

LAW OFFICES
PETER G. LOFTUS, P.C.

240 PENN AVENUE-SUITE 300

PETER G. LOFTUS

SCRANTON, PENNSYLVANIA 18503

AREA CODE 717
347-1453

RECEIVED

JUN 15 1988

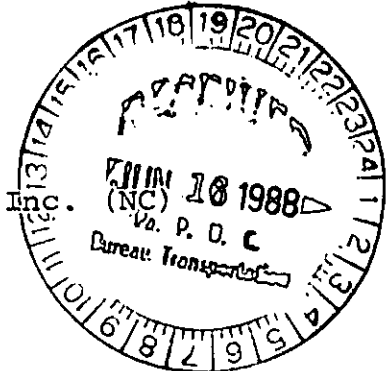
June 13, 1988

SECRETARYS OFFICE
Public Utility Commission

The Honorable Jerry Rich, Secretary
Public Utility Commission
Commonwealth of Pennsylvania
Post Office Box 3265
Harrisburg, Pennsylvania 17102

FILE

Re: Application of Central Transport, Inc.
Application No. A-00108155



Dear Secretary Rich:

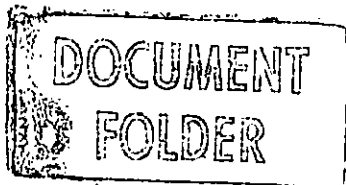
Enclosed for filing are the original and two copies each of a Protest and Interrogatories directed to the above-captioned Applicant by Seaboard Tank Lines, Inc. Copies have been mailed to the Applicant's counsel of record.

Your prompt attention to this matter is appreciated.

Very truly yours,

Handwritten signature of Peter G. Loftus.

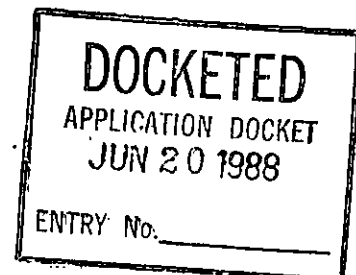
Peter G. Loftus
Counsel for Protestant



PGL/lc

Enclosures

cc: Seaboard Tank Lines, Inc.
William A. Chesnutt, Esq.



RECEIVED

JUN 15 1988

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE
Public Utility Commission

IN RE:

DOCKET NO. A-00108155

APPLICATION OF

CENTRAL TRANSPORT, INC. (NC)

DOCUMENT
FOLDER

P R O T E S T

RECEIVED
JUN 16 1988
Pa. P. U. C.
Bureau Transportation
FILE

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In accordance with 52 Pa. Code Section 31.3(b) and 3.381, SEABOARD TANK LINES, INC., Box 166 Monahan Avenue, Dunmore, Pennsylvania 18512, Docket No. A-00071220, herein protests the captioned application on the following grounds:

1. The Protestant, Seaboard Tank Lines, Inc., is a motor carrier transporting petroleum products, in bulk, in tank vehicles, having been granted a Territorial Scope of operation by the P.U.C. encompassing the Applicant's requested area of operation. A copy of said operating authority is attached hereto, intended to be made part hereof and marked Exhibit A.

2. The service proposed would be competitive with and detrimental to the existing authorized service of the protestant.

3. There exists no public need for the proposed service. The existing service is adequate.

DOCKETED
APPLICATION DOCKET
JUN 20 1988
ENTRY NO.

4. The proposed operation by the Applicant is not necessary or proper for the service, accommodation, convenience or safety of the public.

5. The Applicant lacks the capacity to meet the needs, obligations and responsibilities for the proposed service.

6. The Applicant has not properly advertised or given notice of its application.

7. The application, as filed, is overly broad, general in nature, without restriction or description of purpose, precluding the Protestant from being adequately appraised of the scope, nature, purpose and extent of the Applicant's business or intended business.

By Peter G. Loftus
Peter G. Loftus, Esquire
Counsel for Protestant

Suite 300
240 Penn Avenue
Scranton, PA 18503

(717) 347-1453

Dated: June 13, 1988

OPERATING AUTHORITY

Folder Nos. 3 and 7

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles from points within five (5) miles by the usually traveled highways of the limits of the Boroughs of Bradford and Eldred, McKean County; Warren, Warren County; Titusville, Crawford County; Oil City, Venango County; Butler and Karns City, Butler County, to points in the Pennsylvania east of a line running northeast and southwest from the New York-Pennsylvania state line near Eldred, McKean County, Southwesterly through Renovo, Clinton County and Tyrone, Blair County and hereinafter referred to as the Renovo-Tyrone Line.

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles for the Tulsa Petroleum Corporation from Marcus Hook, Delaware County, and Eldred, McKean County and from point to point in Pennsylvania, as designated by the Tulsa Petroleum Corporation and vice versa.

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles for the Pennsylvania Refining Company from points in the city of Scranton, Lackawanna County, to points in the territory east of the Renovo - Tyrone Line, starting at a point in the northeasterly part of Pennsylvania on the New York-Pennsylvania Border at or near Hallstead; thence to Honesdale; thence to Stroudsburg; thence to Easton; thence to Marcus Hook; thence to Reading; thence to Clarks Ferry; thence to Butler; thence to Franklin; thence to Titusville; thence to Warren; thence to Bradford; thence to Eldred; thence in a straight line along the Pennsylvania-New York Border to the place of beginning.

To transport, as a Class D Carrier, petroleum and petroleum products in bulk, in tank vehicles, between points in the Borough of Macungie, Lehigh County and within one hundred fifty (150) miles of the limits of said Borough.

Folder 7, AM-A

To transport, as a Class D Carrier, litharge, dry, in bulk, from the borough of Dunmore, Lackawanna County, to points in Pennsylvania, with the right to return refused, rejected, or damaged shipments to point of origin.

GOVERNING PUBLICATIONS

For Rates, Rules and Regulations governing the transportation, in bulk, described in carrier's authority contained herein refer to Freight PA. P.U.C. Nos. 224, 235, 238, 242, 247, 250 and 251, supplements thereto or reissues thereof, issued by Bulk Carrier Conference, Inc., Agent.

Before The

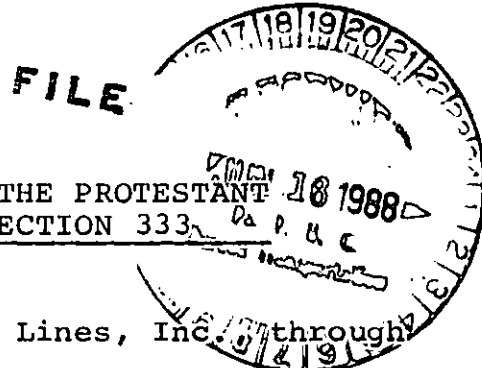
JUN 15 1988

PENNSYLVANIA PUBLIC UTILITY COMMISSION
LAWYERS OFFICE
Public Utility Commission

IN RE: APPLICATION OF
CENTRAL TRANSPORT, INC.
(NC)

APPLICATION DOCKET
NO. A-00108155

DOCUMENT
FOLDER



INTERROGATORIES PROPOUNDED BY THE PROTESTANT
UNDER 62 PA. C.S.A., SECTION 333

The Protestant, Seaboard Tank Lines, Inc. through
its attorney, Peter G. Loftus, Esquire, does hereby propound
the following Interrogatories upon the Applicant to be answered
by him personally and under oath within a reasonable time not
to exceed thirty (30) days after the receipt hereof as required
by said Act. As used in these Interrogatories, the term
"Applicant" shall include in addition to the named party their
attorneys, agents, servants, employees, representatives, pri-
vate investigators and others who are in possession of or who
may have obtained information for or on behalf of the said
named party.

These Interrogatories shall be deemed to be continu-
ing and any information secured subsequent to the filing of
answers thereto which would have been includable in the answers
had it been known or available shall be supplied by supplemental
answers as soon as such information becomes known or available
and in all events prior to the hearing of this matter pursuant
to 66 Pa. C.S.A., Section 333.

DOCKETED
APPLICATION DOCKET
JUN 20 1988
ENTRY No. *156*

1. Identify by name and address all proposed shippers you plan to service, if the captioned application is granted.

2. For each said shipper, identify the product or products you propose to haul. If petroleum products, identify specifically what types of petroleum products, their derivatives, and/or by-products, by their generally accepted commercial names.

3. For each such product identify by name and address to whom said product is to be delivered.

4. For each such product identify what is the anticipated annual volume.

5. Identify by name, address and telephone number each witness you propose to call at the hearing and the subject matter of their expected testimony.

6. Will you produce without the necessity of issuing a subpoena duces tecum all documents, photographs, maps, recordings or other material whatever which you plan to introduce at the hearing? If so, please attach copies of same to your answers.

By Peter G. Loftus
Peter G. Loftus, Esquire
Counsel for Protestant
Suite 300, 240 Penn Avenue
Scranton, PA 18503

DATED June 13, 1988

(717) 347-1453

RHOADS & SINON

ATTORNEYS AT LAW

410 NORTH THIRD STREET

P.O. BOX 1146

HARRISBURG, PA 17108-1146

TELEPHONE (717) 233-5731

TELECOPIER (717) 232-1459

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FRANK A. SINON

PAUL H. RHOADS
1907-1984
JOHN M. MUSSELMAN
1919-1980
CLYLE R. HENDERSHOT
1922-1980

1200 NORTH FEDERAL HIGHWAY
BOCA RATON, FL 33432
TELEPHONE (305) 395-5595
TELECOPIER (305) 395-9497

1480 36TH STREET
VERO BEACH, FL 32960
TELEPHONE (305) 562-0002
TELECOPIER (305) 562-0005

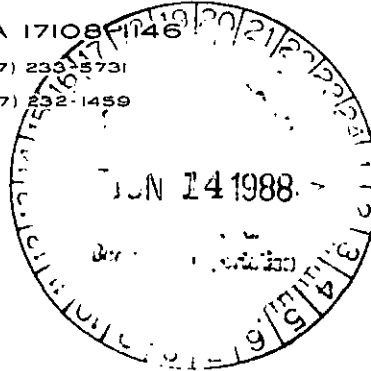
FILE NO.

DIRECT DIAL NO.

HENRY W. RHOADS
ROBERT H. LONG, JR.
GERALD K. MORRISON
SHERILL T. MOYER
JAN P. PADEN
RICHARD B. WOOD
LAWRENCE B. ABRAMS III*
J. BRUCE WALTER
JOHN P. MANDECK
FRANK J. LEDER
R. STEPHEN SHIBLA
J. CLINTON SCOTT*
CHARLES L. SIECK*
PAUL A. LUNDEEN
JACK F. HURLEY, JR.
NATHAN H. WATERS, JR.
HARVEY R. SCHNEIDER, P.A.**
DAVID B. DOWLING
EVELYN S. HARRIS

DAVID F. O'LEARY
HENRY G. BARR
ROBERT L. BEALS**
DAVID O. TWADDELL
CHARLES J. FERRY
JENS H. DAMGAARD*
BRADLEY J. GUNNISON*
DRAKE D. NICHOLAS
STANLEY A. SMITH
THOMAS A. FRENCH
MARC S. STEIN
DEAN H. DUBINBERRE
DONNA M. J. CLARK
ADAM G. HEFFNER**
JOHN T. MULHALL, III*
LUCY E. KNISELEY
DAVID A. ZALPH**
GLORIA J. DAVIS

*ALSO ADMITTED TO THE FLORIDA BAR
**ADMITTED TO THE FLORIDA BAR ONLY



FILE

Re: Application of Central Transport, Inc. (NC),
A.108155 - Protest of Herman R. Ewell, Inc.

June 13, 1988

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120



VED
1988

Dear Secretary Rich:

SECRETARYS OFFICE
Public Utility Commission

We forward to you herewith the protest of Herman R. Ewell, Inc. to the above application.

Copies have been served upon applicant and counsel for applicant.

Very truly yours,

RHOADS & SINON

By: *J. Bruce Walter*
J. Bruce Walter

Enclosure

cc: William A. Chesnutt, Esquire
Central Transport, Inc.
Herman R. Ewell, Inc.

RHOADS & SINON

ATTORNEYS AT LAW
410 NORTH THIRD STREET
P.O. BOX 1146

HARRISBURG, PA 17108-1146
TELEPHONE (717) 233-5731
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OF COUNSEL
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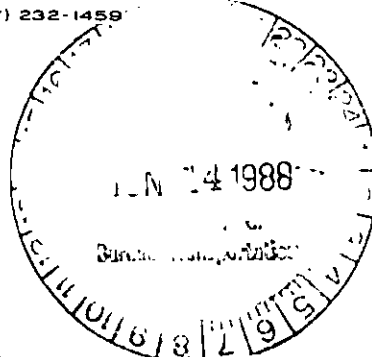
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FILE NO.
DIRECT DIAL NO.



*ALSO ADMITTED TO THE FLORIDA BAR
**ADMITTED TO THE FLORIDA BAR ONLY

Re: Application of Central Transport, Inc. (NC),
A.108155 - Protest of Herman R. Ewell, Inc.

June 13, 1988

RECEIVED

JUN 14 1988

SECRETARYS OFFICE
Public Utility Commission

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Dear Secretary Rich:

We forward to you herewith the protest of Herman R. Ewell, Inc. to the above application.

Copies have been served upon applicant and counsel for applicant.

Very truly yours,

RHOADS & SINON

By: *J. Bruce Walter*
J. Bruce Walter

Enclosure

cc: William A. Chesnutt, Esquire
Central Transport, Inc.
Herman R. Ewell, Inc.

1988

Before the
Pennsylvania Public Utility Commission

SECRETARYS OFFICE
Public Utility Commission
**DOCUMENT
FOLDER**

A.108155

Application of Central Transport, Inc. (NC), Uwharrie Road, P.O. Box 7007, High Point, North Carolina 27264. A corporation of the State of North Carolina. Property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania. Attorney: William A. Chesnutt, P.O. Box 1166, Harrisburg, PA 17108-1166. Pennsylvania Bulletin of June 11, 1988, page 2643.

DOCKETED
APPLICATION DOCKET
JUN 16 1988
ENTRY No. *JE*

PROTEST OF
HERMAN R. EWELL, INC.
A.93865

FILE
JUN 16 1988
Public Utility Commission
Central Transport, Inc.

AND NOW, comes Herman R. Ewell, Inc., East Earl, Pennsylvania 17519, (717) 354-4556, and protests the above application for the following reasons:

1. The approval of said application is not necessary or proper for the accommodation, convenience, service or safety of the public and Protestant questions the fitness of applicant to perform the proposed service.
2. The facilities of protestant and other authorized carriers are ample to meet all of the requirements of the shopping and receiving public in the territory involved in the above application.
3. The approval of this application will be prejudicial to your protestant since it will authorize additional unnecessary competition, with the resulting loss in revenues by protestant. Operations of protestant will be endangered or impaired, a result contrary to the public interest.
4. Protestant is authorized to provide in part the service applied for, inter alia, at A.93865 as per copy attached.
5. This protest will be withdrawn upon an amendment excluding protestant's authority, principally involving the transportation of food grade commodities.

WHEREFORE, Protestant respectfully prays that the above application be dismissed.

RHOADS & SINON

By: 

J. Bruce Walter
410 N. Third Street
P.O. Box 1146
Harrisburg, PA 17108-1146
(717) 233-5731

Counsel for Protestant

Dated: June 13, 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 93865 Folder 1

Application of HERMAN R. EWELL, INC., a
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, dated May 4, 1967, to operate motor vehicles as a common carrier, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of part of the rights which have been held by CARR LIQUID TRANSPORT, INC., a corporation of the Commonwealth of Pennsylvania, under report and order issued at A.91805 on May 3, 1965, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently modified and amended to eliminate the rights transferred, as of the date of this order, upon compliance with the tariff and insurance requirements of the Commission by HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, liquid and invert sugar, in tank trucks, from the City of Philadelphia, Philadelphia County, to points in Pennsylvania, excluding the Village of Hershey, Derry Township, Dauphin County, and the return of refused or rejected shipments.

To transport, as a Class D carrier, corn syrup and blends of corn syrup, in tank trucks, from points in the City and County of Philadelphia to points in Pennsylvania, excluding the Village of Hershey, Derry Township, Dauphin County, and the return of refused or rejected shipments.

To transport, as a Class D carrier, corn syrup and blends of corn syrup, in bulk in tank vehicles, from points in the Borough of Bridgeport and the Township of Upper Merion, Montgomery County, to points in Pennsylvania, and vice versa.

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 93865, Folder 1,
Am-B

Application of HERMAN R. EWELL, INC., a corporation
of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, dated May 14, 1971, for modification of the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, November 15, 1971, IT IS ORDERED: That the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following right:

To transport, as a Class D carrier, corn products, in bulk, from the facilities of A. E. Staley Manufacturing Company located in the borough of Morrisville and the townships of Falls and Lower Makefield, Bucks County, to points in Pennsylvania, and the return of refused, damaged or returned shipments to the point of origin.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

s/ George I. Bloom

Chairman

ATTEST:

s/ Will Ketner

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 93865,
Folder 1, Am-C

Application of HERMAN R. EWELL, INC., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, dated April 17, 1972, for modification of the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, October 31, 1972, IT IS ORDERED: That the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, corn syrup and syrup blends, molasses, honey, sugar and sugar substitutes, and corn products, in bulk, from points in the township of East Whiteland, Chester County, to points in Pennsylvania, and vice versa.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

s/ George I. Bloom

Chairman

ATTEST:

s/ Will Ketner
Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 93865
Folder 1, Am-D

Application of HERMAN R. EWELL, INC., a
corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, received January 31, 1975, for modification of the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly presented in accordance with the rules of the Commission and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by WENDELL RUBRIGHT, trading and doing business as W. C. RUBRIGHT COMPANY, under report and order issued at A. 97005 on February 22, 1972 and the certificate of public convenience issued thereunder, as modified and amended which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the tariff requirements of the Commission by HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the proposed modification is necessary or proper, for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, April 8, 1975, IT IS ORDERED: That the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, as modified and amended be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, brewers yeast slurry, in tank vehicles, for the Philadelphia Dry Yeast Company, from points in the cities of Pittsburgh, Allegheny County and Jeannette, Westmoreland County, to the plant site of the Philadelphia Dry Yeast Company in the city and county of Philadelphia and the return of refused, rejected and damaged shipments to the point of origin.

To transport, as a Class D carrier, brewers yeast slurry, in tank vehicles, from points in the borough of Latrobe, Westmoreland County, to the plant site of Philadelphia Dry Yeast Company in the city and county of Philadelphia, and the return of refused, damaged and rejected shipments to the point of origin.

A. 93865
Folder 1, Am-D

- 2 -

To transport, as a Class D carrier, raw milk, in bulk in tank vehicles, from points in the borough of Sandy Lake, Mercer County, to points in Pennsylvania.

subject to the following conditions:

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$3,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

s/ James McGirr Kelly

Acting Chairman

Attest:

Will Ketner

Secretary

Order Adopted: April 8, 1975
Order Entered: April 10, 1975

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held August 4, 1976
Harrisburg, PA 17120

COMMISSIONERS PRESENT:

Chairman Carter
Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Application Docket No. 93865, Folder 1, Am-E - Application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, dated March 2, 1975, for modification of the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the right granted herein is in effect a transfer of the right which had been held by ROBERT N. GEORGE, under report and order issued at A. 96714 on September 7, 1971 and the certificate of public convenience issued thereunder, which certificate will be subsequently canceled as of the date of this order upon compliance with the tariff requirements of the Commission by HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, August 4, 1976, IT IS ORDERED: That the report and order issued under date of September 11, 1967 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, corn syrup unmixed, in tank vehicles, from the city of Pittsburgh, Allegheny County, to points in Pennsylvania on and west of an imaginary line drawn from the New York state line to the Maryland state line through the borough of Lewistown, Mifflin County, and the return of refused, rejected or damaged shipments, no single shipment to exceed twenty thousand (20,000) pounds in weight;

subject to the following conditions:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held March 8, 1977
Harrisburg, PA. 17120

Commissioners Present:

Louis J. Carter, Chairman
James McGirr Kelly
Robert K. Bloom
Helen B. O'Bannon
Michael Johnson

Application Docket No. 93865, Folder 1, Am-F - Application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

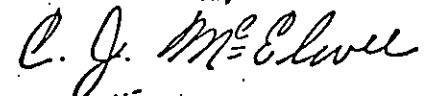
This matter being before the Pennsylvania Public Utility Commission upon application of HERMAN R. EWELL, INC., a corporation of the Commonwealth of Pennsylvania, received August 26, 1976, for modification of the report and order issued under date of September 11, 1967, and the certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, March 8, 1977, IT IS ORDERED: That the report and order issued under date of September 11, 1967, and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further amended so as to include the following right:

To transport, as a Class D carrier, corn syrup unmixed, in tank vehicles, from the city of Pittsburgh, Allegheny County, to points in Pennsylvania on and west of an imaginary line drawn from the New York state line to the Maryland state line through the borough of Lewistown, Mifflin County.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: March 8, 1977

ORDER ENTERED: March 29, 1977

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 1, 1979

Commissioners Present:

W. Wilson Goode, Chairman
Robert K. Bloom
Helen B. O'Bannon

Application of Herman R. Ewell, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of sugar, in bulk, from points in the city and county of Philadelphia, to points in Pennsylvania.

A-00093865
F. 1
Am-G

John M. Musselman for Herman R. Ewell, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 11, 1978. Public notice of the application was given in the Pennsylvania Bulletin of November 4, 1978. The application is unopposed and the record is certified to the Commission without hearing. Verified statements have been submitted by the applicant and supporting shippers.

Herman R. Ewell, president of Herman R. Ewell, Inc. (hereinafter applicant or Ewell) sets forth in his verified statement that applicant currently holds authority to transport liquid and invert sugar in tank trucks from Philadelphia to Pennsylvania points, excluding Hershey, Derry Township, Dauphin County. Although this authority duplicates in part that herein subject, no dual operation will result should the application be approved.

dry and liquid sugar, invert sugar*, corn syrup and blends of corn syrup and molasses. Although the authority requested is only for sugar in bulk, we are satisfied that those carriers familiar with bulk transportation of sugars are aware that corn syrup and molasses as sweetening agents are included within the general terminology. In order that a full service may be provided its supporting shippers, corn syrup, corn syrup blends and molasses will be included in the commodities authorized the carrier.

A review of applicant's current authority and that now requested reveals several duplications, however, any authority herein granted is conditioned as considered one operating authority and not severable.

We find:

1. Applicant the equipment, experience and financial capacity to provide the subject service.
2. The two supporting shippers have demonstrated a need for the service herein proposed.
3. Approval of the application is an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued October 24, 1967, as amended, be further amended to include the following right:

To transport, as a Class D carrier, sugar, invert sugar, corn syrup and corn syrup blends and molasses, in bulk, from points in the city and county of Philadelphia, to points in Pennsylvania.

* Invert sugar is a mixture of D-glucose and D-fructose, that is sweeter than sucrose, that occurs naturally in fruits and honey, that is usually made commercially from a solution of cane sugar by hydrolysis and is used chiefly as a crystalizable syrup in food and in medicine.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 14, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Herman R. Ewell, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of vegetable oil, animal oil and animal fats; vegetable oil products, animal oil products and animal fat products; and blends of the aforementioned commodities, from the facilities of C. F. Simonin's Sons, Inc., in the city and county of Philadelphia, to points in Pennsylvania, and vice versa.

A-00093865
F. 1
Am-H

Rhoads, Sinon & Hendershot, by J. Bruce Walter for the applicant.
Thomas J. O'Brien for protestant, Chemical Leaman Tank Lines, Inc.
Richard Beland for protestant, Matlack, Inc.

ORDER

BY THE COMMISSION:

This matter comes before the Commission as the result of an application filed by Herman R. Ewell, Inc., on December 11, 1979. Public notice of the application was given in the Pennsylvania Bulletin of January 12, 1980.

Two carriers, Matlack, Inc. and Chemical Leaman Tank Lines, Inc., protested the application however, Chemical Leaman withdrew upon reconsideration and Matlack failed to appear at the scheduled hearing of April 18, 1980, in Philadelphia with Administrative Law Judge F. Ross Crumlish presiding. Judge Crumlish dismissed the protest accordingly and no further testimony was taken. The record is now certified to the Commission without hearing to be handled under modified procedure. Verified statements were submitted by the applicant and the supporting shipper.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 4, 1981

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson

Linda C. Taliaferro

Application of Herman R. Ewell, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of sugars, corn syrups, flavoring syrups and blends thereof, in bulk, from points in the city of Connellsville, Fayette County, to points in Pennsylvania, and vice versa.

A-00093863
F. 1
Am-I

Rhoads, Sinon & Hendershot by J. Bruce Walter for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed March 27, 1981. Public notice was given in the Pennsylvania Bulletin of May 9, 1981. There are no protests and the record is now certified to the Commission without hearing. Verified statements were submitted by the applicant and one supporting shipper.

Herman R. Ewell, Inc. (applicant), represented herein by verified information submitted by its general manager and comptroller, Leon R. Fausnacht, is domiciled in East Earl Township, Lancaster County. It holds extensive authority in both interstate and intrastate commerce under which considerable service is provided in the transportation of corn syrup and liquid sugar for a variety of shippers.

All business is conducted from its only terminal located in East Earl which contains the company offices, maintenance and repair facilities, vehicle washing facilities and inside and outside parking areas. It employs office and dispatching personnel who conduct 24-hour service, full-time and part-time drivers, mechanics, one lubrication man, vehicle washers, tire repairmen, yard jockeys and a safety director. Communications are conducted by a regular telephone system and a WATS line for all customers.

F.1, Am-J

To transport, as a Class D carrier, milk and milk products between points in Pennsylvania;

subject to the following conditions:

That no right, power or privilege is granted to transport milk and milk products (except in bulk) from points in the Townships of Penn and Shrewsbury, the village of New Park, Fawn Township, and the Borough of New Freedom and Shrewsbury, all in York County.

That no right, power or privilege is granted to transport milk and milk products (except in bulk) to or from the facilities of D & D Distribution Services, Inc., in the City of York and the Borough and Township of Shrewsbury, York County, or to or from the facility of Hanover Terminal, Inc., in the County of York.

F. I., Am-K

To transport, as a Class D carrier, property in bulk, in tank vehicles, between points in the county of Lancaster, and from points in the said county, to points in Pennsylvania, and vice versa

subject to the following conditions:

That no right, power or privilege is granted to transport petroleum and petroleum products.

That no right, power or privilege is granted to transport limestone and limestone products from points in the counties of Chester, Centre and York.

That no right, power or privilege is granted to provide transportation from the facilities of Pennsylvania Glass Sand Corporation in the counties of Mifflin and Huntingdon.

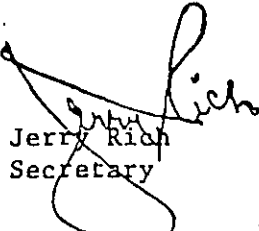
That no right, power or privilege is granted to transport magnafloat from the facilities of Foote Mineral Company in the county of Chester.

