ***PUC EXEMPTIONS***

**Agricultural Products** (see exemptions – **farm owners**)

**Anti-skid Materials** in dump trucks (except 5 axle tractor-trailers)

**Ashes** in dump trucks (except 5 axle tractor-trailers)

**Buy and Sell Operation** - own property to purchasers

**Chemical Wood** from wood lots (see **Wood Lot** definition)

**Cooperative Associations** for members on a nonprofit basis

**Excavated Materials** in dump trucks (except 5 axle tractor-trailers) - purpose of excavation is to create a hole or cavity, not valuable soil

**Farm Owner or Operator** - transporting agricultural products from the farm or farm supplies to the farm. This may include independent contractor if hauling exclusively for farm owners (but still must be agricultural products from farm or farm supplies to farm)

NOTE: livestock is agricultural

**Federal Government moves** – Under contract with a federal department or agency

**Free Transportation** - no compensation of any type

**Hazardous Waste** - Flue dust and Electric arc furnace dust

**Incidental** to primary non-transportation business

**Interstate Transportation** - See Federal Highway Administration

**Lessor** - under a vehicle sale lease, where lessor has no responsibility for vehicle maintenance, supervision or control

**Logs** (saw or veneer) from wood lots (see **Wood Lot** definition)

**Motor Vehicles** - wrecked or disabled

must be towed (tow truck, wrecker-type, flatbed, lowboy, etc.)

does not have to be from accident or breakdown

can be from place vehicle was towed to after accident if it's being towed to a place for repairs resulting from accident

replacement vehicles are exempt if to or from accident or breakdown

stolen or repossessed vehicles

NOT INCLUDED salvaged vehicles to and from auctions

**Non-Profit Cooperative Enterprises**

**Private Transportation of Property** by the owner to himself or to purchasers directly from him, in vehicles owned and operated by the owner of the property

**Property** from storage, if in storage 90 days or more

**Pulpwood** from wood lots (see **Wood Lot** definition)

**Railroad** ballast stone is considered a road construction material

**Road Construction Materials:** this does NOT include material for parking lots. Includes stone for railroad ballast, must be to: construction site repair site of road (private, public and stockpile)

**Rubbish** in dump trucks (recycled materials are NOT rubbish)

**Voting Machines** to and from polling place

**Warehoused Merchandise** - transportation to or from warehouse and customer's home or business performed by warehouseman. Tristate hhgs tariff, rule 45(b): a shipment in storage for more than 90 days becomes liability of warehouseman

**Waste** (no value) – DOES NOT include goods for recycling (have value)

**Wood Chips** from wood lots

**Wood Lot Definition** - an area devoted to the growing of forest trees