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 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 relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 2, 1986

ORDER ENTERED: APR 8 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 15, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Herman R. Ewell, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, sugar, invert sugar, corn syrup and corn syrup blends and molasses, in bulk, from points in the city and county of Philadelphia to points in Pennsylvania: SO AS TO PERMIT the transportation of food and food grade products, in bulk, in tank vehicles, between points in Pennsylvania.

A-00093865
F. 1
Am-L

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued on October 24, 1967, as amended, be further amended to include the following right:

To transport, as a Class D carrier, food and food-grade products, in bulk, in tank vehicles, between points in Pennsylvania.

BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 15, 1987

ORDER ENTERED: JAN 27 1987

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF:

APPLICATION OF

CENTRAL TRANSPORT, INC. (NC)

NUMBER A-00108155

PROTEST OF

MARSHALL SERVICE, INC.

RECEIVED
JUN 20 1988
SECRETARY'S OFFICE
Public Utility Commission

FILE



Dated: June 15, 1988

Due Date: July 5, 1988

Filed By:

Kenneth A. Olsen
P. O. Box 357
Gladstone, New Jersey 07934
(201)234-0301
Attorney for
Marshall Service, Inc.,
Protestant

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

IN THE MATTER OF:
APPLICATION OF
CENTRAL TRANSPORT, INC. (NC)
NUMBER A-00108155

DOCKETED
APPLICATION DOCKET
JUN 21 1988
ENTRY No. *12*

PROTEST OF
MARSHALL SERVICE, INC.

FILE

PROTEST

Comes now, Marshall Service, Inc., hereinafter called Marshall or Protestant, in the above entitled proceeding, a corporation of the State of New Jersey qualified to do business in Pennsylvania, with offices and principal place of doing business at Pearl Street, Newfield, New Jersey 08344, (609-692-9200), by its attorney, Kenneth A. Olsen, and in accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, submits this Protest to the above permanent authority application for the following reasons:

1. The approval of each said application is not necessary or proper for the accomodation, convenience, service, or safety of the public.
2. The Applicant is not fit to perfrom the proposed service.
3. Protestant is presently providing service in the territory sought herein and is ready, willing, and able to provide such service. The service and facilities of Protestant, and other authorized carriers, are sufficient

to meet all the requirements of the shipping and receiving public in the territory involved in the above applications.

4. The approval of these applications will be prejudicial to your Protestant and other authorized carriers in this territory since it will authorize additional unnecessary competition, with the resulting loss in revenues by Protestant. The operations of Protestant, will be endangered and impaired, which is contrary to the public interest.

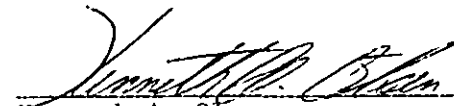
5. Protestant holds operating authority from this Commission in Certificate No. A-00101153 and folders thereunder. A copy of said operating authority as already held is attached hereto as Exhibit no. 1 and made a part hereof.

6. If the instant application was amended to exclude the transportation of petroleum and petroleum products from the said application, the interest of Protestant would be satisfied and this protest withdrawn.

WHEREFORE, Protestant, Marshall Service, Inc., respectfully prays that the above application be dismissed.

Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S. § 333 (c)), Protestant hereby requests a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony.

Dated: June 15, 1988


Kenneth A. Olsen
P. O. Box 357
Gladstone, New Jersey 07934
(201)234-0301
Attorney for
Marshall Service, Inc.,
Protestant

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 27, 1979

Commissioners Present:

W. Wilson Goode, Chairman
Louis J. Carter
Michael Johnson

Application of Marshall Service, Inc., a corporation of the State of New Jersey, for the right to begin to transport, as a common carrier, by motor vehicle, petroleum products, in bulk, in tank vehicles, from the facilities of Mobil Oil Corporation in the borough of Malvern and the township of East Whiteland, Chester County, to points within an airline distance of thirty-five (35) statute miles of the limits of the borough of Malvern.

A-00101153

Harper, George, Buchanan & Driver by Larry R. McDowell for the applicant.
William F. O'Hara for Seaboard Tank Lines, Inc.
Thomas J. O'Brien for Chemical Ledman Tank Lines, Inc.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 14, 1978. Public notice of the application was given in the Pennsylvania Bulletin of October 7, 1978. Protests were filed by Seaboard Tank Lines, Inc. and Chemical Leaman Tank Lines, Inc., but were withdrawn when the applicant amended its application restricting service to the transportation of gasoline and fuel oils.

The application is now unprotested and the record is certified to the Commission without hearing. Verified statements have been submitted by the applicant and supporting shipper.

Marshall Service, Inc., Newfield, New Jersey, is represented herein by its vice-president, Everett E. Marshall, III. Terminal facilities in Newfield include a complete maintenance shop and cleaning facility. There are five office personnel, five mechanics, and 20 drivers available to provide the proposed service. Equipment available consists of 20 tractors and an additional seven tractors on lease from owner-operators, and 33 trailers. The drivers assigned to providing service for Mobil Oil Corporation are in direct contact with the shipper. Equipment is also stationed at the shipper's facility in Paulsboro, New Jersey.

Service is rendered for the shipper in New Jersey intrastate commerce as well as interstate commerce. During the month of July, 1979, approximately 2,000,000 gallons were transported. The type of transportation rendered in interstate commerce will be provided the shipper for intrastate shipments, and will consist of service in bulk in tank vehicles.

The applicant's unaudited income statement for the first five months of 1979, indicates that the applicant had total operating revenue of \$784,856, from which it generated a net operating profit of \$22,788. The balance sheet for the same period, discloses that it has total assets of \$549,044, of which \$204,312 are current assets. It has a total shareholders' equity of \$214,026 and current liabilities of \$263,887.

Mobil Oil Corporation (hereinafter Mobil), 150 East 42nd Street, New York, is represented herein by its manager of eastern traffic area, Roger P. Williams. Mobil is a worldwide refiner, manufacturer and marketer of petroleum products, chemicals, paint, plastics and minerals. As pertinent herein, it operates a terminal at Malvern, Chester County, from which it transports gasoline and distillates in bulk in tank vehicles.

During the period of January 1, 1978 through June 30, 1979, private carriage transported 110,000,000 gallons or 14,100 loads from Malvern. Also transported were 18 loads by a contract carrier. It is estimated that the applicant will be tendered 2,000,000 gallons annually which had previously been transported by private carriage. Representative destinations for the shipments include Ambler, Bridgeport, Concordville, Downingtown, Drexel Hill, Hatboro, Landsdale, Paoli, Philadelphia and Upper Darby.

A vehicle is currently dedicated to the shipper on a continuing basis six days a week, two ten-hour shifts per day, 52 weeks a year, for transportation from the Paulsboro, New Jersey facility. Tank Truck Rentals, Inc., A-00094247, is the only intrastate carrier delivering from the Malvern terminal, and will be used in the future for overflow volume that cannot be transported by the private carriage fleet and/or the applicant. There are no service deficiencies since 99.87 percent of the volume transported, is transported by private carriage.

DISCUSSION AND FINDINGS

By its instant application the applicant seeks an initial grant of authority to transport gasoline and fuel oil for the Mobil Oil Corporation. Service is to be provided from facilities in the borough of Malvern in the township of East Whiteland, Chester County, to points within thirty-five (35) statute miles. All commodities will be transported in bulk in tank vehicles.

Service has been provided to the Malvern facility under authority granted by the Interstate Commerce Commission. This service was initially rendered as a contract carrier, but was converted to common carriage on October 18, 1960. It has been the Commission's policy to usually grant contract carriage authority in an initial application where the applicant is supported by a single shipper, however, we find in this particular application that it is in the public interest, since applicant currently renders common carrier service to the supporting shipper interstate, that it be granted common carrier authority.

We further find that the applicant possesses the necessary equipment, experience and financial resources to render the proposed service as amended; THEREFORE,

IT IS ORDERED: That the application as amended, be and is hereby approved granting the following right:

To transport, as a Class D carrier, gasoline and fuel oils, in bulk, in tank vehicles, from the facilities of Mobil Oil Corporation in the borough of Malvern and the township of East Whiteland, Chester County, to points within an airline distance of thirty-five (35) statute miles of the limits of the borough of Malvern.

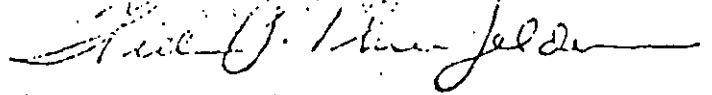
IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Law relating to insurance and filing and acceptance of a tariff establishing just and reasonable rates, a certificate be issued evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of 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,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: September 27, 1979

ORDER ENTERED: OCT 11 1979

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

EXTRA COPY

A.101153, F.1, Am-A

Application of Marshall Services, Inc. for amendment to permit the transportation of petroleum products, in bulk, in tank vehicles, from points in the borough of Marcus Hook, Delaware County, and within an airline distance of thirty-five (35) statute miles of the limits of said borough, to points in the city and county of Philadelphia and within an airline distance of thirty-five (35) statute miles of the limits of said city and county.

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S. §332(h)), the decision of Administrative Law Judge Kranzel dated August 4, 1982 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the application of Marshall Service, Inc. at Application Docket No. A-00101153, F.1, Am-A is hereby approved and that the certificate issued to applicant at A-00101153 on March 14, 1979 be amended, limited to the following right:

To transport, as a Class D carrier, lubricating oil, methanol, glycol and antifreeze, in bulk, in tank vehicles from the facilities of Sun Oil Company, located in the borough of Marcus Hook, Delaware County, to the facilities of Pioneer Oil Company, Inc.; Pennsylvania Petroleum Products Company, Inc.; Sovereign Oil Company, Inc., all located in the city and county of Philadelphia; Oil Distributors of Philadelphia, Inc., located in the borough of West Conshohocken, Montgomery County; Dryden Oil Company of Pennsylvania, Inc., located in the township of Warminster, Bucks County; and L&M Construction Chemicals, Inc., located in the township of Falsington, Bucks County.

To transport, as a Class D carrier, lubricating oil, methanol, glycol and antifreeze in bulk, in tank vehicles, from the city and county of Philadelphia, to the facilities of Pioneer Oil Company, Inc., located in the city and county of Philadelphia; and Dryden Oil Company, Inc., located in the township of Warminster, Bucks County.

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

3. 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.

4. That in the event said applicant has not, on or before sixty (60) days from the date of service of this Order, complied with the requirements set forth above, application shall be dismissed without further proceeding.

5. That upon compliance with this Order the Temporary Authority granted to applicant by Orders of April 17, 1981 and May 8, 1981 shall terminate.

BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ENTERED:

SEP 21 1982

MARSHALL SERVICE, INC.
NO. A-00101153, Folder 1, Am-D

To transport, as a Class D carrier, property, excluding household goods in use, between points in the City and County of Philadelphia.

Subject to the following conditions:

- A. That no right, power or privilege is granted to transport safes, pianos, heavy machinery and materials requiring rigging, skidding or special handling.
- B. That no right, power or privilege is granted to transport iron and steel articles.
- C. That no right, power or privilege is granted to transport heavy machinery and metal property requiring special rigging.

APPLICATION OF MARSHALL SERVICE, INC.

NUMBER A-00101153, FOLDER 1, Am-C

To transport, as Class D carrier, Petroleum Products, in bulk, in tank vehicles, between points in the City and County of Philadelphia, and within an airline distance of thirty-five (35) statute miles of the limits thereof;

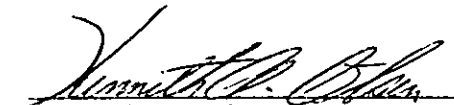
with the right immediately above subject to the two following conditions:

- (1) That no right, power or privilege is granted to transport gasoline, jet, fuel, kerosene, asphalt, and Nos. 2, 4, 5, and 6 fuel oils (except No. 6 fuel oil for Haab Oil Company and Sun Refining & Marketing Company).
- (2) That no right, power or privilege is granted to transport transformer oil, naphthas, specialty oils, and lubricating oil for Sun Refining and Marketing Company.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing protest upon Applicant, Central Transport, Inc., Uwharrie Road, P. O. Box 7007, High Point, North Carolina and upon Applicant's attorney, William A. Chestnutt, P. O. Box 1166, Harrisburg, Pennsylvania 17108-1166, by forwarding a copy of said protest to each of the aforementioned parties via first class mail, postage prepaid, in accordance with the Commission's Rules of Practice.

Dated at Gladstone, New Jersey, this 15th day of June, 1988.


Kenneth A. Olsen
Attorney for
Marshall Service, Inc.,
Protestant

KRINER, KOERBER AND KIRK
ATTORNEYS-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

(814) 765-9611
June 15, 1988



COUNSEL TO THE FIRM
WILLIAM T. DAVIS

WILLIAM C. KRINER
DWIGHT L. KOERBER, JR.
ALAN F. KIRK

Jerry Rich, Secretary
PA PUBLIC UTILITY COMMISSION
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED

JUN 20 1988

RE: CENTRAL TRANSPORT, INC.
A-108155

SECRETARYS OFFICE
Public Utility Commission

FILE

Dear Mr. Rich:

I am transmitting herewith the original and one copy of the Protest of Butler Trucking Company, in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

Very truly yours,

Dwight L. Koerber, Jr.
Dwight L. Koerber, Jr.

DLK:gje
Enclosures:
Protest
(original and one copy)
Copy of letter
Envelope
cc: Butler Trucking Company
William A. Chesnutt, Esquire



RECEIVED

JUN 20 1988

BEFORE THE

PUBLIC UTILITY COMMISSION

SECRETARYS OFFICE
Public Utility Commission

CENTRAL TRANSPORT, INC. (NC)

A-108155

PROTEST OF

BUTLER TRUCKING COMPANY

FILE



COMES NOW, BUTLER TRUCKING COMPANY, a motor carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

Butler Trucking Company
P.O. Box 88
Woodland, PA 16881

2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire
KRINER, KOERBER AND KIRK
110 North Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

DOCKETED
APPLICATION DOCKET
JUN 21 1988
ENTRY No. *DE*

DOCUMENT
FOLDER

3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority and equipment.

4. In its certificate in A-92978, Folder 1 and amendments thereto, Protestant is authorized to provide service, as pertinent, on the transportation of commodities in bulk, pertaining to Clearfield County (Amendment Q) and Bellefonte Lime Company (Amendment T). Attached hereto is a copy of all of protestant's operating authority, with all of such authority be asserted to the extent that it conflicts with the present application.

5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic that would complement its present operations.

6. Protestant would withdraw its protest herein if a restrictive amendment were imposed excluding service for any traffic from, to or between Clearfield County and also excluding service for Bellefonte Lime, Inc., in Centre County, Pennsylvania.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

BY: *Dwight L. Koerber, Jr.*
Dwight L. Koerber, Jr.

DATED: June 15, 1988

APPENDIX A

Attached hereto is a copy of the application of Central Transport, Inc. in Docket No. A-108155 as it appeared in the Pennsylvania Bulletin of June 11, 1988.

Protests or petitions to intervene may, however, be filed with the Pennsylvania Public Utility Commission, Harrisburg, on or before July 1, 1988, under Titles 1 and 52 of the *Pennsylvania Code*.

Counsel for Applicant: Edward G. Bauer, Jr., James M. White, Donald Blanken, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pa. 19101.

JERRY RICH,
Secretary

[Pa.B. Doc. No. 88-991, Filed June 10, 1988, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 5, 1988, and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* as described under each application.

A-00089500, Folder 2, Emery B. Freeman (R. D. 1, Adrian, Armstrong County, Pa. 16210)—temporary authority—coal between points in the counties of Armstrong, Butler, Allegheny and Indiana, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination, but including the right to haul from the Powell Coal Company operations, Deckers Nos. 2 and 3 Mines, near Kittanning, Armstrong County, to the West Penn Power Plant in Springdale, Allegheny County; and coal, gravel, limestone and sand, in dump vehicles, between points in the counties of Armstrong, Butler, Clarion, Jefferson and Venango within an airline distance of 25 statute miles of the limits of the borough of Rimersburg, Clarion County, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination. Application for permanent authority appeared in the *Pennsylvania Bulletin*, Volume 18, No. 21, June 4, 1988. *Attorney:* Arthur J. Diskin, 402 Law & Finance Building, Pittsburgh, Pa. 15219.

A-00108155, Central Transport, Inc. (NC) (Uwharrie Road, P. O. Box 7007, High Point, NC 27264), a corporation of the State of North Carolina—property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania. *Attorney:* William A. Chesnutt, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of

motor vehicles as common carriers for the transportation of *property* as described under each application.

A-00086903, Folder 2, Am-G, A. T. Pinto, Inc. (3320 South Third Street, Philadelphia, Philadelphia County, Pa. 19148), a corporation of the Commonwealth of Pennsylvania, *inter alia*—fresh fruits and fresh vegetables for the American Stores Company from points in the city and county of Philadelphia to the warehouse of the American Stores Company in the borough of Forty-Fort, Luzerne County, and vice versa: so as to permit the transportation of fresh fruit and fresh vegetables, for Thomas Colace Co., between points in Pennsylvania. Application for temporary authority has been filed at A-00086903, Folder 2, Am-G, seeking the following right: fresh fruit and fresh vegetables, for Thomas Colace Co., from points in the City and County of Philadelphia, to points in the Borough of Carlisle, Cumberland County, and vice versa.

A-00092811, Folder 1, Am-H, Schwerman Trucking Co. (P. O. Box 1601, Milwaukee, Wisconsin 53201); a corporation of the State of Wisconsin, *inter alia*—cement from the production plant of the Lone Star Industries, Inc. on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania: so as to permit the transportation of (1) cement, from the township of Neville, Allegheny County, to points in Pennsylvania; and (2) cement, which originated in the township of Neville, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania. Application for temporary authority has been filed at A-00092811, F. 1, Am-H, seeking the following rights: (1) cement, from the production plant of Kosmos Cement Company located in the Township of Neville, Allegheny County, to points in Pennsylvania; and (2) cement, originating at the production plant of Kosmos Cement Company located in the Township of Neville, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; providing that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within 35 miles by the usually travelled highways of the limits of said city and county, shall be confined to the transportation of cement, in bulk, in tank vehicles or in hopper-type vehicles.

Attorney: S. Berne Smith, 100 Pine Street, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

A-00099691, Folder 1, Am-O, Neel Transportation Co., Inc. (R. D. 6, Box 516, Washington, Washington County, Pa. 15301), a corporation of the Commonwealth of Pennsylvania, *inter alia*—paper, paper products and such articles as are used in the manufacture of paper and paper products, from the facilities of Brockway Glass Company, Inc., located in the city of Washington and the township of Canton and South Strabane, all in Washington County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: so as to permit the transportation of property, excluding commodities in bulk and household goods in use, from the Pennsylvania facilities of O-I Brockway Glass, Inc., to points in Pennsylvania, and vice versa. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222.

A-00100812, Folder 3, Am-B, Jack Gray Transport, Inc. (4600 East 15th Avenue, Gary, Indiana 46403), a corporation of the State of Indiana, *inter alia*—coke, for

APPENDIX B

Attached hereto is a copy of Protestant's authority in A-92978 and amendments thereto.

BUTLER TRUCKING COMPANY

Pa. P.U.C. Operating Authority

A-92978

To transport, as a Class D carrier, coal from mines not served by railroad in the Counties of Blair, Bedford, Centre, Clearfield and Cambria, within fifty (50) miles by the usually traveled highways of the City of Altoona, Blair County, to points in the said city and within twenty (20) miles by the usually traveled highways of the limits of the said city.

To transport, as a Class D carrier, products of quarries and sand banks in the Counties of Blair, Bedford, Centre, Huntingdon and Clearfield to points within fifty (50) miles by the usually traveled highways of the point of origin.

To transport, as a Class D carrier, building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the Counties of Blair, Bedford, Huntingdon, Centre, Clearfield and Cambria, provided no haul shall exceed a distance of fifteen (15) miles which parallels the lines of the Huntingdon and Broad Top Mountain Railroad and Coal Company.

To transport, as a Class D carrier, firebrick and firebrick products, for the J. H. France Refractories, from its plants in the Village of Clarence, Snow Shoe Township, Centre County, and the Village of Winburne, Cooper Township, Clearfield County, to points in Pennsylvania, and the return of refused or damaged shipments.

To transport, as a Class D carrier, quarry products, lime and lime products, for Warner Company, from points in the Borough of Bellefonte, Centre County, and within five (5) miles of the limits of said borough to points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from J. H. France Refractories in the Borough of Snow Shoe, Centre County, to other points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from H. K. Porter Co. (formerly Patterson Fire Brick Company) in the Borough of Clearfield, Clearfield County, to other points in Pennsylvania, and the return of rejected products.

To transport, as a Class D carrier, clay products and clay for the Williams Grove Clay products Company, a division of North American Refractories, (formerly Williams Grove Clay Products Company), between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Williams Grove Clay Products Company, a division of North American Refractories, (Formerly Williams Grove Clay Products Company), from points in the Village of Bigler, Clearfield County, to points in Pennsylvania and vice versa.

To transport, as a Class D carrier, brick and terra cotta pipe from points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence to points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe;

the right immediately above to be subject to the following condition:

That no right, power or privilege is granted to transport brick from the plant of Hanley Company in the Borough of Summerville, Jefferson County.

To transport, as a Class D carrier, empty pallets, from points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe to points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence.

To transport, as a Class D carrier, brick, and refractory products, from the plants of the General Refractories Company in the Village of Salina, Bell Township, Westmoreland County and in the Township of Perry, Fayette County, to the plants of the Bethlehem Steel Company in the City of Bethlehem, Lehigh and Northampton Counties, and the right to return empty pallets and rejected materials to the point of origin.

A-92978, F.1, Am-A

To transport, as a Class D carrier, brick and clay products, from the plant of the Marion Brick Corporation (formerly the plant of H. K. Porter Co.) in the Township of Lawrence, Clearfield County, to points in the said township and to other points in Pennsylvania, and the return of refused, rejected and returned shipments to the point of origin.

A-92978, F.1, Am-B

To transport, as a Class D carrier, magnesite, in bulk in dump vehicles, from the facilities of A. P. Green Refractories Company in the borough of Tarentum, Alleghney County, to the plant site of North American Refractories Company in the borough of Womelsdorf, Berks County, and the return of refused and rejected shipments to the point of origin.

A-92978, F.1, Am-D

To transport, as a Class D carrier, clay products and clay, for the Marion Brick Corporation (formerly Williams Grove Clay Products Company, a division of North American Refractories) between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Marion Brick Corporation (formerly Williams Grove Clay Products Company, a division of North American Refractories) from points in the Village of Bigler, Clearfield County, to points in Pennsylvania, and vice versa.

A-92978, F.1, Am-E

To transport, as a Class D carrier, refractory products, and materials and supplies used in the manufacture, distribution and installation of refractory products, excluding commodities in bulk in tank or hopper-type vehicles, between points in the Township of Porter, Huntingdon County, the Township of Logan, Blair County, the Township of Lawrence, Clearfield County, the Township of Winslow, Jefferson County and the Township of Heidelberg, Berks County, and from points in the said townships and from the plant site of Crescent Brick Company, Incorporated in the Township of Plymouth, Montgomery County, to points in Pennsylvania, and vice versa;

subject to the following conditions:

1. No right, power or privilege is granted to render service between Plymouth Township, Montgomery County and the plant site of United States Steel at the Fairless Works, Bucks County.
2. No right, power or privilege is granted to render service in dump vehicles to or from the facilities of Sheridan Supply Co. in the township of Millcreek, Lebanon County.
3. No right, power or privilege is granted to transport ores from the Counties of Bucks, Chester, Lehigh, Montgomery, Northampton and Philadelphia.

4. No right, power or privilege is granted to render service to or from the County of Armstrong.
5. No right, power or privilege is granted to render service from the township of Heidelberg, Berks County, to the County of Clearfield.
6. No right, power or privilege is granted to render service from A.P. Green Refractories, Co., Allegheny County, to the Township of Plymouth, Montgomery County and the Township of Heidelberg, Berks County, or vice versa.
7. No right, power or privilege is granted to render service from or to Allegheny Brick Co., Allegheny County, except for transportation rendered in dump vehicles.
8. No right, power or privilege is granted to render service from or to Amstat Corporation, East Greenville, Montgomery County, except transportation is authorized from or to Heidelberg Township, Berks County.
9. No right, power or privilege is granted to render service from the Township of Lawrence, Clearfield County and the Township of Winslow, Jefferson County unless said transportation is rendered in conjunction with shipments originating at either the Township of Logan, Blair County the Township of Porter, Huntingdon County or the Township of Plymouth, Montgomery County, and destined to one consignee.
10. No right, power or privilege is granted to render service to the Township of Lawrence, Clearfield County or the Township of Winslow, Jefferson County, from points in the Counties of Allegheny, Westmoreland, Centre, Clearfield, Indiana, Lancaster, Cameron, Elk and Philadelphia.

A-92978, F.1, Am-F

To transport, as a Class D carrier, furnace lining scrap or refuse, from points in Pennsylvania to the plant sites of North American Refractories Company, in the Township of Pike, Clearfield County, the Township of Towamensing, Carbon County, the Township of Heidelberg, Berks County, and the Borough of Mt. Union, Huntingdon County.

A-92978, F.1, Am-G

To transport, as a Class D carrier, refractory products, from the plant site of A.P. Green Refractories Co., in the City of Philadelphia, Philadelphia County, to points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to perform transportation from Philadelphia to points in the Counties of Philadelphia, Bucks, Chester, Delaware and Montgomery.
2. That no right, power or privilege is granted to transport ores.
3. That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.

A-92978, F.1, Am-I

To transport, as a Class D common carrier by motor vehicles, lime, limestone and limestone products from the plant site of Marblehead Lime Company in the Township of Spring, Centre County, to points in Pennsylvania;

subject to the following conditions:

- (a) Provided that no right, power or privilege is granted to perform transportation in flatbed trailers and/or van trailers from the plant site of Marblehead Lime Company in the Township of Spring, Centre County, to points in Pennsylvania, and further,
- (b) Provided that no right, power or privilege is granted to perform transportation in dump vehicles between points within an airline distance of sixty (60) statute miles of the Borough of Bellefonte, Centre County.

A-92978, F.1, Am-J

To transport, as a Class D carrier, refractories, from the facilities of A.P. Green Refractories Co. in the Borough of Tarentum and the Township of Porter, Clarion County, to points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank or hopper vehicles.

A-92978, F.1, Am-K

To transport, as a Class D carrier, brick and clay products, from the plant of the Glen-Gery Corporation (formerly the plant of Marion Brick Corporation), in the Township of Lawrence, Clearfield County, to points in the said township and to other points in Pennsylvania.

To transport, as a Class D carrier, clay products and clay, for the Glen-Gery Corporation (formerly Marion Brick Corporation) between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Glen-Gery Corporation (formerly Marion Brick Corporation) from points in the Village of Bigler, Clearfield County, to points in Pennsylvania, and vice versa.

A-92978, F.1, Am-L

To transport, as a Class D carrier, refractories, refractory products and commodities used or useful in the installation of refractories and refractory products, and materials, equipment, and supplies used in the production and distribution of refractories, refractory products and commodities used or useful in the installation of refractories and refractory products; from the facilities of Harbison-Walker Refractories, Division of Dresser Industries, Inc., in the Borough of Mount Union, Huntingdon County, and in the Borough of Clearfield, Clearfield County, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.

A-92978, F.1, Am-M

To transport, as a Class D carrier, crushed motor vehicles, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to provide service in dump trailers.
2. That no right, power or privilege is granted to provide service for Hodes Industries, Inc., to or from its facilities located in the County of Centre, the City of Lock Haven, Clinton County, and the Borough of Tyrone, Blair County.

Am-N

er, lumber and plywoods for
points in Pennsylvania.

for D. & J Maurer, Inc.
onora, Washington County, to
a, and vice versa;

above being subject to the

Am-O

er, refractories and
ties of North American
of Pike, Clearfield County,
versa;

power or privilege is granted to
ods.

, power or privilege is granted to
(cept in bulk) to and from the
Home Foods Division of American
ion, located in the Township of
of Milton, Northumberland County.

ge is granted to transport
icles from or to the Counties
and from or to points within
of the facilities of North
t or near the Borough of
Clearfield County.

power or privilege is granted
and limestone products from

power or privilege is granted to
in truckloads, from the Pennsylvania
n the Boroughs of Mapleton, Hunt-
town, Mifflin County, to the
ington County, and Industry, Beaver

Am-P

rier, refractories, and
manufacture or installation of
f Crescent Brick Company,
and Falls Creek Division, in
d County, the Township of
Borough of Falls Creek,
to points in Pennsylvania, and

B, F.1, Am-R

) carrier property:

ounties of Mercer and Beaver to
ia and vice versa; and

lege is granted to transport
s, from or to the Counties of
that territory located within
e (75) statute miles of the
Township of Lawrence,
o of Winslow, Jefferson County
learfield and Jefferson Counties.

ylvania, on and west of U. S.
ts in Pennsylvania east of U.S.
è versa, restricted in paragraphs
o the transportation of shipments
ctor trailer units.

.1, Am-Q

carrier:

, in the County of Clearfield,
ty, to points in Pennsylvania,

right, power or privilege is
port shipments which because of
imitations require the issuance
ts from the Pennsylvania Depart-
tation;

right, power or privilege is
ort property from the Borough
the Township of Bensinger,

County of Elk; or from points in the Townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton and Warminster and the Boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, Penndel and Tullytown, all in Bucks County;

- (c) Provided that no right, power or privilege is granted to transport refractories, refractory products or materials, equipment and supplies used in the manufacture and installation of refractories and refractory products from the Counties of Allegheny, Clarion and Washington to points in Pennsylvania, and vice versa;
- (d) Provided that no right, power or privilege is granted to transport property, for or from or to the Pennsylvania facilities of Reynolds Manufacturing Company; Amsat Corporation, MonCo Products, Inc.; Freeport Brick company; Associated Ceramics and Technology; Solar Refractories; Dlubak Studios, Inc.; Hussey Metal Division, Copper Range Company; A. P. Green Refractories Company; Jones and Laughlin Steel Corporation; Bethlehem Steel Corporation; H. H. Robertson Company; Amax, Inc.; Climax Molybdenum Corp.; Molycorp, Inc.; General Electric Corporation; Sperry-New Holland Division of Rand Corp.; Zurn Industry Corp.; Copes Vulcan Company; Thalheimer Bros., Inc.; and Owens Corning Fiberglass Corporation;
- (e) Provided that no right, power or privilege is granted to transport property, having a prior or subsequent movement by water, from points in the Counties of Allegheny, Armstrong, Lawrence, Washington and Westmoreland;
- (f) Provided that no right, power or privilege is granted to transport property from, to, or between points in the Counties of Adams, Cambria, Cumberland, Daulphin, Franklin, Lancaster, Lebanon, Mifflin, and Somerset;
- (g) Provided that no right, power or privilege is granted to transport limestone and limestone products, in bags and other types of containers, for the J. E. Baker Company, from its plant in the Township of West Manchester, York County, and for the Thomasville Stone and Lime Company, from its plant in the Township of Jackson, York County, to points in Pennsylvania.

A-92978, F.1; Am-S

To transport, as a Class D Carrier, refractories and refractory products, for D.B.C.A., Division of the J. E. Baker Company, from points in the County of York, to points in Pennsylvania;

subject to the following condition:

That any traffic moving under the authority granted herein is limited to shipments moving on flatbed trailers.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 8, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Petition of Butler Trucking Company
for Correction of Commission Order

Docket No.
A-00092978, F.1, Am-T.

O R D E R

BY THE COMMISSION:

Now before the Commission for disposition is Butler Trucking Company's Letter/Petition, filed August 26, 1986, for Correction of the Commission's Order of August 7, 1986, at Docket No. A-00092978, F. 1, Am-T.

On March 18, 1986, Butler filed an application to have its common carrier certificate amended "SO AS TO PERMIT the transportation of quarry products, lime and lime products, for Bellefonte Lime Company, L.P., from points in the borough of Bellefonte, Centre County, and within an airline distance of five (5) statute miles of the limits of said borough, to points in Pennsylvania."

On May 30, 1986, Butler filed verified statements to corroborate its application. In its verified statements, Butler explained that when its application for amended authority was filed, its supporting shipper was a limited partnership, Bellefonte Lime Company, L.P. (Bellefonte L.P.). Butler further explained that after its application for amended authority was filed, the supporting shipper became incorporated and accordingly changed its name to Bellefonte Lime Company, Inc. (Bellefonte Inc.). Butler then stated that as a result of the shipper's incorporation, "the proper name of the shipper referred to in the application should be shown as Bellefonte Lime Company, Inc."

On May 30, 1986, Bellefonte Lime Company, Inc., filed verified statements in support of Butler's application. In its statements Bellefonte Inc. detailed its change of form from a limited partnership (Bellefonte, L.P.) to a corporation (Bellefonte Inc.) and stated that the identity, work, and overall nature of Bellefonte Inc. and Bellefonte L.P. were the same. Specifically, in its verified statements, Bellefonte Inc. declared that

as of January 22, 1986, the ownership of the plant changed, but the operations of the plant have remained identically the same. We are producing the same products, selling to the same customers, using substantially the same work force and in general, conducting operations as though there had not been a change in ownership.

By an Order entered August 7, 1986, we approved Butler's application for amended authority. In the body of our Order, we stated that public notice of Butler's application was duly published in the Pennsylvania Bulletin on April 5, 1986, and that no protests were received. Additionally, we emphasized that

[a]pplicant [Butler] currently has the equipment to offer the proposed services. Under applicant's [sic] current authority to serve Warner Company, new owner of Bellefonte Lime Company, Inc., it is already providing some of the services to the shipper.

The supporting shipper, Bellefonte Lime Company, Inc. operates its plant located in the borough of Bellefonte. Within five (5) miles of the Bellefonte plant is the quarry which furnishes limestone to the lime plant, located in Pleasant Gap, Centre County. The authority in this application would enhance the two facilities.

. . . .

. . . [T]he applicant is fit, willing and able to perform the service as a common carrier as amended and . . . approval of the application is in the public interest and will not interfere with the safety and regulation of common carriers

Commission Order of August 7, 1986, at 2 (emphases added).

However, in the initial ordering paragraph of our Order, we referred to Bellefonte L.P. rather than Bellefonte Inc.:

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

To transport, as a Class D carrier, for Bellefonte Lime Company, L.P., quarry products, lime and lime products, from points in the borough of Bellefonte, Centre County, and within an airline

distance of five (5) statute miles of the limits of said borough, to points in Pennsylvania.

Commission Order of August 7, 1986, at 2 (emphasis added).

The discrepancy between the wording of the first ordering paragraph in our August 7 Order and the wording and clear intent of the remainder of our August 7 Order has resulted in the filing of the subject Letter/Petition. In the Letter/Petition Butler requests that we correct the first ordering paragraph in our August 7 Order to show that Butler is authorized to transport for Bellefonte Inc. Additionally, Butler asks that its request for correction of the ordering paragraph be exempted from the filing and notice requirements which govern applications to amend certificates.

Based upon the totality of the circumstances in this case, August 7 Order reveals our unequivocal intent to grant Butler the authority to transport for supporting shipper Bellefonte Inc. Consequently, we grant Butler's Petition for Correction by conforming the wording of the first ordering paragraph in our August 7, 1986, Order to authorize Butler's transportation for Bellefonte Inc. See generally, 66 Pa. C.S. §501; 52 Pa. Code §5.572.

Furthermore, we conclude that Butler's Petition for Correction is not subject to the filing and notice requisites which pertain to applications to amend certificates. See 52 Pa. Code §3.381. There has already been substantial compliance with such filing and notice requirements since Butler's application to transport for Bellefonte was published in the Pennsylvania Bulletin on April 5, 1986, and no protests were generated. Because the instant Petition for Correction involves merely a technical modification, rather than a substantive amendment, of our August 7 Order, additional filing and notice would be unnecessarily duplicative.

In summary, the facts of this case warrant correction of our August 7, 1986, Order; THEREFORE,

IT IS ORDERED:

1. That the Letter/Petition of Butler Trucking Company for correction of the Commission's Order of August 7, 1986, at A-00092978, F. 1, Am-T, be and hereby is granted.

2. That the Commission's Order of August 7, 1986, be and hereby is corrected to conform the first ordering paragraph so that it accurately expresses the Commission's intent to authorize Butler Trucking Company's transportation for Bellefonte Lime Company, Inc.:

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


To transport, as a Class D carrier, for Bellefonte Lime Company, Inc., quarry products, lime and lime products, from points in the borough of Bellefonte, Centre County, and within an airline distance of five (5) statute miles of the limits of said borough, to points in Pennsylvania.

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 the applicant shall not engage in any transportation granted herein until it shall have complied with the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

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,



Jerry Rich
Secretary

(SEAL)


ORDER ADOPTED: January 8, 1987

ORDER ENTERED: JAN 11 1987

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June, 1988, I have served a copy of the foregoing Protest upon applicant's representative, by first class mail, at the following name and address:

William A. Chesnutt, Esquire
P.O. Box 1166
Harrisburg, PA 17108-1166


Dwight L. Koerber, Jr.

GRAF, ANDREWS & RADCLIFF, P. C.
ATTORNEYS AT LAW
407 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17101

CHRISTIAN V. GRAF
FREDERICK W. ANDREWS
DAVID H. RADCLIFF

OF COUNSEL
JOHN E. FULLERTON
TELEPHONE: A. C. 717-236-9318

June 16, 1988
File: 1221.2

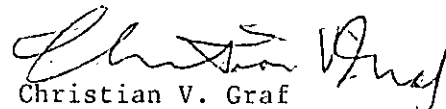
RE: CENTRAL TRANSPORT, INC., A. 108155
Protest of Oil Tank Lines, Inc.

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Dear Mr. Rich:

On behalf of Oil Tank Lines, Inc., I enclose the original and one copy of a protest to the above-captioned application. Copies are being forwarded to applicant, applicant's attorney and to protestant.

Very truly yours,


Christian V. Graf

CVG:tcr
Enclosure

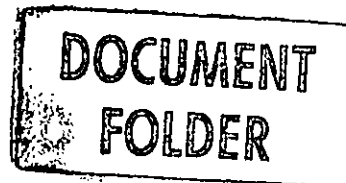
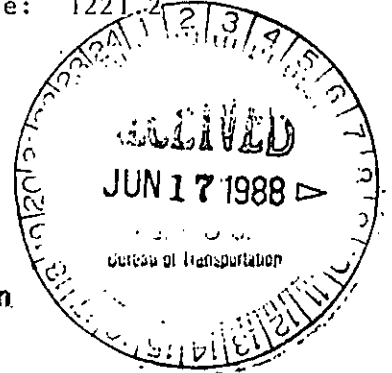
cc: Central Transport, Inc. (NC)
Uwharrie Road
P.O. Box 7007
High Point, NC 27264

William A. Chesnutt, Esquire
P.O. Box 1166
Harrisburg, PA 17108-1166

R. H. Davis, President
Oil Tank Lines, Inc.
P.O. Box 190
Darby, PA 19023-0190

David H. Radcliff, Esquire

RECEIVED
JUN 17 1988
SECRETARY'S OFFICE
Public Utility Commission
FILE



RECEIVED

JUN 17 1988

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

SECRETARY'S OFFICE
Public Utility Commission

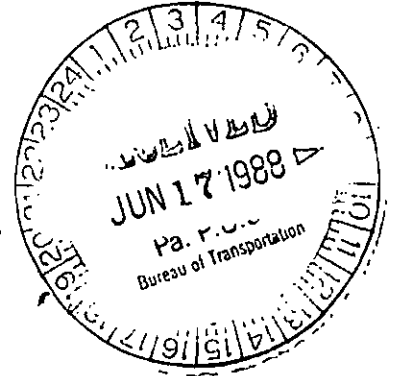
In Re: A-00108155. CENTRAL TRANSPORT, INC. (NC) (Uwharrie Road, P.O. Box 7007, High Point, NC 27264), a corporation of the State of North Carolina - property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania.

Applicant's attorney: William A. Chesnutt, Esquire
P.O. Box 1166
Harrisburg, PA 17108-1166

Pennsylvania Bulletin reference: June 11, 1988, page 2643

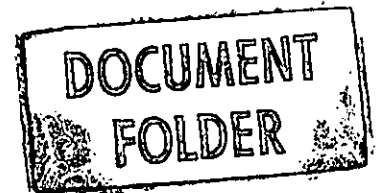
PROTEST OF
OIL TANK LINES, INC.
A. 96256

FILE

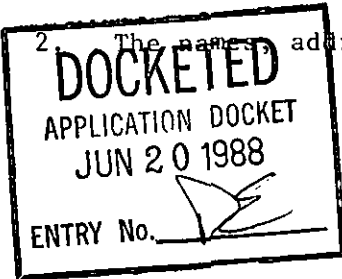


1. The name, address and telephone number of protestant are:

OIL TANK LINES, INC.
P.O. Box 190
Darby, PA 19023-0190
Telephone: A.C. 215, 583-0190



2. The names, address and telephone number of protestant's attorneys are:



GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17120
Telephone: A.C. 717, 236-9318

3. Protestant possesses authority at A. 96256, summary whereof is attached hereto as Exhibit A. All of the petroleum products, bulk tank vehicle authority of protestant is adversely affected by this application.

4. This protest will be withdrawn if the application is amended so as to exclude the transportation of petroleum products in bulk between points in Pennsylvania.

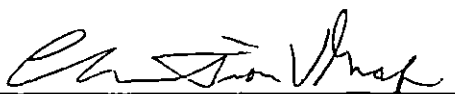
5. Absent knowledge as to who, if anyone, supports this application, a meaningful traffic exhibit cannot be submitted.

6. Pursuant to Sec. 333(c) of the Public Utility Code, protestant requests applicant or applicant's attorney to furnish protestant's attorney with the list of the names and addresses of all witnesses to be called, together with the names and addresses of all companies which will be supporting this application.

7. Absent an appropriate amendment, protestant prays the application may be dismissed.

AND IT WILL EVER PRAY.

OIL TANK LINES, INC.

By: 
Christian V. Graf, Esquire
Its Attorney

June 16, 1988

OIL TANK LINES, INC.

IN APPLICATION DOCKET NO. A-00096256

1. To transport, as a Class D carrier, petroleum products, in bulk, in tank vehicles, from the facilities of Pennzoil Company, in the boroughs of Rouseville and Sugar Creek, Venango County, to points in the borough of Freedom, Beaver County, the city of Pittsburgh, Allegheny County, and the city and county of Philadelphia and within an airline distance of twenty (20) statute miles of the limits of said city and county of Philadelphia, and vice versa.

2. To transport, as a Class D carrier, petroleum, oils and wax, in bulk, in tank vehicles, from the facilities of Pennzoil Company, in the boroughs of Rouseville and Sugar Creek, Venango County, to the plant of International Paper Company in the borough of York Haven, York County.

3. To transport, as a Class D carrier, petroleum products, in bulk, in tank vehicles, for Pennzoil Company, from points in the borough of Rouseville, Venango County, to the plant site of ICI American in Walker Township, Schuylkill County.

IN APPLICATION DOCKET NO. A.00096256 F.2 - Am-B

To transport, as a Class D carrier, petroleum products, in bulk, in tank vehicles, from the facilities of Witco Chemical Corporation located in the borough of Petrolia, Butler County, and the city of Bradford, McKean County, to points in the city and county of Philadelphia, and to points within an airline distance of thirty (30) statute miles of the limits of the said city and county, and vice versa.

IN APPLICATION DOCKET NO. A.00096256 F.2 - Am-C @1

To transport as a Class D carrier for the account of the Sun Refining and Marketing Co., petroleum oils (except petro chemicals, heating oils, diesel fuel, gasoline and jet fuel) in bulk, in tank type vehicles, between points in Pennsylvania.

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW

SUITE 700

312 BOULEVARD OF THE ALLIES

PITTSBURGH, PA 15222

TELEPHONE (412) 471-3300

RECEIVED

JUN 20 1988

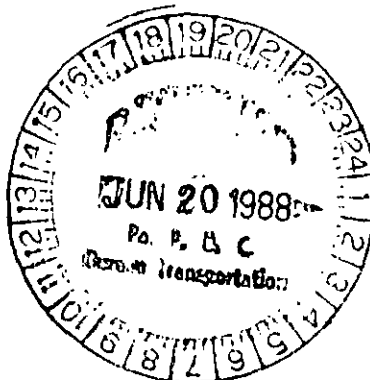
June 16, 1988

SECRETARYS OFFICE
Public Utility Commission

JOHN A. PILLAR
THOMAS M. MULROY

Jerry Rich, Secretary
Pennsylvania Public Utility
Commission
P. O. Box 3265
Harrisburg, PA 17120

RE: CENTRAL TRANSPORT, INC.
Docket No. A-00108155



FILE

Dear Mr. Rich:

Enclosed is a protest filed on behalf of the following to
the above captioned application:

WAYNE W. SELL CORPORATION

A copy of this protest has been served upon the applicant's
representative named below, in accordance with the Commis-
sion's Rules of Practice.

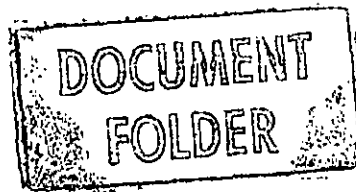
Respectfully submitted,

PILLAR AND MULROY, P.C.

By: John A. Pillar
JOHN A. PILLAR

SW
Enclosure

cc: William A. Chesnutt, Esq.



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

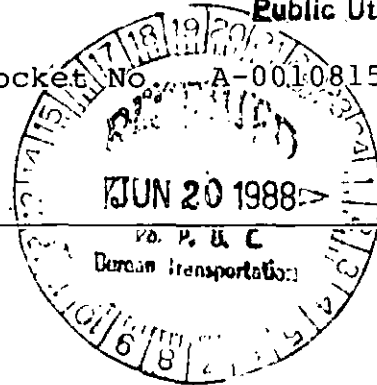
RECEIVED

JUN 20 1988

IN RE: Application of)
CENTRAL TRANSPORT,)
INC.)

SECRETARYS OFFICE
Public Utility Commission

Docket No. A-00108155



PROTEST

FILE

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. The name, address and telephone number of protestant(s) are set forth in Appendix A hereto.
2. The name, address and telephone number of protestant(s)' attorney:

DOCUMENT
FOLDER

PILLAR AND MULROY, P.C.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
(412) 471-3300

DOCKETED
APPLICATION DOCKET
JUN 21 1988
ENTRY No.

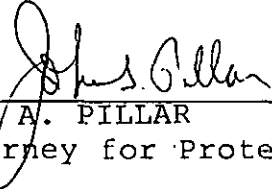
3. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix A attached hereto. A true copy of the pertinent portions of authority held by protestant(s) is attached hereto as Appendix B.

4. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of protestant(s) authority, there is no need or demand for additional service. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) as to be contrary to the public interest.

5. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix C.

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

JOHN A. PILLAR
Attorney for Protestant(s)

Due Date: July 5, 1988

RE: CENTRAL TRANSPORT, INC.

Docket No. A-00108155

APPENDIX A

The foregoing protest to the above application is
filed on behalf of:

Wayne W. Sell Corporation
236 Winfield Road
Sarver, PA 16055

Wayne W. Sell Corporation holds authority from this Commission at Docket No. A.93415 and folders thereto. As pertinent hereto, Sell is authorized to transport dry salt, in bulk, in tank vehicles, from the facilities of Standard Terminals, Inc. in New Kensington and Arnold, Westmoreland County, to points in Pennsylvania lying on and west of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Blair and Bedford. Sell is also authorized to transport salt, in tank vehicles, from the facilities of Morton Salt Company in West Elizabeth Borough, Allegheny County, to points in Pennsylvania; and calcilox (dry processed slag) in tank vehicles, between points in the Township of Neville, Allegheny County, and from points in said township to points in Pennsylvania. Sell holds authority to transport property for Armstrong Cement and Supply Corporation from its facilities located in the Township of Winfield, Butler County, to points in Pennsylvania, and vice versa. Sell holds other authority which may be in conflict with that sought herein, as more fully described in Appendix B hereto.

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

The provisions published herein, or as amended, are limited in their application to Pennsylvania Intrastate Commerce to the extent of the operating rights set forth below.

CERTIFICATE NO. 93415

Folder 1

1. To transport, as a Class D carrier, coal or coke for domestic consumption, between points in the County of Allegheny, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal from mines or stripping operations in the County of Allegheny to railroad sidings, coke ovens, docks or stockpiles in the said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, building materials, in bulk in dump trucks, between points in the County of Allegheny, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
4. To transport, as a Class D carrier, property moving under bills of lading, waybills and tariffs of The Pennsylvania Railroad Company within the collection and delivery area designated in said company's collection and delivery tariffs for the station of the said company in the Borough of Tarentum, Allegheny County.
5. To transport, as a Class D carrier, sand, gravel, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken concrete, broken tile and used brick, in bulk in dump trucks, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
6. To transport, as a Class D carrier, sand, gravel, lime, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken tile and used brick, in bulk, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler and within fifty (50) miles of the limits thereof.

With right No. 6 above, to be subject to the following conditions:

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Allegheny, except as authorized in paragraphs (1) through (5) above.

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Washington.

That no right, power or privilege is granted to render any service to, from or between points in the County of Butler, except as authorized in paragraphs (1) through (5) above.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

CERTIFICAT NO. 93415

Folder 1 (Continued)

That no right, power or privilege is granted to render any service to, from or between points in the Counties of Beaver, Lawrence and Mercer.

That no right power or privilege is granted to render any service to or from the plants of The Freeport Brick Company in the Borough of Freeport, Armstrong County, Kittanning Brick Company in the Village of Reesedale, Armstrong County, Haws Refractories Company in the Village of Bridgeburg, Armstrong County, Howe Sound Company in the Township of Rayburn, Armstrong County, and Allegheny Brick Company in the Township of East Deer, Allegheny County, except as hereinabove authorized.

7. To transport, as a Class D carrier, property from the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County, to points in Pennsylvania, and vice versa.

Subject to the following condition:

That no right, power or privilege is granted to transport lime and lime products, limestone and limestone products, concrete mix, mortar mix, sand mix and masonry cement, from the Warner Company in the Townships of Charlestown, East Whiteland, and Tredyffrin, Chester County, to the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County.

8. To transport, as a Class D carrier, brick, clay products, tile, cement, lime, lumber, stone, laths and concrete blocks from points within one hundred (100) miles of the Borough of Wilksburg, Allegheny County, to points in the Borough of Wilksburg and within fifty (50) miles by the usually traveled highways of the limits of said borough.
9. To transport, as a Class D carrier, brick, clay products, tile, stone, cement, lime, lumber, laths and concrete blocks, between points in the Borough of Wilksburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
10. To transport, as a Class D carrier, equipment and building materials in bulk in dump trucks, between points in the County of Allegheny.
11. To transport, as a Class D carrier, brick tile and other clay products from points in the County of McKean to points in the Borough of Wilksburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
12. To transport, as a Class D carrier, brick in truckload lots from the plant of Alwine Brick Company in Oxford Township, Adams County, to job and construction sites in the Borough of Wilksburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

CERTIFICATE NO. 93415

Folder 1 (Continued)

With the rights at 8, 9, 10, 11 and 12 above to be subject to the following conditions:

That no right, power or privilege is granted to transport household goods or office furnishings, in use.

That no right, power or privilege is granted to pick up or deliver any property except contractors' supplies and building materials on the William Penn Highway east of the Allegheny County line.

Folder 1 Am-E

To transport, as a Class D carrier, fresh and processed meats, in temperature controlled vehicles, for Jiffy Foods Corporation, from the facilities of said company located in the Borough of North East, Erie County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments to the point of origin.

Folder 1 Am-F

To transport, as a Class D carrier, dry salt, in bulk in tank vehicles, from the facilities of Standard Terminals, Inc., in the cities of New Kensington and Arnold, Westmoreland County, to points in Pennsylvania lying on and west of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Blair and Bedford, and the return of refused, rejected or damaged shipments to the point of origin.

Folder 1 Am-G

To transport, as a Class D carrier, salt, in tank vehicles, from the facilities of Morton Salt Company in the Borough of West Elizabeth, Allegheny County, to points in Pennsylvania.

Folder 1 Am-H

To transport, as a Class D carrier, calcilox (dry processed slag), in tank vehicles, between points in the Township of Neville, Allegheny County, and from points in said township to points in Pennsylvania.

Folder 1 Am-I

To transport, as a Class D carrier, salt and salt products for Cargill, Inc., from the cities of Arnold, New Kensington and Lower Burrell, Westmoreland County, to points in Pennsylvania.

Subject to the following condition:

That no right, power or privilege is granted to transport rock salt and/or calcium chloride, for de-icing purposes, in bulk, to points in Pennsylvania on and east of U. S. Highway route 15.

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

Folder I Am-J

To transport, as a Class D carrier, coal between points in Butler and Allegheny Counties and from points in said Counties to points in Pennsylvania within a radius of 50 miles of the limits of said Counties and vice versa, for Bethlehem Mines Co., United Coal and Commodities Co., American International Co., Sechan Coal Co., Energy Engineering Co., Kitt Coal Co., and Clinton Fuel and Transport, Inc.

Subject to the following condition:

That no right, power or privilege is hereby granted to transport coal or coke from the facilities of Carpentertown Coal and Coke Company at or near Templeton, Armstrong County, except as presently authorized.

Folder I Am-K

To transport, as a Class D carrier, property in bulk in dump vehicles, and which is unloaded by dumping, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa.

Subject to the following conditions:

That no right, power or privilege is granted to transport steel in sheets, bars, coils, plates and rods to or from points within thirty-five (35) miles of the City of Philadelphia.

That no right, power or privilege is granted to transport sand in bulk from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.

That in the rendition of the service herein authorized the container to be used and employed in the transportation of bulk commodities shall be the vehicle itself and not a separate container.

Folder F-1 Am-N

To transport, as a Class D carrier, property, in bulk, in dump vehicles, for Buffalo Builders, Inc., between points in Pennsylvania.

Folder F-1 Am-O @ *

To transport, as a Class D carrier, property for Armstrong Cement and Supply Corporation from its facilities located in the township of Winfield, Butler County, to points in Pennsylvania, and vice versa.

* Issued under authority PA Title 52, Section 23-42

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: OCTOBER 2, 1985

EFFECTIVE: INTERSTATE - OCTOBER 3, 1985
INTRASTATE - OCTOBER 8, 1985 *

ISSUED BY: JAMES BEECHEY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

RE: CENTRAL TRANSPORT, INC.

Docket No. A-00108155

APPENDIX C

Proposed Restrictive Amendment

Protestant knows of no restrictive amendment that would satisfy its interest.

LAW OFFICES
BUTZ, HUDDERS, TALLMAN, STEVENS & JOHNSON

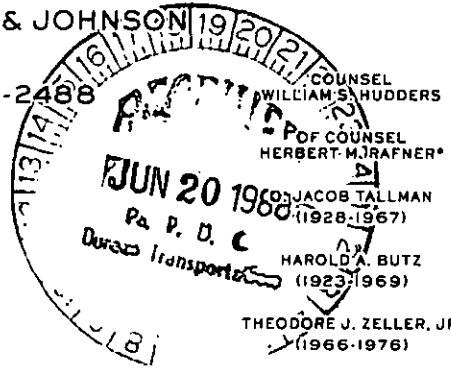
740 HAMILTON MALL

ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 215
439-1451

June 16, 1988

ROBERT G. TALLMAN
RICHARD F. STEVENS
JOHN R. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCEK III
EDWARD J. LENTZ
JAMES B. MARTIN
MICHAEL E. LOOMIS
JOSEPH A. BUBBA
ROBERT F. FORTIN
JOSEPH A. HOLKO
HOWARD S. STEVENS
ANDREW W. MARKLEY
SCOTT B. ALLINSON
JOHN V. DEMARCO
ANTHONY G. O'MALLEY, JR.



THEODORE J. ZELLER, JR.
(1966-1976)

*ALSO ADMITTED IN
NEW YORK

TELECOPIER 215 439-1733

RECEIVED

JUN 20 1988

FILE

SECRETARYS OFFICE
Public Utility Commission

Jerry Rich, Secretary
Pennsylvania Public
Utility Commission
Commonwealth of Pennsylvania
P.O. Box 3265
Harrisburg, PA 17120

Re: Application of Central Transport, Inc.; A-00108155
Protest of Materials Transport Service, Inc.

Dear Mr. Rich:

Enclosed for filing with your office please find the original and two copies of the Protest of Materials Transport Service, Inc. to the above-captioned application.

By copy of this letter, counsel for the applicant is being served with a true and correct copy of the same.

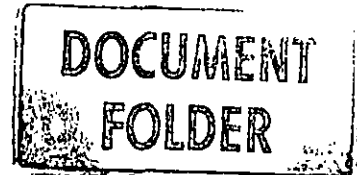
Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'Bubba'.

Joseph A. Bubba

Enclosures

cc: William A. Chesnutt
Louis A. Chiesa, Jr.



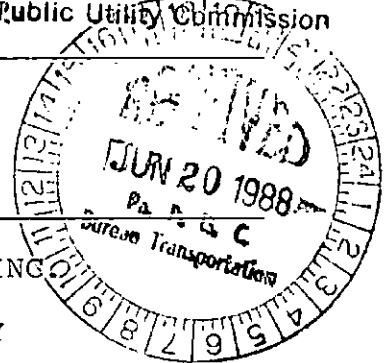
RECEIVED

JUN 20 1988

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARYS OFFICE
Public Utility Commission

APPLICATION DOCKET NO.: A-00108155

CENTRAL TRANSPORT, INC.



PROTEST OF MATERIALS TRANSPORT SERVICE, INC.

TO APPLICATION FOR PERMANENT AUTHORITY

- (1) The name, business address, telephone number and PUC lead docket number of the Protestant are:

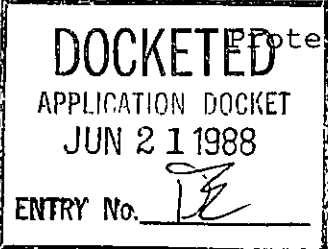
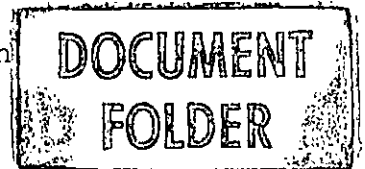
Materials Transport Service, Inc.
P.O. Box 33
Northampton, PA 18067
(215)261-0510

FILE

A-00093286

- (2) The name, business address and telephone number of the Protestant's attorney are:

Joseph A. Bubba, Esquire
Butz, Hudders, Tallman, Stevens & Johnson
740 Hamilton Mall
Allentown, PA 18101-2488
(215) 439-1451

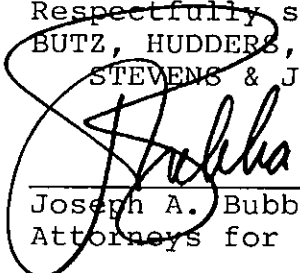


- (3) The authority sought in this application by Central Transport, Inc. is directly in conflict with the Protestant's operating rights. Protestant has long been engaged in the transportation of bulk property. Protestant provides a full range of transportation services within the territory sought in this application. Copies of the Protestant's pertinent rights are attached hereto as Schedule "A".

- (4) The overall impact of the grant of this application will be detrimental to the Protestant and the public.
- (5) Approval of this application would create new and unwarranted competition tending to deprive Protestant of customers and subject a significant amount of its business to diversion.
- (6) Approval of the application would be contrary to the accommodation, convenience, service and safety of the public.
- (7) The only amendment which would be agreeable is deletion of all authority which conflicts with the rights held by Protestant.

Respectfully submitted,
BUTZ, HUDDERS, TALLMAN,
STEVENS & JOHNSON

BY:



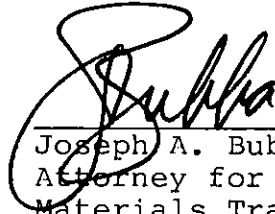
Joseph A. Bubba, Esquire
Attorneys for Protestant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon all parties of record in accordance with the requirements of Section 1.54 (relating to service by a participant).

Dated this ^{16th} day of June, 1988.

BY:



Joseph A. Bubba, Esquire
Attorney for Protestant
Materials Transport
Service, Inc.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

A-00093286

To transport, as a Class D Carrier, dry cement, having prior movement by rail and/or water, between points in Pennsylvania; provided that the transportation of dry cement between points in the territory comprising the City and County of Philadelphia within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of dry cement, in tank vehicles or in hopper-type vehicles.

* * *

To transport as a Class D Carrier, cement in bags and cement in bulk, in tank-type vehicles or hopper-type vehicles from points in the counties of Berks, Lehigh, Northampton and York to points in Pennsylvania and the return of empty containers and refused or rejected shipments.

Subject to the following condition:

That no right, power or privilege is granted to transport cement produced at or originating at the plant of Bessemer Cement Company Division, Diamond Alkali Company at or near Bessemer, Lawrence County and the plant of Medusa Portland Cement Company at or near Wampum, Lawrence County.

* * *

To transport, as a Class D Carrier by motor vehicle, cement mill waste, stack dust and clinker, in bulk between points in Pennsylvania.

Subject to the following conditions:

- (1) That no right, power or privilege is granted to transport clinker for Allentown-Portland Cement Company.
- (2) That no right, power or privilege is granted to transport fly ash from the City of New Kensington, Westmoreland County and points within an airline radius of thirty-five (35) statute miles of the limits of said city; the Township of Goshen, Clearfield County, the township of Monongahela, Greene County; and points in the Counties of Armstrong and Indiana.

* * *

To transport, as a Class D Carrier, by motor vehicle, ground raw materials, in bulk, between cement mills in Lehigh and Northampton Counties.

* * *

Amendment to permit the transportation of roofing and building materials, and materials, equipment, and supplies used in or incidental to the manufacture, installation and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation, located in the township of Richland, Bucks County, to points in Pennsylvania and vice versa; subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk in dump vehicles; and

SECOND: That no right, power or privilege is granted to transport limestone and limestone products from York County to the facilities of Georgia-Pacific Corporation in Richland Township, Bucks County; and

THIRD: That no right, power or privilege is granted to transport sand from the PA Glass Sand Corp. facilities in Mifflin and Huntington Counties to the facilities of Georgia-Pacific Corporation in Richland Township, Bucks County; and

FOURTH: That no right, power or privilege is granted to transport to and from Erie County from or to the facilities of Georgia-Pacific Corporation in Richland Township, Bucks County.

* * *

To transport, as a Class D Carrier, cement and related products for Genstar Stone Products Co., between points in the counties of Berks, Lehigh and Northampton, and from points in said counties, to points in the Township of Bristol, Bucks County, and vice versa.

Subject to the following condition:

Provided that no right, power or privilege is granted to transport property, to or from the facilities of New Enterprise Stone & Lime, Co.; Narehood Limestone, Inc.; Detwiler Industries, Inc.; Martin Limestone, Inc.; Anthracite Industries, Inc.; Asbury Graphite Mills, Inc.; McKeeson Chemical Co.; Midstate Chemicals; and Lumax Industries, Inc.

LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE

HENRY M. WICK, JR.
CHARLES J. STREIFF
CARL F. MEYER
LEROY L. METZ, II
DAVID M. O'BOYLE
VINCENT P. SZELIGO
LUCILLE N. WICK
PATRICIA LIPTAK-McGRAIL
M. BRADLEY DEAN
THOMAS M. CASTELLO

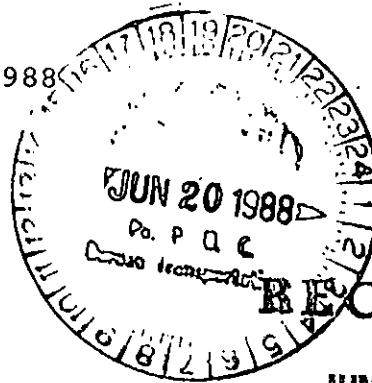
1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219
(412) 765-1600

TELECOPIER
(412) 261-3783

June 16, 1988

FILE

Re: Central Transport, Inc.
Docket No. A.00108155
Our File 2583.501



RECEIVED

JUN 20 1988

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

SECRETARYS OFFICE
Public Utility Commission

Dear Mr. Rich:

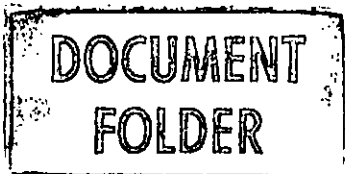
We enclose for filing with the Commission the signed original of Protest on behalf of Refiners Transport & Terminal Corporation in opposition to the above-captioned application. A copy of this Protest has been served upon applicant's representative.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to us in the self-addressed, stamped envelope provided for that purpose.

Sincerely yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE

Henry M. Wick, Jr.
Henry M. Wick, Jr.



HMW/mec/0506w
Enclosure

cc: Refiners Transport & Terminal Corporation
William A. Chesnutt, Esquire - (CERTIFIED MAIL - RETURN
RECEIPT REQUESTED)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CENTRAL TRANSPORT, INC.

DOCKET NO. A.00108155

RECEIVED

JUN 20 1988

FILE SECRETARY'S OFFICE
Public Utility Commission

PROTEST ON BEHALF OF
REFINERS TRANSPORT & TERMINAL CORPORATION

JUN 20 1988
Public Utility Commission
Division of Transportation

AND NOW COMES, Refiners Transport & Terminal Corporation, c
(Protestant) and protests the above application and in support
thereof states as follows:

1. The name, business address and telephone number of the
Protestant are as follows:

Refiners Transport & Terminal Corporation
6500 Pearl Road
Cleveland, OH 44130
(216) 888-6500

2. The name, business address and telephone number of
Protestant's attorney are as follows:

Henry M. Wick, Jr.
WICK, STREIFF, MEYER, METZ & O'BOYLE
1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 765-1600

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUN 21 1988
ENTRY No. 12

3. Protest holds authority in conflict with this
application as summarized in Appendix A attached hereto. A true
and correct copy of the pertinent portions of the authority held
by Protestant is attached as Appendix B.

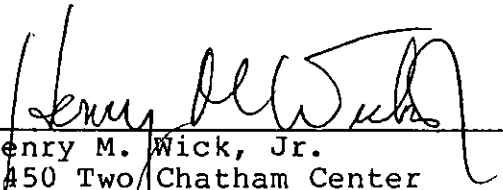
4. Protestant is presently providing service in the application area and is willing and able to provide additional service. To the extent that this application conflicts with the authority to Protestant, there is no need for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by application will be seriously detrimental to Protestant and will have a substantial adverse impact upon the public.

5. Protestant is not aware of any amendment or restriction which would permit it to withdraw its opposition to this application.

6. Pursuant to Section 333(c) of the Public Utility Code (66 Pa.C.S.A. §333(c)), Protestant hereby requests a list of the witnesses expected to testify in the above-entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints against the service of Protestant.

Respectfully submitted,

WICK, STREIFF, MEYER,
METZ & O'BOYLE



Henry M. Wick, Jr.
1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 765-1600

Attorneys for Protestant,
Refiners Transport &
Terminal Corporation

APPENDIX A

CENTRAL TRANSPORT, INC.

DOCKET NO. A001080155

SCOPE OF AUTHORITY SOUGHT:

By Application published in the Pennsylvania Bulletin on June 11, 1988, applicant seeks to provide the following service:

Property, in bulk in tank and hopper type vehicles, between points in Pennsylvania

SUMMARY OF PROTESTANT'S INTERESTS:

Refiners Transport & Terminal Corporation, holds common carrier authority at Docket Number A.93117 and Folders thereto. The entire authority of Protestant is in conflict with the authority sought by applicant, Central Transport, Inc. Among other rights, Protestant holds authority to transport, as a Class D carrier, property, in bulk, in tank vehicles, between points in Pennsylvania, restricted against the transportation of dry commodities in bulk and against the transportation of industrial wastes, to approved disposal sites.

A complete copy of Protestant's operating rights is attached as Appendix "B".

BULK CARRIER CONFERENCE, INC., AGENT

MF-ILL C.C. No. 25
I.U.R.C. T.R. No. 34
M.P.S.C. No. 34
Div. O.T. No. No. 16

N.H. P.U.C. No. 6
P.U.C.O. No. 13
Freight Pa. P.U.C. No. 121
M.F. R.I. P.U.C. No. 8

TARIFF NO. 103

PENNSYLVANIA
INTRASTATE SCOPE OF OPERATIONS

REFINERS TRANSPORT & TERMINAL CORPORATION

CERTIFICATE NO. 93117

To transport, as a Class D Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds in bulk, in tank trucks, for the Pennzoil Company, Quaker State Oil Refining Company, and the Freedom Oil Company, between points in Pennsylvania.

To transport, as a Class D Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk, in tank trucks, between points west of an imaginary line beginning at the Pennsylvania-New York State line, thence south to Lawrenceville, Tioga County, thence to Williamsport, Lycoming County, thence south to Lewistown, Mifflin County, thence to Chambersburg, Franklin County, thence to the Pennsylvania-Maryland State Line.

To transport, as a Class C Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk, in tank trucks from points west of an imaginary line beginning at the Pennsylvania-New York State line, thence south to Lawrenceville, Tioga County, thence to Williamsport, Lycoming County, thence south to Lewistown, Mifflin County, thence to Chambersburg, Franklin County, thence to the Pennsylvania-Maryland State Line, to points in Pennsylvania.

To transport, as a Class D Carrier, liquid inorganic compounds and liquid organic compounds requiring pressure control, in bulk, in tank trucks between points within thirty-five (35) miles by the usually traveled highways of the limits of the Philadelphia City Hall, City and County of Philadelphia.

To transport, as a Class D Carrier, property, in bulk, in tank vehicles, between points in Pennsylvania; subject to the following conditions:

That no right, power or privilege is granted to transport dry commodities in bulk.

That no right, power or privilege is granted to transport industrial wastes to Department of Environmental Resources approved disposal sites.

To transport, as a Class D Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds in bulk, in tank trucks, for the Pennzoil Company, Quaker State Oil Refining Company, and the Freedom Oil Company, between points in Pennsylvania.

To transport, as a Class D Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk in tank trucks, between points west of an imaginary line beginning at the Pennsylvania-New York state line, thence south to Lawrenceville, Tioga County, thence to Williamsport, Lycoming County, thence south to Lewistown, Mifflin County, thence to Chambersburg, Franklin County, thence to the Pennsylvania-Maryland state line.

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To Transport, as a Class D Carrier, liquid inorganic compounds and liquid organic compounds requiring pressure control, in bulk, in tank trucks between points within thirty-five (35) miles by the usually traveled highways of the Philadelphia City Hall, City and County of Philadelphia.

For explanation of abbreviations and reference marks, see Page 3.

ISSUED: MARCH 3, 1976

EFFECTIVE: APRIL 12, 1976

ISSUED BY:
ROBERT A. ROPER
TARIFF ISSUING OFFICER
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA. 22202

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

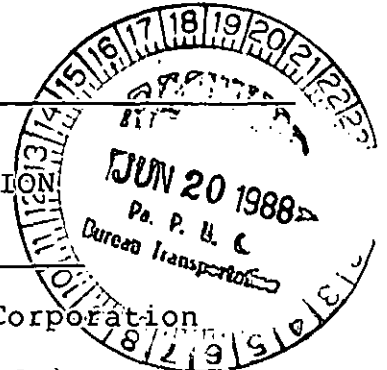
JUN 20 1988

CENTRAL TRANSPORT, INC.

SECRETARYS OFFICE
Public Utility Commission

DOCKET NO. A.00108155

PROTEST ON BEHALF OF
REFINERS TRANSPORT & TERMINAL CORPORATION



AND NOW COMES, Refiners Transport & Terminal Corporation
(Protestant) and protests the above application and in support
thereof states as follows:

1. The name, business address and telephone number of the
Protestant are as follows:

Refiners Transport & Terminal Corporation
6500 Pearl Road
Cleveland, OH 44130
(216) 888-6500

2. The name, business address and telephone number of
Protestant's attorney are as follows:

Henry M. Wick, Jr.
WICK, STREIFF, MEYER, METZ & O'BOYLE
1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 765-1600

3. Protest holds authority in conflict with this
application as summarized in Appendix A attached hereto. A true
and correct copy of the pertinent portions of the authority held
by Protestant is attached as Appendix B.

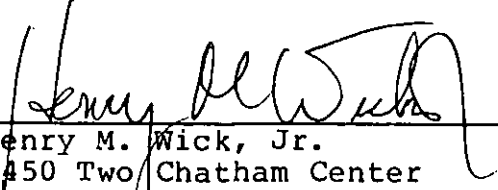
4. Protestant is presently providing service in the application area and is willing and able to provide additional service. To the extent that this application conflicts with the authority to Protestant, there is no need for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by application will be seriously detrimental to Protestant and will have a substantial adverse impact upon the public.

5. Protestant is not aware of any amendment or restriction which would permit it to withdraw its opposition to this application.

6. Pursuant to Section 333(c) of the Public Utility Code (66 Pa.C.S.A. §333(c)), Protestant hereby requests a list of the witnesses expected to testify in the above-entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints against the service of Protestant.

Respectfully submitted,

WICK, STREIFF, MEYER,
METZ & O'BOYLE



Henry M. Wick, Jr.
1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 765-1600

Attorneys for Protestant,
Refiners Transport &
Terminal Corporation

APPENDIX A

CENTRAL TRANSPORT, INC.

DOCKET NO. A001080155

SCOPE OF AUTHORITY SOUGHT:

By Application published in the Pennsylvania Bulletin on June 11, 1988, applicant seeks to provide the following service:

Property, in bulk in tank and hopper type vehicles, between points in Pennsylvania

SUMMARY OF PROTESTANT'S INTERESTS:

Refiners Transport & Terminal Corporation, holds common carrier authority at Docket Number A.93117 and Folders thereto. The entire authority of Protestant is in conflict with the authority sought by applicant, Central Transport, Inc. Among other rights, Protestant holds authority to transport, as a Class D carrier, property, in bulk, in tank vehicles, between points in Pennsylvania, restricted against the transportation of dry commodities in bulk and against the transportation of industrial wastes, to approved disposal sites.

A complete copy of Protestant's operating rights is attached as Appendix "B".

BULK CARRIER CONFERENCE, INC., AGENT

MF-ILL C.C. No. 25
I.U.R.C. T.R. No. 34
M.P.S.C. No. 34
Div. O.T. Mo. No. 16

N.H. P.U.C. No. 6
P.U.C.O. No. 13
Freight Pa. P.U.C. No. 121
M.F. R.I. P.U.C. No. 8

TARIFF NO. 103

PENNSYLVANIA
INTRASTATE SCOPE OF OPERATIONS

REFINERS TRANSPORT & TERMINAL CORPORATION

CERTIFICATE NO. 93117

To transport, as a Class D Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds in bulk, in tank trucks, for the Pennzoil Company, Quaker State Oil Refining Company, and the Freedom Oil Company, between points in Pennsylvania.

To transport, as a Class D Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk, in tank trucks, between points west of an imaginary line beginning at the Pennsylvania-New York State line, thence south to Lawrenceville, Tioga County, thence to Williamsport, Lycoming County, thence south to Lewistown, Mifflin County, thence to Chambersburg, Franklin County, thence to the Pennsylvania-Maryland State Line.

To transport, as a Class C Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk, in tank trucks from points west of an imaginary line beginning at the Pennsylvania-New York State line, thence south to Lawrenceville, Tioga County, thence to Williamsport, Lycoming County, thence south to Lewistown, Mifflin County, thence to Chambersburg, Franklin County, thence to the Pennsylvania-Maryland State Line, to points in Pennsylvania.

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To transport, as a Class D Carrier, property, in bulk, in tank vehicles, between points in Pennsylvania; subject to the following conditions:

That no right, power or privilege is granted to transport dry commodities in bulk.

That no right, power or privilege is granted to transport industrial wastes to Department of Environmental Resources approved disposal sites.

To transport, as a Class D Carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds in bulk, in tank trucks, for the Pennzoil Company, Quaker State Oil Refining Company, and the Freedom Oil Company, between points in Pennsylvania.

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To Transport, as a Class D Carrier, liquid inorganic compounds and liquid organic compounds requiring pressure control, in bulk, in tank trucks between points within thirty-five (35) miles by the usually traveled highways of the Philadelphia City Hall, City and County of Philadelphia.

For explanation of abbreviations and reference marks, see Page 3.

ISSUED: MARCH 3, 1976

EFFECTIVE: APRIL 12, 1976

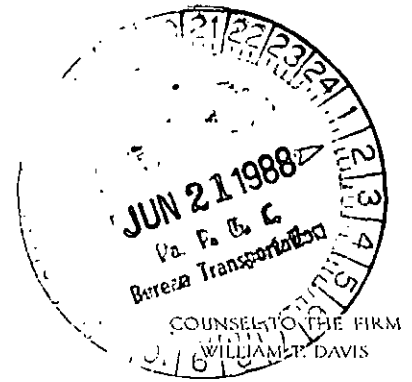
ISSUED BY:
ROBERT A. ROPER
TARIFF ISSUING OFFICER
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA. 22202

KRINER, KOERBER AND KIRK
ATTORNEYS-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

(814) 765-9611

June 17, 1988

WILLIAM C. KRINER
DWIGHT L. KOERBER, JR.
ALAN F. KIRK



Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

FILE RECEIVED

JUN 21 1988

RE: CENTRAL TRANSPORT, INC.
A-108155

SECRETARYS OFFICE
Public Utility Commission

Dear Mr. Rich:

I am transmitting herewith the original and one copy of the Protest of Quality Carriers, Inc., in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

Very truly yours,

Dwight L. Koerber, Jr.

cc: Quality Carriers, Inc.
William A. Chesnutt, Esquire

Enclosures: Protest
1 copy
Copy of letter
Envelope

DLK/jsr

DOCUMENT
FOLDER

RECEIVED

JUN 21 1988

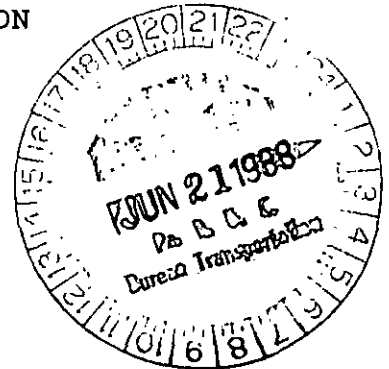
SECRETARYS OFFICE
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CENTRAL TRANSPORT, INC.

A-108155

PROTEST OF
QUALITY CARRIERS, INC.



FILE

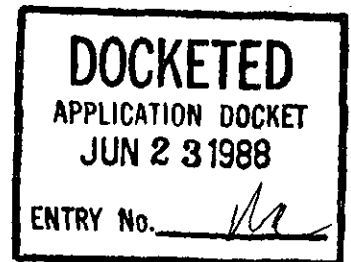
COMES NOW, QUALITY CARRIERS, INC., a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

Quality Carriers, Inc.
P. O. Box 186
Pleasant Prairie, WI 53158

2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire
KRINER, KOERBER AND KIRK
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611



3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority and equipment.



4. In Docket No. A-89614, Protestant holds authority to transport various types of bulk commodities from, to and between certain designated territories in Pennsylvania. Attached hereto as Appendix B is a copy of Protestant's operating authority. In view of the statewide scope of the application, all of Protestant's operating authority is asserted.


5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic necessary to Protestant's operations.

6. Protestant's interest would be satisfied if the application is limited to named shipper(s), depending upon the shipper(s) involved, or if protestant's operating authority is deleted from the application.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

KRINER, KOERBER AND KIRK


By: 
Dwight L. Koerber, Jr.
Attorney for Protestant
QUALITY CARRIERS, INC.

DATE: June 17, 1988

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 1988, I have served a copy of the foregoing Protest upon applicant's representative, by first class mail, at the following name and address:

William A. Chesnutt, Esquire
P. O. Box 1166
Harrisburg, PA 17108-1166


Dwight L. Koerber, Jr.

APPENDIX A

Attached hereto is a copy of the publication of the application of Central Transport, Inc., in A-108155, as it appeared in the Pennsylvania Bulletin on June 11, 1988.

Protests or petitions to intervene may, however, be filed with the Pennsylvania Public Utility Commission, Harrisburg, on or before July 1, 1988, under Titles 1 and 52 of the Pennsylvania Code.

Counsel for Applicant: Edward G. Bauer, Jr., James M. White, Donald Blanken, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pa. 19101.

JERRY RICH,
Secretary

[Pa.B. Doc. No. 88-091. Filed June 10, 1988, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 5, 1988, and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* as described under each application.

A-00089500, Folder 2, Emery B. Freeman (R. D. 1, Adrian, Armstrong County, Pa. 16210)—temporary authority—coal between points in the counties of Armstrong, Butler, Allegheny and Indiana, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination, but including the right to haul from the Powell Coal Company operations, Deckers Nos. 2 and 3 Mines, near Kittanning, Armstrong County, to the West Penn Power Plant in Springdale, Allegheny County; and coal, gravel, limestone and sand, in dump vehicles, between points in the counties of Armstrong, Butler, Clarion, Jefferson and Venango within an airline distance of 25 statute miles of the limits of the borough of Rimersburg, Clarion County, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination. Application for permanent authority appeared in the *Pennsylvania Bulletin*, Volume 18, No. 21, June 4, 1988. *Attorney:* Arthur J. Diskin, 402 Law & Finance Building, Pittsburgh, Pa. 15219.

A-00108155. Central Transport, Inc. (NC) (Uwharrie Road, P. O. Box 7007, High Point, NC 27264), a corporation of the State of North Carolina—property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania. *Attorney:* William A. Chesnutt, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of

motor vehicles as common carriers for the transportation of *property* as described under each application.

A-00086903, Folder 2, Am-G. A. T. Pinto, Inc. (3320 South Third Street, Philadelphia, Philadelphia County, Pa. 19148), a corporation of the Commonwealth of Pennsylvania, *inter alia*—fresh fruits and fresh vegetables for the American Stores Company from points in the city and county of Philadelphia to the warehouse of the American Stores Company in the borough of Forty-Fort, Luzerne County, and vice versa: *so as to permit* the transportation of fresh fruit and fresh vegetables, for Thomas Colace Co., between points in Pennsylvania. Application for temporary authority has been filed at A-00086903, Folder 2, Am-G, seeking the following right: fresh fruit and fresh vegetables, for Thomas Colace Co., from points in the City and County of Philadelphia, to points in the Borough of Carlisle, Cumberland County, and vice versa.

A-00092811, Folder 1, Am-H. Schwerman Trucking Co. (P. O. Box 1601, Milwaukee, Wisconsin 53201); a corporation of the State of Wisconsin, *inter alia*—cement from the production plant of the Lone Star Industries, Inc. on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania: *so as to permit* the transportation of (1) cement, from the township of Neville, Allegheny County, to points in Pennsylvania; and (2) cement, which originated in the township of Neville, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania. Application for temporary authority has been filed at A-00092811, F. 1, Am-H, seeking the following rights: (1) cement, from the production plant of Kosmos Cement Company located in the Township of Neville, Allegheny County, to points in Pennsylvania; and (2) cement, originating at the production plant of Kosmos Cement Company located in the Township of Neville, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; providing that the transportation of cement between points in the territory comprising the City and County of Philadelphia and within 35 miles by the usually travelled highways of the limits of said city and county, shall be confined to the transportation of cement, in bulk, in tank vehicles or in hopper-type vehicles.

Attorney: S. Berne Smith, 100 Pine Street, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

A-00099691, Folder 1, Am-O. Neel Transportation Co., Inc. (R. D. 6, Box 516, Washington, Washington County, Pa. 15301), a corporation of the Commonwealth of Pennsylvania, *inter alia*—paper, paper products and such articles as are used in the manufacture of paper and paper products, from the facilities of Brockway Glass Company, Inc., located in the city of Washington and the township of Canton and South Strabane, all in Washington County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: *so as to permit* the transportation of property, excluding commodities in bulk and household goods in use, from the Pennsylvania facilities of O-I Brockway Glass, Inc., to points in Pennsylvania, and vice versa. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222.

A-00100812, Folder 3, Am-B. Jack Gray Transport, Inc. (4600 East 15th Avenue, Gary, Indiana 46403), a corporation of the State of Indiana, *inter alia*—coke, for

APPENDIX B

Attached hereto is a copy of Protestant's operating authority in A-89614.

SECTION 1

RULES AND REGULATIONS

ITEM 100 GOVERNING PUBLICATIONS

This tariff is governed, except as otherwise provided herein, by the following described publications:

Mileage Guide No. 13, Freight PA PUC No. 7 issued by Household Goods Carriers Bureau, Inc., Agent.

ITEM 110 DEFINITION OF A SHIPMENT

A shipment is any quantity of freight received from one shipper at one or more points of origin in one day on one shipping bill and consigned to one or more consignees at one or more destination points.

ITEM 150 SCOPE OF OPERATIONS

The rates, rules, and regulations named in this tariff for the transportation of property in intrastate commerce are only applicable from, to, or between the territory authorized by the Pennsylvania Public Utilities Commission as follows:

F.2

To transport, as a Class D carrier, soda ash, in bulk, in pneumatic tank vehicles, between points in the County of Beaver and from points in the said county to points in Pennsylvania, excluding points within twenty (20) miles of the limits of the City of Allentown, Lehigh County, and points in the territory bounded by and including Kintnersville, Bucks County, Coopersburg and Emmaus, Lehigh County, Kutztown, Berks County, New Tripoli and Slatington, Lehigh County, Jim Thorpe, Carbon County, Stroudsburg and East Stroudsburg, Monroe County, and thence along the Delaware River to the point of beginning; and return of rejected or refused shipments.

F.2 AM-C

To transport, as a Class D carrier, corn products, in bulk, from the facilities of A. E. Staley Manufacturing Company located in the borough of Morrisville and the townships of Falls and Lower Makefield, Bucks County, to points in Pennsylvania and the return of refused, damaged or returned shipments to the point of origin.

(continued on next page)

For explanation of abbreviations and reference marks, see Page 3.

ISSUED: March 1, 1988

EFFECTIVE: April 4, 1988

ISSUED BY:

Thomas H. Jones, Vice President - Marketing
P. O. Box 186, Highway C & I-94
Pleasant Prairie, WI 53158

SECTION 1

RULES AND REGULATIONS

ITEM 150 - SCOPE OF OPERATIONS (continued)

F.2 AM-E

To transport, as a Class D carrier, sodium silicates, from points in the city of Chester, Delaware County, to points in Pennsylvania.

F.2 AM-F

To transport, as a Class D carrier, liquid chemicals and petroleum chemicals, in bulk, in tank vehicles, from the facilities of:

- (1) Air Products and Chemicals, Inc., located in the city and county of Philadelphia, to points in Pennsylvania, and vice versa.
- (2) Rohm & Haas Company, located in the township of Bristol, Bucks County, and the city and county of Philadelphia, to points in Pennsylvania, and vice versa.
- (3) The PQ Corporation, located in the city of Chester, Delaware County, to points in Pennsylvania, and vice versa.
- (4) Sun Refining and Marketing Company, located in the borough of Marcus Hook, Delaware County, to points in Pennsylvania, and vice versa.
- (5) Pennwalt Corporation, Keystone Division, located in the city and county of Philadelphia, to points in Pennsylvania, and vice versa.
- (6) Stauffer Chemical Company, located in the borough of Morrisville, Bucks County, to points in Pennsylvania, and vice versa.

subject to the following conditions:

That no right, power or privilege is granted to transport gasoline, distillate fuel oils, residual fuel oils and asphalt.

That no right, power or privilege is granted to originate service in the counties of Warren, Venango and McKean.

(continued on next page)

For explanation of abbreviations and reference marks, see Page 3.

ISSUED: March 1, 1988

EFFECTIVE: April 4, 1988

ISSUED BY:

Thomas H. Jones, Vice President - Marketing
P. O. Box 186, Highway C & I-94
Pleasant Prairie, WI 53158

Provisions published here will, if effective, not result in an effect on the human environment.

Freight: PA PUC No. 6

QUALITY CARRIERS, INC.

Original Page 6

SECTION 1

RULES AND REGULATIONS

ITEM 150 - SCOPE OF OPERATIONS (concluded)

F.2 AM-F

To transport, as a Class D carrier, petroleum and petroleum products in bulk, in tank vehicles, from the facilities of Witco Chemical Corp., located in the counties of Butler and McKean, to points in Pennsylvania on and east of U.S. Highway 15.

ITEM 162 ALTERNATIVE APPLICATION OF RATES AND WEIGHT

The charge for a shipment shall not exceed the charge for a shipment of the same commodity of a greater weight from or to the same points.

ITEM 165 APPLICATION OF RATES - BACKHAUL TRANSPORTATION

Rates referring to this item apply only on shipments tendered for backhaul transportation. Shipper will be advised at time of tender if carrier has equipment for pick-up. If carrier does not have equipment available to meet shipper schedule in backhaul transportation, and shipper requests equipment be made available, rates otherwise applicable in this tariff will apply.

For explanation of abbreviations and reference marks, see Page 3.

ISSUED: March 1, 1988

EFFECTIVE: April 4, 1988

ISSUED BY:

Thomas H. Jones, Vice President - Marketing
P. O. Box 186, Highway C & I-94
Pleasant Prairie, WI 53158

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 19, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Quality Carriers, Inc., a corporation of the Commonwealth of Virginia, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, sodium silicates, from points in the city of Chester, Delaware County, to points in Pennsylvania: SO AS TO PERMIT the transportation of cryogenic liquids and compressed gases, in bulk in tank vehicles, for AIRCO Industrial Gases, Division of The BOC Group, Inc., from its facilities in the city of Bethlehem, Northampton County, to points in Pennsylvania.

A-00089614
F. 2
Am-G

Kriner, Koerber and Kirk by Dwight L. Koerber, Jr., for the applicant.
Paul L. Gausch, director of traffic services for protestant,
Chemical Leaman Tank Lines, Inc., pro se.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 26, 1986. Public notice of the application was published in the Pennsylvania Bulletin of September 6, 1986. One protest was filed by Chemical Leaman Tank Lines, Inc. which withdrew upon reconsideration without restrictive amendment.

The now unopposed application is certified to the Commission without oral hearing. The record consists of verified statements entered by the applicant and one supporting shipper.

History of the case reveals that all operating authority held by O'Boyle Tank Lines, Inc. at A-00089614 and Quality Carriers, Inc. at A-00104484 has been merged into A-00089614 which is the Pa. P.U.C. docket number that formerly had been assigned to O'Boyle Tank Lines,

We find that:

1. Applicant currently operates pursuant to a common carrier certificate issued by this Commission on June 24, 1963.
2. The application was protested, but protestant withdrew upon reconsideration without restrictive amendment.
3. The supporting shipper has demonstrated a necessity for service as proposed.
4. Applicant has the equipment, experience and fitness necessary to render the proposed service.
5. The applicant has established that 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 the certificate issued on June 24, 1963, as amended, be further amended to include the following right:

To transport, as a Class D carrier, cryogenic liquids and compressed gases, in bulk in tank vehicles, for AIRCO Industrial Gases, Division of The ROC Group, Inc., from its facilities in the city of Bethlehem, Northampton County, to points in Pennsylvania.


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 Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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.

IT IS FURTHER ORDERED: That a copy of this order be forwarded to the Hazardous Substances Division of the Pennsylvania Department of Transportation.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 19, 1987

ORDER ENTERED: MAR 02 1987

SECTION 1

RULES AND REGULATIONS

ITEM 100

GOVERNING PUBLICATIONS

This tariff is governed, except as otherwise provided herein, by the following described publications:

Mileage Guide No. 14, Freight PA PUC No. 10 issued by Household Goods Carriers Bureau, Inc., Agent.

ITEM 110

DEFINITION OF A SHIPMENT

A shipment is any quantity of freight received from one shipper at one or more points of origin in one day on one shipping bill and consigned to one or more consignees at one or more destination points.

ITEM 150

SCOPE OF OPERATIONS

The rates, rules, and regulations named in this tariff for the transportation of property in intrastate commerce are only applicable from, to, or between the territory authorized by the Pennsylvania Public Utilities Commission as follows:

F.2 AM-H

To transport, as a Class D carrier, property in bulk in tank or hopper-type vehicles, from the facilities of Pennwalt Corporation, in the township of Bensalem, Bucks County, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum chemicals.

For explanation of abbreviations and reference marks, see Page 3.

ISSUED: May 18, 1988

EFFECTIVE: May 19, 1988

Issued on one day's notice, Title 52, Section 23.42

ISSUED BY:

Thomas H. Jones, Vice President - Marketing
P. O. Box 186, Highway C & I-94
Pleasant Prairie, WI 53158

LAW OFFICES
JOHNSON, PETERSON, TENER & ANDERSON

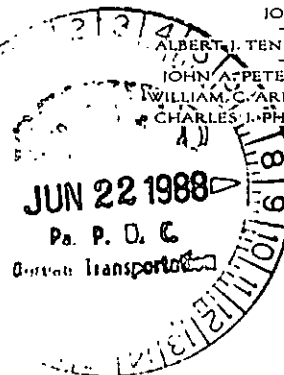
KENNETH T. JOHNSON
RAYMOND A. ANDERSON
RONALD W. MALIN
CHARLES G. BECKSTROM
WARD W. WESTERBERG
JOHN K. PLUMB
WILLIAM F. BENCA

KEY BANK BUILDING, FOURTH FLOOR
JAMESTOWN, NEW YORK 14701
AREA CODE 716
TELEPHONE 664-5210

CABLE ADDRESS
IOPETA

ALBERT J. TENER (OF COUNSEL)
JOHN A. PETERSON (1919-1971)
WILLIAM C. ARRISON (1925-1978)
CHARLES J. PHILLIPS (1919-1986)

June 20, 1988



Pennsylvania Public Utility Commission
Bureau of Transportation
P.O. Box #3265
Harrisburg, Pennsylvania 17120

RE: Docket No. A-00108155
Application of Central Transport, Inc. (NC)

FILE

Gentlemen:

Enclosed herewith, in triplicate, please find Protest of Crossett, Inc. to the above referenced Application. A copy of the Protest is being concurrently forwarded to Applicant's representative.

Very truly yours,

A handwritten signature in cursive script that reads "Ronald W. Malin".

RONALD W. MALIN

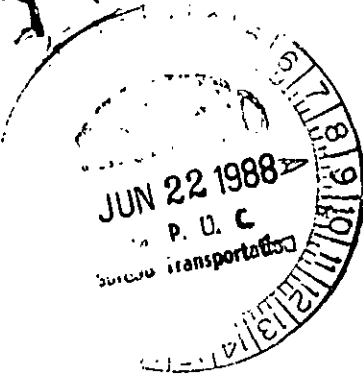
RWM:knw

Enclosures

C/C TO: William A. Chestnutt, Esq.
P.O. Box #1166
Harrisburg, Pennsylvania 17108-1166

Gary P. Wallin
Crossett, Inc.
P.O. Box #946
Warren, Pennsylvania 16365

**DOCUMENT
FOLDER**



BEFORE THE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF
CENTRAL TRANSPORT, INC. (NC)
DOCKET NO. A-00108155

FILE

Application of Central Transport, Inc. (NC) (Uwharrie Road, P.O. Box #7007, High Point, North Carolina 27264) a corporation of the State of North Carolina - property, in bulk in tank and hopper type vehicles, between points in Pennsylvania. Attorney: William A. Chestnutt, Esq., P.O. Box #1166, Harrisburg, Pennsylvania 17108-1166.

PROTEST OF CROSSETT, INC.
DOCKET NO. A-00033216

COMES NOW, CROSSETT, INC., and protests the above Application for the following reasons:

(1) The approval of the title Application, to the extent it includes the transportation of commodities in bulk and/or petroleum and petroleum products to, from or between points in Pennsylvania, is not necessary for the accommodation, convenience, service or safety of the public to the extent it competes and conflicts with the Certificates of Crossett, Inc. which are hereinafter described.

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
JUN 24 1988
ENTRY No.

(2) The facilities of this Protestant and other authorized public for the transportation of commodities in bulk and/or petroleum and petroleum products to, from and between points in Pennsylvania.

(3) The approval of this Application, to the extent it includes the transportation of commodities in bulk and/or petroleum and petroleum products to, from and between points in Pennsylvania will be prejudicial to your Protestant since it will authorize additional competition with the potential loss of revenue by the Protestant and injury to the public.

(4) The interest of your Protestant derives from its operations under its authorities set forth in A-00033216, Class D Carrier, including:

Folder No. 11 - Petroleum and petroleum products, in bulk, in tank vehicles, between points in an area bounded and described as follows: Beginning at a point on Highway Route 22 at the West Virginia - Pennsylvania State Line near the Village of Paris, Washington County, thence via Highway Route 22 to its intersection with Highway Route 45 at the Village of Water Street, Huntingdon County, thence via Highway Routes 45 and 64 to the Borough of Mill Hall, Clinton County, to Highway Route 220, thence via Highway Route 220 to the New York - Pennsylvania State Line near the Borough of Sayre, Bradford County, thence along the New York - Pennsylvania State Line to Lake Erie, thence along the south shore of Lake Erie to the Pennsylvania - Ohio State Line, thence south along the Pennsylvania - Ohio State Line and the Pennsylvania - West Virginia State Line to point of beginning, including the Borough of South Williamsport, Lycoming County, the Village of East Freedom, Blair County, and points on the above described boundary lines.

Folder No. 12 - Water, in bulk, in tank trucks or tank trailers, from rivers, creeks, ponds or other sources of supply in the Counties of Warren, Erie, Crawford, Mercer, Venango, Clarion, Forest, Jefferson, Elk, Cameron, McKean and Potter, to oil well drilling sites and drilling operations, building construction sites and other sites in the said Counties.

Folder No. 11, Am-A - Liquified petroleum gases, in bulk, in tank vehicles, from points in the City of Oil City, Venango County, and within three (3) miles of the limits of said City, to points in the Township of Napier, Bedford County.

Folder No. 11, Am-B - Petroleum and petroleum products, in bulk, in tank vehicles, from points in the Borough of Warren, Warren County, to points in the Counties of Centre and Clinton, and the return of refused and rejected shipments to the point of origin.

Folder No. 11, Am-C - Petroleum and petroleum products, in containers, between points in an area bounded and described as follows: Beginning at a point on Highway Route 22 at the West Virginia - Pennsylvania State Line near the Village of Paris, Washington County, thence via Highway Route 22 to its intersection with Highway Route 45 at the Village of Water Street, Huntingdon County, thence via Highway Routes 45 and 64 to the Borough of Mill Hall, Clinton County, to Highway Route 220, thence via Highway Route 220 to the New York - Pennsylvania State Line near the Borough of Sayre, Bradford County, thence along the New York - Pennsylvania State Line to Lake Erie, thence along the south shore of Lake Erie to the Pennsylvania - Ohio State Line, thence south along the Pennsylvania - Ohio State Line and the Pennsylvania - West Virginia State Line to point of beginning, including the Borough of South Williamsport, Lycoming County, the Village of East Freedom, Blair County, and points on the above described boundary lines.

Folder No. 11, Am-C - Petroleum and petroleum products, from points in the County of Warren, to points in that portion of Pennsylvania south and east of a line extending in an easterly direction from the West Virginia - Pennsylvania State Line along Highway Route 22 to its intersection with Highway Route 45 at the Village of Water Street, Huntingdon County, thence in a northerly direction via Highway Routes 45 and 64 to the Borough of Mill Hall, Clinton County, to Highway Route 220, thence in a northerly direction via Highway Route 220 to the New York - Pennsylvania State Line, and vice versa.

Folder No. 11, Am-D - Petroleum and petroleum products, from points in the Counties of Crawford, McKean and Venango, to points in that part of Pennsylvania south and east of a line extending in an easterly direction from the West Virginia - Pennsylvania State Line along U.S. Highway Route 22 to its intersection with Pennsylvania Highway Route 45 at the Village of Water Street, Huntingdon County, thence in a northerly direction via Pennsylvania Highway Routes 45 and 64 to the Borough of Mill Hall, Clinton County, to U.S. Highway Route 220, thence in a northerly direction via U.S. Highway Route 220 to the New York - Pennsylvania State Line.

Folder No. 11, Am-D - Petroleum and petroleum products, from points in that part of Pennsylvania south and east of a line extending in an easterly direction from the West Virginia - Pennsylvania State Line along U.S. Highway Route 22 to its intersection with Pennsylvania Highway Route 45 at the Village of Water Street, Huntingdon County, thence in a northerly direction via Pennsylvania Highway Routes 45 and 64 to the Borough of Mill Hall, Clinton County, to U.S. Highway Route 220, thence in a northerly direction via U.S. Highway Route 220 to the New York - Pennsylvania State Line, to points in the County of McKean.

Folder No. 11, Am-E - Petroleum and petroleum products, from points in the County of Clearfield, to points located south and east of a line extending in an easterly direction from the West Virginia - Pennsylvania State Line along U.S. Highway Route 22 to its intersection with Pennsylvania Highway Route 45 at the Village of Water Street, Huntingdon County, thence in a northerly direction via Pennsylvania Highway Routes 45 and 64 to the Borough of Mill Hall, Clinton County, to U.S. Highway Route 220, thence in a northerly direction via U.S. Highway Route 220 to the New York - Pennsylvania State line, and vice versa.

Folder No. 11, Am-F - Petroleum and petroleum products, from points in the County of Lycoming, to points in that part of Pennsylvania south and east of a line extending in an easterly direction from the West Virginia - Pennsylvania State Line along U.S. Highway Route 22 to its intersection with Pennsylvania Highway Route 45 at the

Village of Water Street, Huntingdon County, thence in a northerly direction via Pennsylvania Highway Routes 45 and 64 to the Borough of Mill Hall, Clinton County, to U.S. Highway Route 220, thence in a northerly direction via U.S. Highway Route 220 to the New York - Pennsylvania State Line, and vice versa.

Folder No. 11, Am-G - Liquefied petroleum gas and natural gasoline from points in the County of Greene, to points in said County, and from points in said County to points in that part of Pennsylvania on and west of U.S. Highway Route 15, and vice versa.

Folder No. 11, Am-G - Liquefied petroleum gas and natural gasoline from points in the County of Westmoreland, for Tembec Company and for AP Propane, Inc. d/b/a Amerigas, to points in said County, and from points in said County to points in that part of Pennsylvania on and west of U.S. Highway Route 15, and vice versa.

Folder No. 11, Am-H - Fuel oils from the Borough of Dravosburg, Allegheny County, to points in Pennsylvania on and west of U.S. Highway Route 15, and vice versa.


(5) In a spirit of compromise, the interest of Crossett, Inc. in this matter would be eliminated if the applicant includes a restriction against the transportation of petroleum and petroleum products.

WHEREFORE, this Protestant respectfully prays that the above Application be denied.

Dated: June 20, 1988.

CROSSETT, INC., PROTESTANT

By



RONALD W. MALIN, ESQ.

Counsel for Protestant

Johnson, Peterson, Tener & Anderson

Key Bank Building, Fourth Floor

Jamestown, New York 14701

Telephone: (716) 664-5210

PENNSYLVANIA PUBLIC UTILITY COMMISSION



RECEIPT

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

Wm. A. Chestnutt
P.O. Box 1166
Harrisburg, PA 17108-1166

Date June 23, 1988

CR 128666 A

**DOCUMENT
FOLDER**

In re application of Central Transport, Inc.
P.O. Box 7007
High Point, NC 27264
A-00108155.....\$125.00

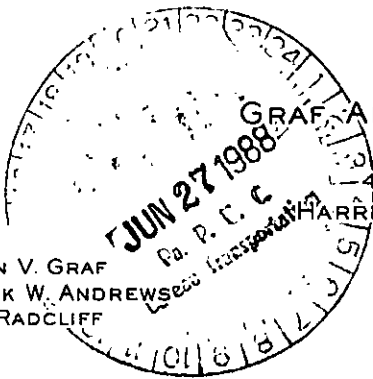
DOCKETED
JUN 27 1988

Revenue account 001780-017601-102 (ck)

ck 89305 Checks \$125.00 Currency _____

Utility account 50126

C. Joseph Meisinger
For Department of Revenue



GRAF, ANDREWS & RADCLIFF, P. C.
ATTORNEYS AT LAW
407 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17101

CHRISTIAN V. GRAF
FREDERICK W. ANDREWS
DAVID H. RADCLIFF

June 24, 1988
File: 61.172

OF COUNSEL
JOHN E. FULLERTON
TELEPHONE: A. C. 717-236-9318

RE: CENTRAL TRANSPORT, INC., (NC) A.00108155
Protest of Jonas P. Donmoyer, Inc.

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED

JUN 27 1988
SECRETARY'S OFFICE
Public Utility Commission

FILE

Dear Mr. Rich:

On behalf of Jonas P. Donmoyer, Inc., I enclose the original and one copy of a protest to the above-captioned application. Copies are being forwarded to applicant, and to protestant.

Very truly yours,

Christian V. Graf
Christian V. Graf

CVG/kr
Enclosure

cc: Central Transport, Inc., (NC).
P.O. Box 7007, Uwharrie Road
High Point, NC 27264

William A. Chesnutt, Esquire
P.O. Box 1166
Harrisburg, PA 17108-1166

Jeffrey L. Bohn, President
Jonas P. Donmoyer, Inc.
P.O. Box 74
Ono, PA 17077

David H. Radcliff, Esquire

DOCUMENT
FOLDER

F. 2, pg. 3, paragraphs 2, 3, and 4; Folder 2, Am-F; Folder 2, Am-I paragraph 2; Folder 2, Am-J; Folder 2, Am-K paragraph 2; Folder 2, Am-L; Folder 2, Am-M paragraph 1 as to gravel and sand; Folder 2, Am-N; Folder 2, Am-O; Folder 2, Am-P.

4. Protestant knows of no amendment which will satisfy its interest, but is willing to discuss the matter with applicant or applicant's attorney.

5. Absent knowledge as to who, if anyone, supports this application, a meaningful traffic exhibit cannot be presented.

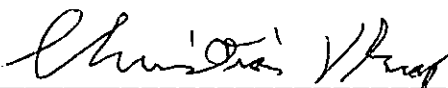
6. Pursuant to Sec. 333(c) of the Public Utility Code, demand is made upon Applicant to furnish to Protestant's counsel a list of the names and addresses of the witnesses and the names and addresses of the companies they represent. This is a continuing request and is applicable to all witnesses to be called.

7. Under its various authorities Protestant provides an adequate and satisfactory service to the public within the scope of those authorities and certification of an additional carrier would have an adverse impact upon the public interest as a result of diverting revenues and breaking up traffic patterns of the Protestant.

WHEREFORE, absent an appropriate amendment, Protestant prays that the application may be dismissed.

AND IT WILL EVER PRAY.

JONAS P. DONMOYER, INC.

By: 
Christian V. Graf
Its Attorney

June 24, 1988



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

RECEIVED
JUN 27 1988
SECRETARY'S OFFICE
Public Utility Commission

In Re: A-00108155. CENTRAL TRANSPORT, INC., (NC) (Uwharrie Road, P.O. Box 7007, High Point, NC 27264), a corporation of the State of North Carolina - property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania.

Applicant's attorney: William A. Chesnutt, Esquire
P.O. Box 1166
Harrisburg, PA 17108-1166

Pennsylvania Bulletin reference: June 11, 1988, page 2643

PROTEST OF
JONAS P. DONMOYER, INC.
A.88054

FILE

1. Protestant's name, address and telephone number are:

JONAS P. DONMOYER, INC.
P.O. Box 74
Ono, PA 17077

Telephone: (717) 865-2148

2. The name, address and telephone number of Protestant's attorneys are:

GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

Telephone: (717) 236-9318

3. Protestant possesses authority from this Commission at A.88054, a complete copy of which is attached as Exhibit A. The following sections of authority are pertinent:

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
JUN 29 1988
ENTRY No.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2

Application of JONAS P. DONMOYER, INC., a
corporation of the State of Delaware

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, filed March 24, 1961, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by JONAS P. DONMOYER, under reports and orders issued at A. 52707, Folders 1,3,4,6,7,8,9,10 and 11, and certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by JONAS P. DONMOYER, INC., a corporation of the State of Delaware, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, building materials and supplies, contractors' equipment and machinery, excavated materials and road and building construction materials such as are usually transported in dump trucks between points in the Village of Ono, Lebanon County, and within twenty-five (25) miles from point of origin to point of destination. (Formerly A. 52707, Folder 1)

To transport, as a Class D carrier, slag aggregate, in bulk in dump trucks between points in the County of Lebanon and from points in said county to points within one hundred twenty-five (125) miles of the limits of the Township of East Hanover, Lebanon County. (Formerly A. 52707, Folder 1)

To transport, as a Class D carrier, cinders, in bulk in dump trucks, between points within one hundred twenty-five (125) miles of the limits of the Township of East Hanover, Lebanon County. (Formerly A. 52707, Folder 1)

To transport, as a Class D carrier, fruit and vegetables from the farms of Robert Longenecker in the vicinity of Palmyra in North Londonderry Township, Lebanon County, to storage facilities in the Borough of Chambersburg, Franklin County, and the Village of Peach Glen, Adams County, and the return of empty containers and refused or damaged merchandise. (Formerly A. 52707, Folder 3)

To transport, as a Class D carrier, limestone products and flour from H. E. Millard's Quarries near the Village of Annville, Lebanon County, to points within one hundred twenty-five (125) miles by the usually traveled highways of the limits of said quarries. (Formerly A. 52707, Folder 3)

To transport, as a Class D carrier, lawfully mined and lawfully prepared coal from railroad sidings in the Village of Lickdale, Lebanon County, to the Indiantown Gap Military Reservation in the County of Lebanon. (Formerly A. 52707, Folder 3)

To transport, as a Class D carrier, fertilizer for Baugh and Sons Company from points in the City of Philadelphia, Philadelphia County, to points in the Village of Annville, Lebanon County, and within twenty-five (25) miles by the usually traveled highways of the limits of said village, and vice versa. (Formerly A. 52707, Folder 3)

To transport, as a Class D carrier, fertilizer from points in the Village of Annville, Lebanon County to points within twenty-five (25) miles by the usually traveled highways of the limits of said village. (Formerly A. 52707, Folder 3)

To transport, as a Class D carrier, lawfully mined and lawfully prepared coal between points in the County of Schuylkill. (Formerly A. 52707, Folder 4)

To transport, as a Class D carrier, lawfully mined and lawfully prepared anthracite coal from points in Schuylkill County to points within twenty (20) miles by the usually traveled highways of the limits of the Borough of Cleona, Lebanon County, excluding transportation to Middletown, Dauphin County and Elizabethtown, Florin, Rheems and Mt. Joy, Lancaster County. (Formerly A. 52707, Folder 6)

To transport, as a Class D carrier, bituminous coal from points in Huntingdon County to points within twenty (20) miles by the usually traveled highways of the limits of the Borough of Cleona, Lebanon County, and to points in the Borough of Wellsville, York County, excluding transportation to Middletown, Dauphin County, Elizabethtown, Florin, Rheems and Mt. Joy, Lancaster County. (Formerly A. 52707, Folder 6)

To transport, as a Class D carrier, lawfully mined and lawfully prepared anthracite coal from points in the County of Schuylkill to the Bethlehem Steel Company plant in the City of Bethlehem, Northampton and Lehigh Counties. (Formerly A. 52707, Folder 6)

To transport, as a Class D carrier, lawfully mined and lawfully prepared anthracite coal from points in the County of Schuylkill to State Institutions located within an airline distance of sixty-five (65) miles of the limits of the Borough of Cleona, Lebanon County. (Formerly A. 52707, Folder 6)

To transport, as a Class D carrier, bituminous coal from points in the Counties of Somerset, Clearfield and Huntingdon to the coal yards of Berryhill Coal and Fuel Oil Company and Pott Coal Company in the City of Harrisburg, Dauphin County, and to customers of said companies in the Counties of Lebanon, Lancaster, Berks and Delaware, and to customers of said companies in the County of Bucks located within eighty-five (85) miles of the limits of the Borough of Cleona, Lebanon County; excluding transportation from the Bradford Coal Company and Thomas Brothers Coal Company located in the County of Clearfield. (Formerly A. 52707, Folder 6)

To transport, as a Class D carrier, bituminous coal from the places of business of Arrow Coal Corporation, G. E. Cherrington, Incorporated, Swonsec Coal Company and Paul Coal Company in the County of Somerset to points in the Counties of Philadelphia, Montgomery, Lebanon and Lancaster and to points in the County of Bucks located within eighty-five (85) miles of the limits of the Borough of Cleona, Lebanon County. (Formerly A. 52707, Folder 6)

To transport, as a Class D carrier, lime and limestone products from the quarries of the H. E. Millard Lime and Stone Company in the Counties of Dauphin and Lebanon to points within two hundred twenty-five (225) miles of the limits of said counties. (Formerly A. 52707, Folder 7)

To transport, as a Class D carrier, lime and limestone products from the quarries of D. M. Stoltzfus and Son, Inc., in the Counties of Lancaster and Lebanon to points within two hundred twenty-five (225) miles of the limits of said counties. (Formerly A. 52707, Folder 7)

To transport as a Class D carrier, sand from points in the City of Harrisburg, Dauphin County, and within ten (10) miles by the usually traveled highways of the limits of said city to points in the Townships of Jackson and Washington, Dauphin County. (Formerly A. 52707, Folder 8)

To transport, as a Class D carrier, lawfully mined and lawfully prepared coal from points in the Counties of Columbia, Northumberland, Dauphin, Schuylkill, Luzerne and Carbon to points in the City of Harrisburg, Dauphin County, and within fifty (50) miles of the limits of said city. (Formerly A. 52707, Folder 8)

To transport, as a Class D carrier, coal products from points in the Counties of Dauphin, Schuylkill and Carbon to points in the Counties of Lebanon, Lancaster and Dauphin to points in the City of York, York County. (Formerly A. 52707, Folder 8)

the two rights immediately above to be subject to the following conditions:

That no right, power or privilege is granted to render service to the Boroughs of Elizabethtown and Mount Joy and the Villages of Florin and Rheems, Lancaster County.

That no right, power or privilege is granted to render service from points in the Counties of Schuylkill and Carbon to coal dealers' yards in the County of Berks, except as otherwise authorized herein.

That no right, power or privilege is granted to render service from points in the County of Carbon and from points in the City of Hazleton, Luzerne County, and the Boroughs of Centralia, Columbia County, and Mount Carmel, Northumberland County, and within five (5) miles of the limits of said city and boroughs to coal dealers' yards in the County of Lancaster, except as otherwise authorized herein.

To transport, as a Class D carrier, stone from the quarry of the Calcite Quarry Corporation located in the Townships of South Lebanon and Jackson Lebanon County, to the plants of the Dragon Cement Company in the County of Northampton. (Formerly A. 52707, Folder 9)

To transport, as a Class D carrier, stone, in bulk in dump trucks, from points in the Townships of South Lebanon and Jackson, Lebanon County, to points within one hundred twenty-five (125) miles of the limits of the Township of East Hanover, Lebanon County. (Formerly A. 52707, Folder 10)

To transport, as a Class D carrier, concrete tile and block for Hurning & Hess from points in the Township of Bethel, Berks County, to points in Pennsylvania; (Formerly A. 52707, Folder 11)

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public;

FIRST: That the certificate holder is limited and restricted to the operation of the Motor vehicles as named and described in the Equipment Certificate, to be subsequently issued.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee will reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof;

FOURTH: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, June 5, 1961, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates a certificate of public convenience 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 thirty 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.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ Joseph Sharfain

Chairman

ATTEST:

/s/ William P. Roan

Secretary

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054, Folder 2, Am-A

Application of JONAS P. DONMOYER, INC., a
corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated July 20, 1961, for modification of the report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder, as amended, and upon protests, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that the applicant amended his application whereby some of the protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public: THEREFORE,

NOW, to Wit, January 29, 1961, IT IS ORDERED: That the report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder as amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, bituminous coal from points in the County of Somerset to customers of Porr Coal Company in the County of York.

To transport, as a Class D carrier, bituminous coal from the places of business of Arrow Coal Corporation and G. E. Cherrington, Incorporated, in the County of Somerset to points in the Counties of York, Berks, Chester, Lehigh and Northampton.

To transport, as a Class D carrier, bituminous coal from points in the Counties of Huntingdon and Bedford to points in the Counties of York, Lancaster, Montgomery and Philadelphia.

To transport, as a Class D carrier, bituminous coal from points in the County of Clearfield to customers of Foreston Coal Company in the Counties of Philadelphia, Lancaster and Bucks; excluding transportation for Bradford Coal Company or Thomas Brothers Coal Company,

To transport, as a Class D carrier, concrete tile and block, cinder block and building block from points in the County of Lebanon to points in Pennsylvania.

IT IS FURTHER ORDERED: That the eleventh (11) right contained in the report and order issued under date of June 5, 1961, be and is hereby modified and amended so as the said right shall now read as follows:

To transport, as a Class D carrier, bituminous coal from points in the County of Huntingdon to points within twenty (20) miles by the usually traveled highways of the limits of the Borough of Cleona, Lebanon County.

IT IS FURTHER ORDERED: That the application in all other respects be and is hereby refused for lack of proof of necessity.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ Joseph Sharfsin

Chairman

ATTEST:

/s/ William P. Roan

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am-B

Application of JONAS P. DONMOYER, INC.
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated June 18, 1961, for modification of the report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder, and having been duly presented in accordance with the rules of the Commission and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by JONAS P. DONMOYER, under report and order issued at A. 52707, Folder 12, on June 12, 1961, and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled as of the date of this order, upon compliance with the tariff requirements of the Commission by JONAS P. DONMOYER, INC., a corporation of the State of Delaware, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, October 2, 1961, IT IS ORDERED: That the report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following right:

To transport, as a Class D carrier, fertilizer ingredients, in dump vehicles, from points in the Boroughs of Bristol, Bucks County, and Marcus Hook, Delaware County, to points in the County of Lebanon, and the right to return refused and rejected shipments to the point of origin;

subject to the following conditions:

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That the accounts of the transferee will reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ Joseph Sharfstein

Chairman

ATTEST:

/s/ WILLIAM P. ROAN.

Secretary

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. A. 85054, Folder 2, Am-C

Application of JONAS P. DONMOYER, INC., a
corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated October 9, 1961, for modification of report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to Wit, January 29, 1962, IT IS ORDERED: That the report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, sand, in bulk, in dump vehicles, between points in the County of York and from points in the said county to points in Pennsylvania.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ Joseph Sharfsin

Chairman

ATTEST:

/s/ William P. Roan

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 8805L
Folder 2, Am-D

Application of JONAS P. DONMOYER, INC., a
corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated May 28, 1962, for modification of the report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, September 24, 1962, IT IS ORDERED: That the report and order issued under date of June 5, 1961, and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, coal products from the Borough of Bristol and the Fairless Works of United States Steel Corporation in Bucks County, the Village of Swedeland, the Borough of Conshohocken, Montgomery County, the Borough of Marcus Hook, Delaware County, and the plant of Bethlehem Steel Company in the City of Bethlehem, Northampton County, to points in the Counties of Lancaster, Dauphin, Schuylkill, Berks, Lebanon, Cumberland, York, Franklin and Columbia.

To transport, as a Class D carrier, fertilizer ingredients from the Borough of Bristol and the Fairless Works of United States Steel Corporation in Bucks County, the Village of Swedeland and the Borough of Conshohocken, Montgomery County, the Borough of Marcus Hook, Delaware County, and the plant of Bethlehem Steel Company in the City of Bethlehem, Northampton County, to points in the Counties of Lancaster, Dauphin, Schuylkill, Berks, Lebanon, Cumberland, Franklin and Columbia.

To transport, as a Class D carrier, gravel, in bulk in dump vehicles, between points in the County of York and from points in the said county to points in Pennsylvania.

To transport, as a Class D carrier, slag, in bulk in dump vehicles, from points in the County of Dauphin to points within one hundred twenty-five (125) miles of the limits of the Township of East Hanover, Lebanon County;

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

SECOND: That no right, power or privilege is granted to transport coke and ammonium sulphate from Alan Wood Steel Company from the Village of Swedeland and the Borough of Conshohocken, Montgomery County.

THIRD: That no right, power or privilege is granted to render service from, to or between points in the territory bounded by and including places on the following routes:

Beginning at the intersection of Highway Routes 14 and 325, thence via Highway Routes 325, 209, 125, 49010, 336 and 14 to the intersection of said Highway Route 14 and Highway Route 325, including points within three (3) miles of the Borough of Tower City, Schuylkill County.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ Joseph Sharfsin

ATTEST:

Chairman

/s/ William P. Roan

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 8805L
Folder 2 Am.- E.

Application of JONAS P. DONMOYER, INC.,
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, filed January 31, 1953, for modification of the report and order issued under date of June 5, 1951, and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that the applicant amended his application whereby some of the protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, May 13, 1953, IT IS ORDERED: That the report and order issued under date of June 5, 1951, and the certificate of public convenience issued thereunder as modified and amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, property produced by Kwecki Chemical Corporation, in dump vehicles, from its plant in the Townships of Colebrookdale, Berks County and Douglass, Montgomery County, to the Borough of Bowmanstown, Carbon County.

To transport, as a Class D carrier, raw materials, supplies and equipment used by Kwecki Chemical Corporation, in dump vehicles, from the Borough of Bowmanstown, Carbon County, to the plant of Kwecki Chemical Corporation in the Townships of Colebrookdale, Berks County, and Douglass, Montgomery County.

To transport, as a Class D carrier, scrap and junk between points in the County of Lebanon and from points in said county to points within one hundred fifty (150) miles of the limits of the Township of East Hanover, Lebanon County, and vice versa; excluding service to or from points in the County of Mifflin;

and subject to the following condition:

That no right, power or privilege is granted to transport property in tank or hopper-type vehicles.

IT IS FURTHER ORDERED: That the application in all other respects be and is hereby refused for lack of proof of necessity.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

/s/ Joseph Sherfsin

/s/ William P. Roan

Chairman

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2 Am. -F

Application of JONAS P. DONMOYER, INC.,
a corporation of the State of Delaware.

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated September 11, 1963, for modification of the report and order issued under date of June 5, 1961 and the certificate of public convenience issued thereunder, as modified and amended, and upon protest, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protest was withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, December 2, 1963, IT IS ORDERED: That the report and order issued under date of June 5, 1961 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, dolomitic limestone and dolomitic limestone products, in bulk and in packages, for New Jersey Zinc Company from points in the Township of Upper Saucon, Lehigh County, to points in Pennsylvania, with the right to return refused and rejected shipments.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

/s/ Joseph Sharfsin

/s/ William P. Roan

Chairman

Secretary

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. B8054
Folder 2, Aa-G

Application of JONAS P. DONMOYER, INC., a
corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated February 15, 1964, for modification of the report and order issued under date of June 5, 1951, and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that the applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, July 6, 1964, IT IS ORDERED: That the report and order issued under date of June 5, 1951, and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, scrap and junk, in dump vehicles, between points in the Township of East Hanover, Lebanon County, and within an airline distance of seventy-five (75) miles of the limits of said township and from points in said territory to points in Pennsylvania.

To transport, as a Class D carrier, pig iron, in dump vehicles, between points in the Township of East Hanover, Lebanon County, and within an airline distance of fifty (50) miles of the limits of said township and from points in said territory to points in Pennsylvania; excluding the Township of Exeter, Berks County, as a point of origin;

and subject to the following conditions:

That no right, power or privilege is granted to render service from, to or between points in the territory bounded by and including places on the following routes: Beginning at the intersection of Highway Route 14 and 325, thence via Highway Routes 325, 209, 125, 49010, 336 and 14 to the intersection of Highway Route 14 and 325, including points within three (3) miles of the Borough of Tower City, Schuylkill County.

That no right, power or privilege is granted to render service between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county.

That no right, power or privilege is granted to render service to points in the Counties of Westmoreland, Fayette, Washington and Allegheny.

That no right, power or privilege is granted to transport castings and foundry supplies to or from the Borough of Weatherly, Carbon County, and points within five (5) miles by the usually traveled highways of the limits of said borough.

That no right, power or privilege is granted to transport scrap iron and junk to or from the Borough of Lewistown and the Townships of Granville, Derry and Decatur, Mifflin County.

That no right, power or privilege is granted to transport pig iron from points in the Borough of East Greenville, Montgomery County, to points within fifty (50) miles by the usually traveled highways of the limits of the Borough of Sinking Spring, Berks County, and vice versa.

That no right, power or privilege is granted to transport scrap iron and junk from the plant of Kawecki Chemical Corporation in the Townships of Colebrookdale, Berks County, and Douglass, Montgomery County, to points within fifty (50) miles by the usually traveled highways of the limits of the Borough of Sinking Spring, Berks County, and vice versa.

That no right, power or privilege is granted to render service between points in the Counties of Lehigh, Northampton, Carbon, Monroe, Bucks, Montgomery, Delaware and Philadelphia and the Borough of Kutztown and Topton, Berks County, and from said counties and boroughs to points in the Counties of Clearfield, Blair, Cambria and Indiana.

That no right, power or privilege is granted to transport pig iron from the yard of Rubin Steel Company in the City of Lancaster to points in the County of Lancaster.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Joseph Sharpsin
Chairman

ATTEST:

J. W. Reinhard
Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am -H

Application of JONAS P. DONMOYER, INC.,
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated March 30, 1964, for modification of the report and order issued under date of June 5, 1951, as modified and amended, and upon protest, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that the applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, July 6, 1964, IT IS ORDERED: That the report and order issued under date of June 5, 1951, and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, fertilizer ingredients, in bulk in dump vehicles, from the Borough of Bristol and the Fairless Works of United States Steel Corporation, Bucks County, the Village of Swedeland the Borough of Conshohocken, Montgomery County, the Borough of Marcus Hook, Delaware County, and the plant of the Bethlehem Steel Company in the City of Bethlehem, Northampton and Lehigh Counties to points in the Counties of Mifflin, Snyder, Perry, Huntingdon, Juniata and Adams; with the right to return refused or rejected shipments.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:
J. W. Reinhard
Secretary

Joseph Sharfsin
Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am-1

Application of JONAS P. DONHOYER, INC.,
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONHOYER, INC., a corporation of the State of Delaware, dated May 8, 1965, for modification of the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by EARL TRAUTMAN, under report and order issued at A. 56954, Folder 2 on October 22, 1956 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the tariff requirements of the Commission by JONAS P. DONHOYER, INC., a corporation of the State of Delaware, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, January 10, 1966, IT IS ORDERED: That the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, coal from collieries in the County of Schuylkill to dealers in the Borough of Jonestown and the City of Lebanon, Lebanon County.

To transport, as a Class D carrier, quarry products, including sand and stone, from quarries in the County of Lebanon to dealers in the Borough of Pine Grove, Schuylkill County;

subject to the following conditions:

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That the applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the \$100 consideration paid by applicant for the rights and/or going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity, provided the latter is sufficient in amount to absorb said charge off;

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ George I. Bloom,

Chairman

ATTEST:

/s/ J. W. Reinhard,

Secretary

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 8805L
Folder 2, A-J

Application of JONAS P. DONMOYER, INC., a
corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated May 8, 1955, for modification of report and order issued under date of June 5, 1951, and the certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, August 9, 1955, IT IS ORDERED: That the report and order issued under date of June 5, 1951, and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, fertilizer and fertilizer ingredients between points in the Counties of Berks, Lebanon, Dauphin, Lancaster, Juniata, Perry, Cumberland, Huntingdon, Bedford and Somerset and from points in the said counties to points in Pennsylvania, and vice versa.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST.

/s/ George I. Bloom

Chairman

/s/ C. J. McElwee

Assistant Secretary

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am-K

Application of JONAS P. DONMOYER, INC.,
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, filed September 9, 1966, for modification of the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, December 12, 1966, IT IS ORDERED: That the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, highway anti-skid material used in the construction of highways and sand (except silica flour) and gravel, in bulk:

Between points in the Township of Alsace, Berks County, and from points in said township to points in that part of Pennsylvania on and east of U. S. Highway Route 220 between the Pennsylvania-Maryland state line and the City of Williamsport, Lycoming County, and on and east of U. S. Highway Route 15 between the City of Williamsport, Lycoming County, and the Pennsylvania-New York state line, and the return of refused or rejected shipments to the point of origin, excluding transportation to points in the Counties of Bucks, Carbon, Monroe, Lehigh, Northampton, Montgomery and Berks.

Between points in the Township of Lower Mt. Bethel, Northampton County, and from points in said township to points in that part of Pennsylvania on and east of U. S. Highway Route 220 between the Pennsylvania-Maryland state line and the City of Williamsport, Lycoming County, and on and east of U. S. Highway Route 15 between the City of Williamsport, Lycoming County, and the Pennsylvania-

New York state line, and the return of refused or rejected shipments to the point of origin, excluding transportation to points in the Counties of Monroe, Bucks, Carbon, Lehigh, Northampton, Montgomery, Berks and Pike.

To transport, as a Class D carrier, silica flour in bulk in tank or hopper-type vehicles:

Between points in the Township of Alsace, Berks County, and from points in said township to points in that part of Pennsylvania on and east of U. S. Highway Route 220 between the Pennsylvania-Maryland state line and the City of Williamsport, Lycoming County, and on and east of U. S. Highway Route 15 between the City of Williamsport, Lycoming County, and the Pennsylvania-New York state line, and the return of refused or rejected shipments to the point of origin;

subject to the following condition:

That no right, power or privilege is granted to transport liquid commodities in bulk in tank or hopper-type vehicles.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ George I. Bloom

ATTEST:

Chairman

/s/ J. W. Reinhard

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am-L

Application of JONAS P. DONHOYER, INC., a
corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONHOYER, INC., a corporation of the State of Delaware, dated April 16, 1968, for modification of the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, July 22, 1968, IT IS ORDERED: That the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby modified and amended so as to include the following right:

To transport, as a Class D carrier, pesticides, for the Olin Mathieson Chemical Corporation, from points in the city of Lebanon, Lebanon County, to points in Pennsylvania, and the return of refused and rejected shipments to the point of origin.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTES:

/s/ J. W. Reinhard
Secretary

/s/ George I. Bloom
Chairman

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am-M

Application of JOHNS P. DOBMYER, INC., a
corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JOHNS P. DOBMYER, INC., a corporation of the State of Delaware, filed April 12, 1968, for modification of the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by MILTON GIBSON (deceased), under report and order issued at A. 91696 on December 21, 1964 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the tariff requirements of the Commission by JOHNS P. DOBMYER, INC., a corporation of the State of Delaware, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

Now, to wit, July 9, 1968, IT IS ORDERED: That the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights;

To transport, as a Class D carrier, gravel, sand, mesite, wood and coal between points in the counties of Clearfield, Centre, Blair and Cambria, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal, building materials and building supplies, in bulk in dump trucks, between points in the county of Indiana, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal from points in the borough of Houtzdale, Clearfield County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough to points in the borough of Pottstown, Montgomery County, and within an airline distance of one (1) statute mile of the limits of said Borough of Pottstown, the destination area to include the plant of the Firestone Tire and Rubber Company in the township of Lower Pottsgrove, Montgomery County.

To transport, as a Class D carrier, coal for S. R. Hansel Coal Company from points in the borough of Houtzdale, Clearfield County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough to the plant of the Armstrong Cork Company in the city of Lancaster, Lancaster County;

subject to the following conditions:

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the applicant charge to Account #1550, Other Intangible Property \$750, being the amount of the consideration payable by it for the rights and going concern value attributable thereto, less any amount recorded under condition two above;

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

/s/ J. W. Reinhard
Secretary

/s/ George I. Bloom
Chairman

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am-N

Application of JONES P. DONMOYER, INC.,
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated October 23, 1968, for modification of the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE,

NOW, to wit, January 13, 1969, IT IS ORDERED: That the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, stone, in bulk, in tank or hopper vehicles, from points in the townships of South Lebanon and Jackson, Lebanon County, to points within an airline distance of one hundred twenty-five (125) statute miles of the limits of the township of East Hanover, Lebanon County.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ATTEST:

/s/ J. W. Reinhard
Secretary

/s/ George I. Bloom
Chairman

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. B8054
Folder 2, Am-0

Application of JONAS P. DOMHOYER, INC., a corporation
of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DOMHOYER, INC., a corporation of the State of Delaware, dated March 19, 1969, for modification of the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the applicant amended its application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOTE, to wit, August 18, 1969, IT IS ORDERED: That the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following right:

To transport, as a Class D carrier, lime, limestone, limestone products, cement, fly ash, and sand and any mixture and product thereof, between points in the county of Lebanon and from points in said county to points in Pennsylvania, and vice versa;

subject to the following conditions:

That no right, power or privilege is granted to transport lime, limestone and limestone products from points in the counties of York, Adams, Centre, Clinton, Montour and Lycoming and the plant of the Warner Company at Devault, Chester County.

That no right, power or privilege is granted to perform transportation in dump vehicles from points in the counties of Allegheny, Beaver, Butler, Lawrence, Westmoreland, Washington, Fayette, Greene and Erie.

That no right, power or privilege is granted to transport amesite, fly ash, limestone and sand to or from points in Lancaster County, except as presently authorized.

A. 88054
Folder 2, Am-0

That no right, power or privilege is granted to transport sand from points in the counties of Clinton, Montour and Lycoming.

That no right, power or privilege is granted to transport cement in bags, packages or containers, and in bulk, in tank and hopper vehicles, from points in the counties of Lehigh, Northampton and Berks.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

ATTEST:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

/s/ J. W. Reinhard
Secretary

/s/ George I. Bloom
Chairman

(SEAL)

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 88054
Folder 2, Am-P

Application of JONAS P. DONMOYER, INC.,
a corporation of the State of Delaware

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE.

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JONAS P. DONMOYER, INC., a corporation of the State of Delaware, dated July 14, 1972, for modification of the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, and upon protests, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that the applicant amended this application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, March 6, 1973, IT IS ORDERED: That the report and order issued under date of June 5, 1951 and the certificate of public convenience issued thereunder, as modified and amended, be and is hereby further modified and amended so as to include the following rights:

To transport, as a Class D carrier, high temperature bonding mortar, from the facilities of Calcite Quarry Corporation, a subsidiary of G. & W. H. Corson, Inc., located in the township of South Lebanon, Lebanon County, to points in Pennsylvania.

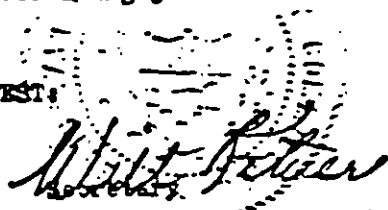
subject to the following conditions:

That no right, power or privilege is granted to transport said commodity to points in the city of Pittsburgh, Allegheny County and points within an airline distance of twenty (20) statute miles of the limits of said city.

That no right, power or privilege is granted to transport said commodity to the facilities of Bethlehem Steel Company in Cambria County.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

ATTEST:



PENNSYLVANIA
PUBLIC UTILITY COMMISSION



Chairman

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 13, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Jonas P. Donmoyer, Inc.,
a corporation of the State of Delaware,
for approval of the transfer to it of
all of the property rights authorized
under the certificate issued at
A-00063722, Folder 3, to Ernest E.
Latsha.

A-00088054
F. 2
Am-Q

David H. Radcliff for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by way of an application for transfer filed on November 12, 1985, together with applications for emergency temporary authority and temporary authority requesting leave to operate the transferor's authority. Public notice of the permanent and temporary applications appeared in the Pennsylvania Bulletin of November 30, 1985, and no protests were entered against either proceeding. The application for emergency temporary authority was adopted by the Commission at its meeting of December 5, 1985, granting the applicant the right to operate the subject authority pending disposition of the temporary application.

Jonas P. Donmoyer, Inc., (Donmoyer or applicant) of Ono, Lebanon County, seeks herein to acquire all of the active rights authorized under the certificate issued at A-00063722, Folder 3, to Ernest E. Latsha, a sole proprietor. The total consideration for this transaction is \$30,000, the value assigned said authority. No other property is pertinent to the transfer. The consideration will be paid in cash upon approval by the Commission of the instant transfer. The applicant has been certificated since 1951, and has authority primarily for items transported in dump vehicles generally in the eastern half of Pennsylvania. The authority to be purchased herein involves the transportation of mill scale and scrap metal generally in the eastern half of Pennsylvania.

Donmoyer lists a total of 100 pieces of equipment some of which it will use in the subject transportation. These consist mostly of dump trailers, tankers, vans, tractors and trailers.

The applicant enters a balance sheet as of December 31, 1984, showing total current assets of \$542,190; total assets of \$1,211,384; total current liabilities of \$433,486; total liabilities of \$613,420 and total shareholder's equity of \$597,964. Total gross operating revenue for the 12 months ending 1984 amount to \$3,350,867; total operating expenses were \$3,328,160 for a net carrier income (after adding interest income) of \$32,922.

Commission annual report records show gross intrastate operating revenue for Ernest E. Latsha as follows:

1982	-	\$142,144
1983	-	\$126,114
1984	-	\$227,034

All of the transferor's due assessments have been paid and all reports filed.

DISCUSSION AND FINDINGS

In the proceeding before us, a certificated carrier of long standing, Jonas P. Donmoyer, Inc., seeks to acquire the authority of a sole proprietor, Ernest E. Latsha, a carrier who desires to retire from business. The total consideration of \$30,000 is for the rights only and a covenant on the part of the seller not to compete for a period of three years.

The sole issue herein is to determine the fitness of the transferee to perform the transportation presently rendered by Ernest E. Latsha. Donmoyer has extensive authority of a like nature and has the experience, equipment and resources to readily perform the instant transportation. Service under Latsha's authority is already being rendered by Donmoyer pursuant to emergency temporary authority adopted by this Commission on December 5, 1985, effective pending disposition of the temporary authority. With the adoption of the instant proceeding for permanent authority, action on application for temporary authority will not be necessary.

We find that:

1. The applicant is fit to perform the rights of the subject transfer.
2. There is a continuing need for the rights herein involved.
3. Approval of the instant application is necessary for the continuity of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of all of the rights held by Ernest E. Latsha at A-0006322, Folder 3, be and is hereby approved and that the report and order of Jonas P. Donmoyer, Inc., at A-00088054, Folder 2, and the certificate issued on July 5, 1961, pursuant thereto, as modified and amended, be further modified and amended to include the following rights:

(1) To transport, as a Class D carrier, mill scale and scrap metal, between points in that part of Pennsylvania lying east of the eastern boundaries of the counties of McKean, Elk, Jefferson, Indiana, Huntingdon and Fulton.

with right number (1) subject to the following conditions:

- FIRST: No right, power or privilege is granted to render service between points in the counties of Bucks, Chester, Delaware, Montgomery or Philadelphia.
- SECOND: No right, power or privilege is granted to render service to or from points in the counties of Luzerne, Monroe or Northampton, the borough of Bellefonte, Centre County, or points within an airline distance of one (1) statute mile of the limits thereof, or the borough of Lewistown and the townships of Granville, Derry and Decatur, Mifflin County.
- THIRD: No right, power or privilege is granted to render service for Louis Cohen and Son, Wilkes-Barre, Luzerne County; Staiman Bros. of Williamsport, Lycoming County or Luria Brothers and Company, Inc., of Conshohocken, Montgomery County; nor from the city of Williamsport, Lycoming County, or Rush Township, Schuylkill County.
- FOURTH: No right, power or privilege is granted to transport scrap metal to or from the city of Coatesville, Chester County, or points within an airline distance of (3) statute miles of the limits thereof.

(2) To transport, as a Class D carrier, mill scale and scrap metal, from points in that part of Pennsylvania lying east of a line consisting of the eastern boundaries of the counties of McKean and Elk, the southern boundary of the county of Elk to its juncture with the Jefferson County border, the eastern boundaries of the counties of Jefferson and Indiana to the juncture of the Indiana County boundary with the Cambria County boundary, the northern boundaries of the counties of Cambria, Blair and Huntingdon, and the eastern boundaries of the counties of Huntingdon and Fulton, to the borough of Bellefonte, Centre County, and

points within an airline distance of one (1) statute mile of the limits thereof, the city of Williamsport, Lycoming County, the borough of Lewistown and the townships of Granville, Derry and Decatur, Mifflin County, and the township of Rush, Schuylkill County, and vice versa.

- (3) To transport, as a Class D carrier, scrap metal, from points in that part of Pennsylvania lying east of a line consisting of the eastern boundaries of the counties of McKean and Elk, the southern boundary of the county of Elk to its juncture with the Jefferson County border, the eastern boundaries of the counties of Jefferson and Indiana to the juncture of the Indiana County boundary with the Cambria County boundary, the northern boundaries of the counties of Cambria, Blair and Huntingdon, and the eastern boundaries of the counties of Huntingdon and Fulton, to points in the city of Coatesville, Chester County, and points within an airline distance of three (3) statute miles of the limits thereof, and vice versa.

with rights (2) and (3) subject to the following conditions:

That no right, power or privilege is granted to transport scrap metal from the city of Williamsport, Lycoming County.

That no right, power or privilege is granted to transport scrap metal from the facilities of Huller Lane Corporation, trading as Simon Eastern Corporation, in the township of Ontelaunee, Berks County.

That no right, power or privilege is granted to transport scrap metal to the facilities and customers of Mid-State Trading Co., in the borough of Milton, Northumberland County, and points within an airline distance of five (5) statute miles of the limits of said borough.

That no right, power or privilege is granted to transport scrap metal to or from the facilities of Cerro Metal Products in the borough of Bellefonte, and the township of Spring, Centre County.

That no right, power or privilege is granted to transport scrap metal for Hodes Industries, Inc., from or to its facilities in the county of Centre, the city of Lock Haven, Clinton County, and the borough of Tyrone, Blair County.

That no right, power or privilege is granted to transport scrap metal, for Staiman Brothers, from or to points in the counties of Lycoming, Clinton and Northumberland.

That no right, power or privilege is granted to provide service between points in Chester County.

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$30,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above stated.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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 the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

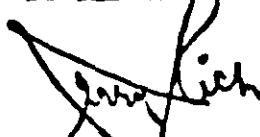
IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1985 Annual Report of the transferor.

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 this order the rights granted the transferor, Ernest E. Latsha, at A-00063722, F. 3 be cancelled and the record be marked closed.

IT IS FURTHER ORDERED: That, with the adoption of the instant order, the temporary authority application is hereby dismissed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 13, 1986

ORDER ENTERED: FEB 21 1986

ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFRY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
F. MURRAY BRYAN
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.
ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL
MAURICE A. FRATER
C. GRAINGER BOWMAN
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
JASON S. SHAPIRO
ERIC L. BROSSMAN

ROBERT D. STEYS
TERRY R. BOSSERT
MARY JANE FORBES
JEFFREY D. CLAY
DAVID M. KLEPPINGER
NEAL S. WEST
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
STEPHEN A. MOORE
DANA S. SCADUTO
ALAN R. BOYNTON, JR.
BRUCE D. BAGLEY
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKI
JAMES J. DODD-O
BERNARD A. LABUSKES, JR.
ANNE K. FIORENZA
JOHN M. ABEL
RICHARD S. KAHLBAUGH
KEVIN J. FREDERICK
DAVID M. WATTS, JR.
TRENT HARGROVE
LAWANA M. JOHNS
KATHLEEN E. BOYLE
CARMEN SANTA MARIA
SCOTT T. MUMMA
JAY H. FEASTER
DONALD B. KAUFMAN
JAMES L. FRITZ

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166
HARRISBURG, PA. 17108-1166
TELEPHONE (717) 232-8000
TELECOPIER (717) 236-2665

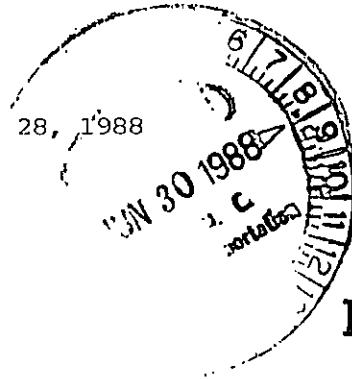
STERLING G. MCNEES
1923-1959
DAVID M. WALLACE
1942-1967

RETIRED PARTNERS
HARRY H. FRANK
JAMES H. BOOSER
JAMES W. HAGAR
JAMES H. KING
MOSES K. ROSENBERG

OF COUNSEL

GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
JEFFERSON C. BARNHART
SAMUEL A. SCHRECKENGAUST, JR.

June 28, 1988



FILE

RECEIVED

JUN 29 1988

SECRETARYS OFFICE
Public Utility Commission

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9

Dear Secretary Rich:

We represent the applicant in this matter. On the authorization of our client, we hereby amend the scope of authority sought, to read as follows:

Property, in bulk, in tank and hopper-type vehicles,
between points in Pennsylvania.

Provided that no right power or privilege is granted to
transport cement.

The portion of the foregoing description that is underlined,
represents a restrictive amendment we are imposing on the authority as
originally sought.

Respectfully submitted,

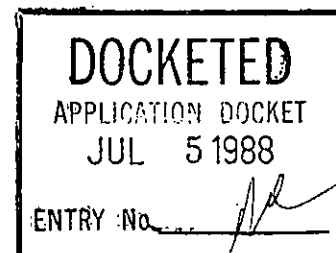
MCNEES, WALLACE & NURICK

By

William A. Chesnutt
William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

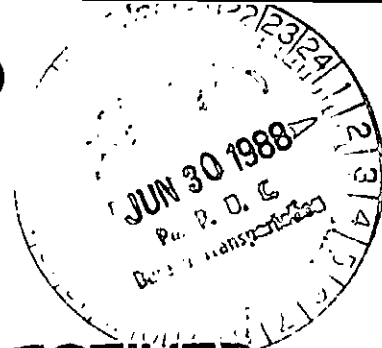
WAC/mrw

cc: All known parties of record
W. David Fesperman



RAYMOND A. THISTLE, JR.

ATTORNEY AT LAW
206B BENSON EAST
100 OLD YORK ROAD
JENKINTOWN, PA. 19046



June 28, 1988

RECEIVED (215) 576-0131

JUN 28 1988
SECRETARY'S OFFICE
Public Utility Commission

Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

FILE Re: Application of Central Transport, Inc.
Docket A-00108155

Dear Secretary Rich:

Enclosed herewith for filing are an original plus two copies of a protest to the permanent authority application of Central Transport, Inc. at Docket A-00108155.

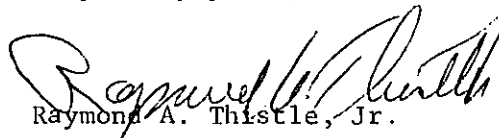
Proper service has been made per the Certificate of Service.

Timely filing is accomplished by use of postal receipt number 3817 attached to the original protest.

Also, please acknowledge receipt upon that provided.

Thank you for your attention and consideration in this matter.

Very truly yours,

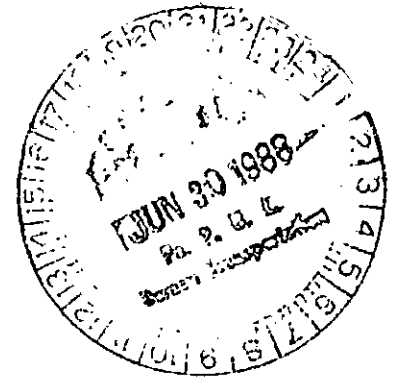

Raymond A. Thistle, Jr.

RAT:mt

cc: Central Transport, Inc.
William A. Chesnutt, Esquire
G & G Transport, Inc.



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE: APPLICATION OF CENTRAL TRANSPORT, INC.
DOCKET A-00108155

RECEIVED
JUN 28 1988
SECRETARY'S OFFICE
Public Utility Commission

PROTEST AGAINST GRANT OF APPLICATION
FOR PERMANENT AUTHORITY

FILE

AND NOW COMES the protestant identified below, by its attorney, and files this its protest against the grant of the above captioned permanent authority application, the basis of which is as follows:

1. Applicant's name and docket number of the application:

Central Transport, Inc.
Uwharrie Road
P. O. Box 7007
High Point, NC 27264

Docket A-00108155

2. Name, business address and telephone number of the protestant:

G & G Transport, Inc.
1801 W. Indiana Avenue
P. O. Box 6768
Philadelphia, PA 19132
(215) 225-5656

3. Name, business address and telephone number of protestant's attorney:

Raymond A. Thistle, Jr.
206B Benson East
100 Old York Road
Jenkintown, PA 19046
(215) 576-0131

DOCUMENT
FOLDER

DOCKETED APPLICATION DOCKET JUL 5 1988 ENTRY No. <u> </u>

4. Authority requested by applicant:

Property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania.

5. Nature of protestant's interest in application and adverse impact on protestant and public:

Protestant holds authority from the Commission at A-00106112, as amended, to transport, as a Class D carrier, Gasoline, No. 2 Oil, Kerosene Oil, Black Oil grades 4, 5 and 6, between points in the city and county of Philadelphia, and from points in the city and county of Philadelphia to points in the counties of Bucks, Montgomery, Chester and Delaware, and vice versa, with certain restrictions as set forth in the authority. Copies of the authority are attached hereto.

Protestant holds authority for Petrocon, for fuel oil for Petrocon from Modena, Chester County to points within 60 miles. A copy of authority is attached.

Protestant holds authority to transport property from points in the boroughs of Norristown, Bridgeport and Conshohocken, Montgomery County, to Philadelphia and vice versa. See authority attached.

Protestant holds authority to transport asphalt and asphalt products for Koch Materials Company from Muhlenberg, Berks County and from one of its suppliers in Philadelphia to that part of Pennsylvania bounded by U.S. Routes 81, 80, MD-PA State Line, and MD, DE-PA State Line. See authority attached.

Protestant has a pending application to transport gasoline, kerosene and No. 2 and No. 6 oils from Delaware County to the Counties of Delaware, Chester, Bucks, Montgomery, Northampton, Lancaster and York. Copy of PA Bulletin enclosed.

Adverse Impact

Protestant depends upon traffic from all its authorized territory to continue to render a service to the public in its authorized territory. A grant of this application will jeopardize traffic of protestant within its authorized territory and prospective authorized territory and in turn will jeopardize its service to the public. Such occurrence would adversely affect the protestant and be adverse to the public interest.

6. Proposed Restriction

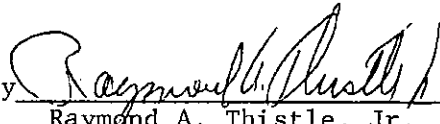
If applicant were to restrict its application against the transportation of the commodities and in the territories authorized to protestant, protestant would consider withdrawing its protest.

7. Additional basis for this protest are that there is no need, present or future, for the proposed service and the fitness of applicant is raised as an issue.

Respectfully Submitted

G & G TRANSPORT, INC.

By



Raymond A. Thistle, Jr.
Attorney for Protestant

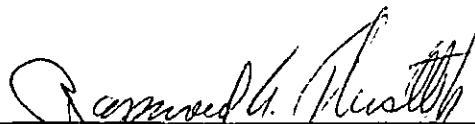
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Protest upon applicant and its counsel as indicated below, by placing a copy thereof with the United States Postal Service, first-class mail, postage prepaid:

Central Transport, Inc.
Uwharrie Road
P. O. Box 7007
High Point, NC 27264

William A. Chesnutt, Esquire
P. O. Box 1166
Harrisburg, PA 17108-1166

Dated at Jenkintown, PA, this 28th day of June, 1988.



Raymond A. Thistle, Jr.
Attorney for Protestant

DATE PROTEST DUE: July 5, 1988

DATED AND MAILED WITH POSTAL
RECEIPT NO. 3817 ATTACHED:
June 28, 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 17, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of G & G Transport, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, petroleum and petroleum products, between points in the city and county of Philadelphia, and from points in said city and county to points in that part of Pennsylvania on and east of U.S. Highway Route 15, and vice versa.

A-00106112

Raymond A. Thistle, Jr. for G & G Transport, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 18, 1985. Public notice of the application was given in the Pennsylvania Bulletin of April 6, 1985. Protests were filed by Seaboard Tank Lines, Inc., Kulp and Gordon, Inc. and Machise Interstate Transportation Co., Inc. All protests were withdrawn predicated upon our acceptance of a restrictive amendment which limits the service to specific types of petroleum products and limits the destination territory to points in the counties of Bucks, Montgomery, Chester and Delaware. The applicant has further agreed to make only metered deliveries using only metered vehicles. The applicant will not transport jet aviation fuel and jet aviation gasoline. Service is further eliminated to and from points in the city of Coatesville, Chester County and within six miles by the usually traveled highways of that city and to points in the borough of West Chester, Chester County.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and four supporting shippers.

The applicant seeks to begin providing service transporting gasoline, No. 2 oil, kerosene oil, and black oil grades 4, 5 and 6 between points in the city and county of Philadelphia and from points in the city and county of Philadelphia to points in the counties of Bucks, Montgomery, Chester and Delaware, and vice versa, subject to several conditions as a result of amendment. The applicant is a Pennsylvania corporation with its principal place of business in Philadelphia, Philadelphia County. The applicant now has a fleet of 14 tractors and 14 tank semi-trailers with a capacity of 7,000 to 8,000 gallons. All vehicles are now owned by the applicant.

George P. Goodman, Sr., common shareholder in control of the applicant is now certificated by the Commission at A-00104268, trading and doing business as G & G Transport Co. This certificate holder proposes to shortly transfer his authority and certain other assets to the applicant corporation. The applicant corporation has immediately available to it insurance coverage and is prepared to file insurance upon a grant of authority.

The applicant sets forth in its statement of condition as of June 30, 1984, assets of \$150,305.04 with liabilities of \$137,155.28.

Susan Shapiro, owner of Express Oil Co., set forth in her verified statement of support that Express Oil requires the transportation of black fuel oil grades 4, 5 and 6. Service is required between points in Philadelphia and from Philadelphia to points in Bucks County and Delaware County. Service is required as soon as possible as the heating season is now in full swing. The shipper requires that all deliveries be made with metered equipment and has from past experience discovered that most existing carriers do not have this sort of equipment available.

Harry Cooper, operation manager for United States Oil Co., set forth in his verified statement that the supporting shipper requires the transportation of gasoline and diesel No. 2 oil. Service is required from Twin Oaks, Delaware County to Philadelphia and from points in Philadelphia to points in the counties of Bucks, Chester, Delaware and Montgomery. An average of three shipments per day or a total of 21,000 gallons per day in full tank loads using compartmentized tank vehicles will be involved. Service is required as soon as possible to meet existing contracts. The contracts now in effect require that metered deliveries be made and it is the understanding of the supporting shipper that the applicant's equipment is all of the metered type.

Charles Adams, Sr., dispatcher for Petroleum Heat & Power Co., Philadelphia, set forth in his verified statement that the company requires the transportation of all grades of heating oil from Philadelphia to points in Philadelphia County and from Philadelphia to points in the counties of Bucks, Montgomery, Chester and Delaware. The shipper moves up to 50 shipments each day. The shipper now uses existing service but has sufficient volume to require another carrier. The shipper immediately

needs an additional carrier with metered equipment to supply customers requiring metered delivery.

Steven Wang, vice president of Phoenix Petroleum, Inc., King of Prussia, Montgomery County, set forth in his verified statement that the shipper requires the transportation of kerosene, No. 2 oil, diesel fuel, gasoline, and Nos. 4, 5 and 6 heating oil. Service is required between points in Philadelphia and from points in Philadelphia to points in Montgomery County. Some service is involved from Twin Oaks, Delaware County to points in Philadelphia. The shipper has the requirement to move seven loads of diesel fuel six days each week. This traffic involves a contract with SEPTA. The SEPTA contract requires that metered deliveries be made. Metered delivery involves a special piece of equipment on the tank trailer which meters or counts the number of gallons pumped out of the trailer to the receiving storage tanks. Current service is not readily available providing metered delivery.

We find:

1. The applicant has the required equipment to provide metered deliveries as required by the four supporting shippers.

2. The supporting statements from the four shippers provides representative evidence of need for the service between points in the city and county of Philadelphia and from points in the city and county of Philadelphia to points in the counties of Bucks, Montgomery, Chester and Delaware, and vice versa.

3. The applicant has the necessary experience and fitness to provide the proposed service, as amended.

4. The applicant has sustained its burden of disclosure of affiliated interest with other certificated carriers.

5. Our action in this matter makes any action on the applications for emergency temporary authority and temporary authority unnecessary.

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 and is hereby approved granting the following right:

To transport, as a Class D carrier, gasoline, No. 2 oil, kerosene oil, black oil grades 4, 5 and 6, between points in the city and county of Philadelphia, and from points in the city and county of Philadelphia, to points in the counties of Bucks, Montgomery, Chester and Delaware, and vice versa.

subject to the following conditions:

That no right, power or privilege is granted to transport jet aviation fuel and jet aviation gasoline.

That all deliveries made under the authority granted above are to be metered deliveries using only metered vehicles.

That no right, power or privilege is granted to provide service to or from points in the city of Coatesville, Chester County and within six (6) miles by the usually traveled highways of the said city and to points in the borough of West Chester, Chester County.

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 upon compliance with the requirements of the 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 applications for emergency temporary authority and temporary authority filed December 20, 1985, be and are hereby dismissed.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of entry of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

(SEAL)

Jerry Rich
Secretary

ORDER ADOPTED: January 17, 1986

ORDER ENTERED: JAN 28 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of G & G Transport, Inc.

A-00106112, F001,
Am-D

Amendment to permit the removal of condition No. 2 which reads as follows: That all deliveries made under the authority granted above are to be metered deliveries using only metered vehicles.

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S. §332(h)), the decision of Administrative Law Judge Sheldon W. Farber dated January 15, 1988 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the application of G & G Transport, Inc. at Docket A-00106112, F. 1, Am-D, be and is hereby approved. That the authority granted by Commission order at Docket No. A-00106112, F. 1 entered January 28, 1986, be modified to eliminate therefrom the second restrictive amendment which reads as follows:

"That all deliveries made under the authority granted above are to be metered deliveries using only metered vehicles."

That the same authority be modified to add thereto the following restrictive amendment:


That no right, power or privilege is granted to perform transportation (1) for the account of Swann Oil, Inc., (2) of number 2 fuel oil for the account of Philadelphia Electric Company.

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

3. That 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.

4. That, in the event that applicant has not, on or before 60 days from the date of service of this Order, complied with the requirements set forth herein, the application shall be dismissed without further proceeding.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ENTERED: March 22, 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 2, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of G & G Transport, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, gasoline, No. 2 oil, kerosene oil, black oil Grades 4, 5 and 6, between points in the city and county of Philadelphia, and from points in the city and county of Philadelphia to points in the counties of Bucks, Montgomery, Chester and Delaware, and vice versa; subject to the following conditions: That no right, power or privilege is granted to transport jet aviation fuel and jet aviation gasoline; that all deliveries made under the authority granted above are to be metered deliveries using only metered vehicles; and That no right, power or privilege is granted to provide service to or from points in the city of Coatesville, Chester County and within six (6) miles by the usually traveled highways of the said city and to points in the borough of West Chester, Chester County: SO AS TO PERMIT the transportation of fuel oil, Grades Nos. 2, 4, 5 and 6, from the facilities of Petrocon located in the borough of Modena, Chester County, to points within an airline distance of sixty (60) statute miles of the limits thereof.

A-00106112
F. 1
Am-B

Raymond A. Thistle Jr. for applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission through an application for temporary authority filed November 7, 1986. Corresponding applications were filed for emergency temporary authority and permanent authority. The permanent authority is protested by Seaboard Tank Lines, Inc., who currently hauls raw commodities for the shipper. The applicant is currently operating under the emergency temporary authority granted by the Commission.

The share holders of applicant are George P. Goodman (Sr.), his wife and sons. Mr. Goodman also holds authority as a sole proprietorship (t/d/b/a G & G Transport Co.) at A-00104268. The sole proprietorship is in the process of transferring its authority to the applicant-corporation.

The temporary authority is supported by Petrocon Company which is in the petroleum business. Petrocon states that it tendered 74 loads of oil to the applicant from the period between August 12, 1986 through December 9, 1986. During the peak heating season, December 10, 1986 and February 26, 1987, a total of 42 loads of fuel oil was tendered the applicant under its ETA authority. That the additional authority is required because of increased demand and because of new customers located beyond the applicant's area of authority. The commodity to be transported is very dirty and the equipment used to transport it requires extensive cleaning after use. The two carriers contacted by Petrocon were not interested in providing the service. Although Seaboard Tank Lines has protested the application, we find that there is an immediate need for service based on the type of service involved. The Commission will therefore give little weight to the protest of Seaboard Tank Lines, Inc. in the temporary authority application.

We find that the applicant has offered adequate evidence to establish an immediate need for the service; THEREFORE,

IT IS ORDERED: That the application for temporary authority be and is hereby approved as follows:

To transport, as a Class D carrier, fuel oil, grades numbers 2, 4, 5 and 6 for Petrocon, from its facilities located in the borough of Modena, Chester County, to points within a sixty (60) mile radius of said borough.

IT IS FURTHER ORDERED: That the applicant will file a tariff establishing just and reasonable rates within ten (10) days of the date this order is entered.

IT IS FURTHER ORDERED: That approval of the temporary authority granted herein shall have no bearing on the disposition of the application for permanent authority.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in black ink and is positioned above the typed name.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 2, 1987

ORDER ENTERED: APR 08 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 17, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith, not voting

Application of G & G Transport, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for amendment to its
common carrier certificate, which grants
the right, to transport, by motor vehicle,
gasoline, No. 2 oil, kerosene oil, black
oil grades 4, 5 and 6, between points in
the city and county of Philadelphia, and
from points in the city and county of
Philadelphia to points in the counties
of Bucks, Montgomery, Chester and Delaware,
and vice versa; subject to the following
conditions: That no right, power or
privilege is granted to transport jet
aviation fuel and jet aviation gasoline;
That all deliveries made under the authority
granted above are to be metered deliveries
using only metered vehicles; and That no
right, power or privilege is granted to
provide service to or from points in the
city of Coatesville, Chester County and
within six (6) miles by the usually traveled
highways of the said city and to points in
the borough of West Chester, Chester County:
SO AS TO PERMIT the transportation of asphalt
and asphalt products for Koch Materials Company,
from its facilities located in the township
of Muhlenberg, Berks County, and its supplier,
Atlantic Refinery, located in the city and
county of Philadelphia, to points in that
part of Pennsylvania bounded by Interstate
Highway Route 81 on the west, Interstate
Highway Route 80 on the north, the Maryland-
Pennsylvania State Line on the south, and the
New Jersey, Delaware-Pennsylvania State Lines
on the east, and the return of returned
shipments to the point of origin.

A-00106112

F. 1
Am-E

Raymond A. Thistle, Jr. for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 20, 1987. Public notice of the application was published in the Pennsylvania Bulletin of April 18, 1987 and no protests were received. Applicant currently provides service to the shipper herein under a grant of emergency temporary authority approved at Public Meeting of April 16, 1987.

The unopposed application is certified to the Commission without oral hearing. The record consists of verified statements entered by the applicant and one supporting shipper.

We find that:

1. G & G Transport, Inc. currently operates pursuant to a common carrier certificate issued by this Commission on April 3, 1986.
2. Applicant has terminal and office facilities located at 1801 W. Indiana Avenue, Philadelphia, plus parking at Bordentown, New Jersey.
3. Applicant currently serves the supporting shipper under a grant of emergency temporary authority adopted April 16, 1987.
4. Applicant will dedicate to the shipper two insulated steel tank trailers capable of transporting liquid products up to 500° F; applicant has twenty power units equipped with product pump as required for off-loading the high temperature products.
5. A comprehensive maintenance and safety program is in effect.
6. Communications are maintained by telephone.
7. Applicant has total assets of \$331,448.68, total liabilities of \$374,666.62 and a deficit stockholder's equity of \$43,217.94. On an income of \$890,437.40, less operating expenses of \$812,371.44, a net income of \$78,065.96 was realized. A net loss of \$41,243.72 was realized. As applicant only commenced operations in early 1986, it is not unusual for it to experience a loss during the first year of operation, due to start-up costs.

8. A review of applicant's record reveals that the annual report has been filed and its insurance is in full force; the 1986 assessment and assessment report have not been filed. Applicant shall not engage in any transportation granted herein until it shall have submitted its due assessment and report.

9. Koch Materials Company is a large producer, manufacturer and distributor of asphalt and asphalt products such as AC-5, AC-20, roofer flux, roofer steep, roofing materials, road asphalts and PC-1.

10. Service is required for Koch Materials Company from its facilities located at Muhlenberg Township, Berks County and from the facilities of Atlantic Refinery located in the city and county of Philadelphia to points in that part of Pennsylvania bounded by Interstate Highway Route 81 on the west, Interstate Highway Route 80 on the south, the Maryland-Pennsylvania State Line on the south and the New Jersey Delaware-Pennsylvania State Line on the east.

11. Twenty-seven (27) representative points of destination located in the territory as described above have been presented by the shipper.

12. The shipper has a requirement for 35-70 shipments per week outbound from its facilities at Muhlenberg Township, Berks County to various points in Pennsylvania as described above; 42-89 shipments per week are required from the facilities of Atlantic Refinery at Philadelphia to shipper's facility at Muhlenberg; and 30-50 shipments per week are required from the Atlantic Refinery in Philadelphia to points in Pennsylvania as described above.

13. Applicant will be granted the right of return of returned shipments to the point of origin, as on occasion, applicant may be required to return a shipment after initial delivery.

14. Applicant has the equipment, experience and fitness necessary to render the proposed service and the supporting shipper has demonstrated a need for the service as proposed.

15. Applicant has established that 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 the certificate issued on April 3, 1986, as amended, be further amended to include the following right:

To transport, as a Class D carrier, asphalt and asphalt products for Koch Materials Company from its facilities located in the township of Muhlenberg, Berks County, and from the facilities of Atlantic Refinery, located in the city and county of Philadelphia, to points in that part of Pennsylvania bounded

by Interstate Highway Route 81 on the west, Interstate Highway Route 80 on the north, the Maryland-Pennsylvania State Line on the south, and the New Jersey, Delaware-Pennsylvania State Line on the east, and the return of returned shipments to the point of origin.


IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have submitted its 1986 assessment report and assessment.

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 the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

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,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1987

ORDER ENTERED: SEP 25 1987

Unless formal administrative action is taken prior to October 8, 1987, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection during normal work hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Actuarial Division, Room 1311 Strawberry Square, Harrisburg, Pa. 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

CONSTANCE B. FOSTER,
Insurance Commissioner

[Pa.B. Doc. No. 87-1498, Filed September 25, 1987, 9:00 a.m.]

Edward J. Taylor; Doc. No. P87-3-6

Alleged Violations: sections 603, 633 and 633.1 of The Insurance Department Act of one thousand nine hundred and twenty-one (40 P. S. §§ 233, 273 and 273.1); sections 5(a)(1)(i) and 5(a)(2) of the Unfair Insurance Practices Act (40 P. S. §§ 1171.5(a)(1)(i) and 1171.5(a)(2)); 31 Pa. Code § 31.31.

The formal administrative hearing is scheduled to begin at 10 a.m. on November 4, 1987 in Room 1606, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pa. 15222.

Respondent is charged with misappropriating funds belonging to the Greensburg X-Ray Associates into his real estate development corporations by diverting their annuity premiums and withdrawing funds without their knowledge or consent.

CONSTANCE B. FOSTER,
Insurance Commissioner

[Pa.B. Doc. No. 87-1488, Filed September 25, 1987, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas

Without Hearing

✓ A-122350. T. W. Phillips Gas and Oil Co. and Acme Natural Gas Co. (correction). Application has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code, by T. W. Phillips Gas and Oil Co. and the Acme Natural Gas Co. for approval of (1) the merger of Acme Natural Gas Co. into T. W. Phillips Gas and Oil Co., (2) the right of T. W. Phillips Gas and Oil Co. to begin to offer, render, furnish or supply gas service to the public in the territory where Acme Natural Gas Co. and its predecessors were authorized to serve, (3) the abandonment by Acme Natural Gas Co. of all gas service to the public, and (4) the acquisition by T. W. Phillips Gas and Oil Co. of all outstanding common stock of Acme Natural Gas Co.

This application may be considered by the Commission without a hearing. Protests or petitions to intervene may, however, be filed with the Pennsylvania Public Utility Commission, Harrisburg, on or before October 2, 1987, under Title 52 of the *Pennsylvania Code*.

Counsel for the applicants: Anthony C. DeCusatis, Esquire, Kirkpatrick & Lockhart, The Payne Shoemaker Building, 240 North Third Street, Harrisburg, Pa. 17101-1503.

JERRY RICH,
Secretary

[Pa.B. Doc. No. 87-1506, Filed September 25, 1987, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in the Commonwealth of Pennsylvania have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 19, 1987 and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* as described under each application.

✓ A-00107716. Melvin R. Gardner, t/d/b/a Melvin's Service Center (P. O. Box 392, Route 51, Perryopolis, Fayette County, Pa. 15473)—new and used mobile homes and modular homes, and the contents therein, between points in the counties of Fayette and Westmoreland.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of *property* as described under each application.

✓ A-00102497, Folder 1, Am-A. International Mill Service, Inc. (1818 Market Street, Philadelphia, Philadelphia County, Pa. 19103), a corporation of the Commonwealth of Pennsylvania—coal, scrap iron, building materials, excavated materials and road and building construction materials such as are usually transported in dump trucks, from points not to exceed a distance of 25 miles from point of origin to point of construction or disposal in the counties of Chester, Lancaster and Delaware: so as to permit the transportation of scrap iron, above temperature (hot) products, steel mill products, and building construction materials, transported in dump, flatbed and insulated box trucks, between points in Pennsylvania. *Attorney:* Harry B. Meran, 1818 Market Street, Philadelphia, Pa. 19103.

✓ A-00102498, Folder 1, Am-P. G. G. G. Transport, Inc. (1801 West Indiana Avenue, Philadelphia, Philadelphia County, Pa. 19132), a corporation of the Commonwealth of Pennsylvania, *inter alia*—gasoline, and No. 2 oil, kerosene oil, black oil Grades 4, 5 and 6, between points in the city and county of Philadelphia, and from points in the city and county of Philadelphia to points in the counties of Bucks, Montgomery, Chester and Delaware, and vice versa; subject to the following conditions: that no right, power or privilege is granted to transport jet aviation fuel and jet aviation gasoline; that all deliveries

made under the authority granted above are to be metered deliveries using only metered vehicles; and that no right, power or privilege is granted to provide service to or from points in the city of Coatesville, Chester County and within 6 miles by the usually traveled highways of the said city and to points in the borough of West Chester, Chester County: so as to permit the transportation of gasoline, kerosene and No. 2 and No. 6 oils, from points in the county of Delaware, to points in the counties of Delaware, Chester, Bucks, Montgomery, Northampton, Lancaster and York, and the return of returned shipments to the point of origin. *Attorney:* Raymond A. Thistle, Jr., 206B Benson East, 100 Old York Road, Jenkintown, Pa. 19046.

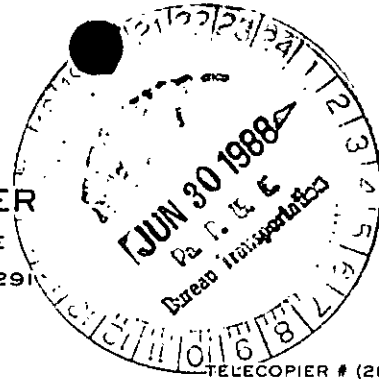
Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of property by transfer of rights as described under each application.

✓ A-00107699. Lepley Trucking, Inc. (Main Street, P. O. Box 143, Cooperstown, Venango County, Pa. 16317), a corporation of the Commonwealth of Pennsylvania—(1) limestone, asphalt, slag, sand and gravel, in bulk in dump trucks, between points in the counties of Clarion, Armstrong, Butler, Venango, Warren, Mercer, Crawford, Indiana, Forest and Elk, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination; (2) coal from mines or stripping operations in the counties of Clarion, Armstrong, Butler, Venango, Warren, Mercer, Crawford, Indiana, Forest and Elk, to tipples, railroad sidings or consumers in the said counties, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination; (3) coal, in dump vehicles, between points in the county of Clarion and from points in the said county to points in the counties of Venango, Crawford, Erie, Warren and Forest; (4) sand and gravel, in dump vehicles, from points in the borough of Tionesta, Forest County, and the city of Oil City and the township of Sugarcreek, Venango County, to points in the counties of Venango, Crawford, Warren, Clarion, Forest, Jefferson, McKean and Elk; (5) limestone, in dump vehicles, between points in the county of Clarion and from points in the said county to points in the counties of Venango, Crawford, Warren, Forest, Jefferson, McKean and Elk; (6) limestone, asphalt, slag, sand, gravel and amecite, in bulk in dump trucks, between points in the counties of Armstrong, Venango, Warren, Crawford, Indiana, Forest, Elk, Clarion, McKean, Erie and Jefferson, no haul to exceed a distance of 100 miles from point of origin to point of destination; (7) salt and calcium, having a prior movement by water, in bulk in dump trucks, between points in the counties of Erie, Crawford and Venango; (8) coal between points in the counties of Clarion and Venango, and from points in said counties to points in the counties of Butler, Crawford, Erie, Forest, Lawrence, Mercer and Warren and vice versa; (9) blacktop, amecite, winter mix and asphalt, in dump trucks, between points in the township of Sugarcreek, Venango County, and from points in the said township to points within an airline distance of 75 statute miles of the limits thereof; (10) sand and gravel between points in the counties of Venango and Warren and from points in the said counties to points within an airline distance of 75 statute miles of the limits of the city of Oil City, Venango County; (11) scrap metal between points in the city of Titusville, Crawford County, and from points in the said city to points within an airline distance of 75 statute miles of the limits thereof; and (12) bulk and

sack feed between points in the borough of Greenville, Mercer County, and from points in the said borough to points with an airline distance of 75 statute miles of the limits thereof; which is to be a transfer of the rights authorized under the certificate issued at A-00086276, to Anthony J. Clesi, subject to the same limitations and conditions. *Attorney:* William D. Wilson, 1180 Elk Street, Franklin, Pa. 16323.

✓ A-00107713. Great American Lines, Inc. (Mill Street and Meadowbrook Road, Box 351, Murrysville, Westmoreland County, Pa. 15668), a corporation of the Commonwealth of Pennsylvania—(1) as a Class C carrier, property excluding household goods and office furniture, in use, from points in the county of Allegheny to points within 25 miles, by the shortest highway route, from the City-County Building in the city of Pittsburgh, Allegheny County; (2) as a Class B carrier, property, excluding household goods and office furniture, in use, between points in the county of Allegheny; with Rights No. 1 and 2 subject to the following condition: that no right, power or privilege is granted to make package deliveries from stores; (3) iron and steel, and iron and steel articles, from the plant sites of the United Steel Corporation, located in the counties of Allegheny, Westmoreland and Cambria to points lying on and west of U.S. Highway Route 15, and to points in the county of Dauphin; excluding transportation of commodities in bulk in dump vehicles; and excluding transportation of such commodities, which because of size or weight, require the use of special equipment such as pole trailers, drop frame trailers or carryalls, or which require a permit from the Pennsylvania Department of Highways; (4) iron and steel, iron and steel articles, from the plant sites of Babcock & Wilcox Company, Tabular Products Division, located in the county of Beaver, to points in Pennsylvania on and West of U.S. Highway Route 15, and to points in the county of Dauphin; and materials used in the manufacture of iron and steel, and iron and steel articles, on return; excluding transportation of commodities in bulk in dump vehicles; and excluding transportation of such commodities, which, because of size or weight, require the use of special equipment such as pole or extendible trailers, drop frame trailers or carryalls, or which require a permit from the Pennsylvania Department of Highways; (5) iron and steel, iron and steel articles and products, railway articles, parts and products; equipment, machinery, materials and supplies used or useful in the manufacture and production, assembly and distribution of iron and steel, iron and steel articles and products, railway articles, parts and products, from the facilities of Edgewater Steel Company, located in the borough of Oakmont, Allegheny County, to points in Pennsylvania located on and west of U.S. Highway Route 15, and vice versa; with Right No. 5 subject to the following conditions: (1) that no right, power or privilege is granted to transport commodities in bulk, in dump vehicles; (2) that no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment such as pole trailers, drop or frame trailers, or carryalls, or which require a permit from the Department of Transportation; and (3) that no right, power or privilege is granted to provide service to or from points in the counties of Erie, Crawford and Mercer; (6) iron and steel and iron and steel articles from the facilities of Jones & Laughlin Steel Corporation, located in the counties of Allegheny and Beaver, to points in Pennsylvania lying on and west of U.S. Highway Route 15; excluding transportation of commodities, in bulk, in dump vehicles; and excluding transpor-

LAW OFFICES
LOUIS J. CARTER
7300 CITY LINE AVENUE
PHILADELPHIA, PA. 19151-2291
(215) 879-8665



LOUIS J. CARTER*
JOEL E. MAZOR**
JILL EISEMAN BRONSON***
DIANE N. SCHWAB

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR
***NEW YORK BAR ONLY

June 29, 1988

TELECOPIER # (215) 877-0955

IN REPLY PLEASE
REFER TO FILE NO.

80634

Sent UPS-Overnight
with AOD

Office of the Secretary (Filing Unit)
Pennsylvania Public Utility Commission
P.O.. Box 3265
Harrisburg, PA 17120

FILE

RECEIVED

Re: Docket A.00108155
Application of Central Transport, Inc. (NC)

JUN 30 1988

Protest of: Samuel Coraluzzo Co., Inc.

**SECRETARYS OFFICE
Public Utility Commission**

To the Secretary:

Enclosed herewith for filing are the original and two
copies of the Protest of Samuel Coraluzzo Co., Inc.

A copy of the above is being served this date on the
applicant and his attorney shown below.

Kindly acknowledge receipt.

Sincerely,

LOUIS J. CARTER
Attorney for Protestant

LJC/kmd
Enclosure: As above

This will certify that copies of the Protest were mailed
this day to:

(Applicant)

Central Transport, Inc. (NC)
Uwharrie Road
P.O. Box 7007
High Point, NC 27264

(Applicant's Attorney)

William A. Chesnutt, Esq.
P.O. Box 1166
Harrisburg, PA 17108-1166

**DOCUMENT
FOLDER**

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JUN 30 1988

SECRETARYS OFFICE
Public Utility Commission

IN RE: APPLICATION OF

DOCKET NO.

CENTRAL TRANSPORT, INC. (NC)

A.00108155

P R O T E S T
of
SAMUEL CORALUZZO CO., INC.

FILE

This is the Protest of the above-captioned application notice of which appeared in the Pennsylvania Bulletin on the date shown and as set forth in Attachment "A" hereto, and Protestant further states the following:

1. The Protestant's name and address are:

Samuel Coraluzzo Co., Inc.
1713 N. Main Road
P.O. Box 1010
Vineland, NJ 08360

2. The name and address of Protestant's attorney is:

Louis J. Carter, Esq.
7300 City Line Avenue
Philadelphia, PA 19151-2291
(215) 879-8665

3. The docket number(s) of the common carrier certificate(s) under which Protestant operates and its operating authority is set forth on Attachment "B".

4. Withdrawal of those parts of the application where the Protestant has authority rather than amendment, would result in the withdrawal of this Protest of the application as set forth in Attachment "C" to this Protest.

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
JUL 5 1988

ENTRY No. _____ *AL*

5. Protestant is willing and able to provide the service that meets the reasonable needs of the public involved in the areas in which it is certificated. Thus, approval of this application is not necessary or proper for the service, accommodation, convenience or safety of the public.

6. Protestant has not filed an application currently pending before the Commission and which is substantially for the same traffic since it has the necessary operating authority to provide service to the public which Applicant seeks to provide.

7. The grant of the application will have an adverse impact on the Protestant's business and its ability to serve the public by diversion of traffic and revenue which would impair or endanger Protestant's operation contrary to the public interest.

Since no specific shippers are identified, it is impossible to state with precision the adverse impact approval of the application is likely to have on protestant; however, protestant operates daily within the scope of the application and derive substantial revenues therefrom, so that the adverse impact will be substantial.

8. The fitness of the applicant is protested.

9. This Protest is to the application for Permanent as well as any application for Emergency Temporary or Temporary Authority.

Respectfully submitted,



LOUIS J. CARTER
Attorney for Protestant
Samuel Coraluzzo Co., Inc.

Dated: June 29, 1988

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 5, 1988, and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* as described under each application.

A-00108155. Central Transport, Inc. (NC) (Uwharrie Road, P. O. Box 7007, High Point, NC 27264), a corporation of the State of North Carolina—property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania. *Attorney:* William A. Chesnutt, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

APPLICATION OF SAMUEL CORALUZZO CO., INC.

Operating Authority

Dkt.A.00107600, F.2

1. To transport, as a contract carrier, by motor vehicle, gasoline for Texaco U.S.A., from points in the village of Willow Grove, Upper Morland Township, Montgomery county, and the village of Twin Oaks, Upper Chichester Township, Delaware County, to points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and vice versa.

2. To transport, as a contract carrier by motor vehicle, for Calotex of Delaware, gasoline, diesel fuel, grade #2 oil and kerosene, from Twin Oaks and Marcus Hook, Delaware County; Willow Grove, Montgomery County; Malvern, Chester County; and the city and county of Philadelphia; to points in the counties of Bucks, Chester and Delaware.

To transport as a contract carrier motor fuel, turbo fuel, diesel fuel, kerosene and aviation gasoline in tank vehicles, from the facilities of Exxon Co. USA in Philadelphia to points in the counties of Berks, Bucks, Chester, Delaware, Dauphin, Lancaster, Lebanon, Montgomery, Northampton and Philadelphia.

ATTACHMENT "C"

Statement of Restriction to the Application
Which Would Protect Protestant's Interest, and
Statement of Amendment Which Would Result in a
Withdrawal of the Protest

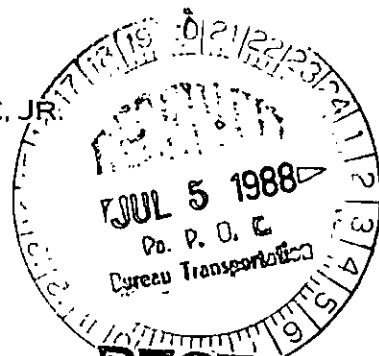
Protestant would withdraw its protest if applicant agrees not to serve Texaco U.S.A., Calotex of Delaware and Exxon U.S.A. or affiliates or entities shipping from their facilities.

The foregoing statement is preliminary. Any finally agreed restriction of record would have to be approved by the Commission and executed by the parties in interest.

RAYMOND A. THISTLE, JR.

ATTORNEY AT LAW
206B BENSON EAST
100 OLD YORK ROAD
JENKINTOWN, PA. 19046

June 30, 1988



(215) 576-0131

RECEIVED

JUN 30 1988
SECRETARY'S OFFICE
Public Utility Commission

Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Re: Application of Central Transport, Inc.
Docket A-00108155

FILE

Dear Secretary Rich:

Enclosed herewith for filing are an original plus two copies of a protest to the permanent authority application of Central Transport, Inc. at Docket A-00108155, on behalf of Reber Corporation.

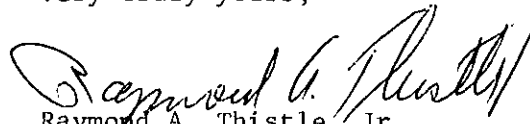
Proper service has been made per the Certificate of Service.

Timely filing is accomplished by use of postal receipt number 3817 attached to the original protest.

Also, please acknowledge receipt upon that provided.

Thank you for your attention and consideration in this matter.

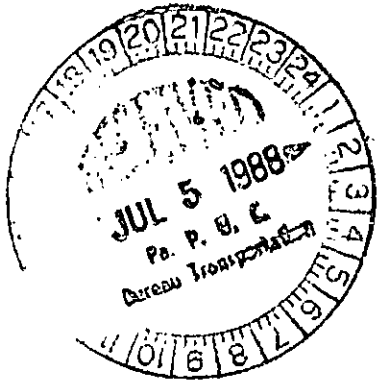
Very truly yours,


Raymond A. Thistle, Jr.

RAT:mt

cc: Central Transport, Inc.
William A. Chesnutt, Esquire
Reber Corporation

**DOCUMENT
FOLDER**



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
JUN 30 1988
SECRETARY'S OFFICE
Public Utility Commission

IN RE: APPLICATION OF CENTRAL TRANSPORT, INC.
DOCKET A-00108155

FILE

PROTEST AGAINST GRANT OF APPLICATION
FOR PERMANENT AUTHORITY

AND NOW COMES the protestant identified below, by its attorney, and files this its protest against the grant of the above captioned permanent authority application, the basis of which is as follows:

1. Applicant's name and docket number of the application:

Central Transport, Inc.
Uwharrie Road
P. O. Box 7007
High Point, NC 27264

Docket A-00108155

2. Name, business address and telephone number of the protestant:

Reber Corporation
2216 Old Arch Road
Norristown, PA 19401
(215) 736-9660

3. Name, business address and telephone number of protestant's attorney:

Raymond A. Thistle, Jr.
206B Benson East
100 Old York Road
Jenkintown, PA 19046
(215) 576-0131

DOCKETED
APPLICATION DOCKET
JUL 5 1988
ENTRY No.

DOCUMENT
FOLDER

4. Authority requested by applicant:

Property, in bulk in tank and hopper-type vehicles, between points in Pennsylvania.

5. Nature of protestant's interest in application and adverse impact on protestant and public:

Protestant holds authority from the Commission at A-94854, and at various folders and amendments thereunder. Much of its authority is encompassed within the authority sought by the applicant. Copies of pertinent authorities are attached hereto and made a part hereof.

Adverse Impact

Protestant depends upon traffic from all its authorized territory to continue to render a service to the public in its authorized territory. A grant of this application will jeopardize traffic of protestant within its authorized territory and in turn will jeopardize its service to the public. Such occurrence would adversely affect the protestant and be adverse to the public interest.

6. Proposed Restriction

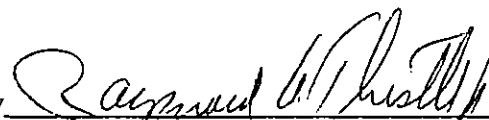
If applicant were to restrict its application against the transportation of the commodities and in the territories authorized to protestant, which are in conflict, for the benefit of the public, protestant would consider withdrawing its protest.

7. Additional basis for this protest are that there is no need, present or future, for the proposed service and the fitness of applicant is raised as an issue.

Respectfully Submitted

REBER CORPORATION

By



Raymond A. Thistle, Jr.
Attorney for Protestant

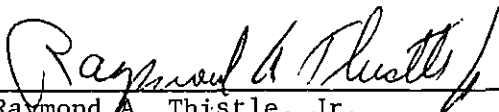
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Protest upon applicant and its counsel as indicated below, by placing a copy thereof with the United States Postal Service, first-class mail, postage prepaid:

Central Transport, Inc.
Uwharrie Road
P. O. Box 7007
High Point, NC 27264

William A. Chesnutt, Esquire
P. O. Box 1166
Harrisburg, PA 17108-1166

Dated at Jenkintown, PA, this 30th day of June, 1988.



Raymond A. Thistle, Jr.
Attorney for Protestant

DATE PROTEST DUE: July 5, 1988

DATED AND MAILED WITH POSTAL
RECEIPT NO. 3817 ATTACHED:
June 30, 1988

Application of REBER CORPORATION, a corporation
of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of REBER CORPORATION, a corporation of the Commonwealth of Pennsylvania, received March 15, 1972, to operate motor vehicles as a common carrier, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by BOYLE BROTHERS, INC., a corporation of the State of New Jersey, under report and order issued at A. 76005, Folder 4, on June 30, 1958, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by REBER CORPORATION, a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class D carrier, property for the United States Gypsum Company between points in the city and county of Philadelphia and from said points to points east of the western boundaries of the Counties of McKean, Elk, Clearfield, Cambria and Somerset, with the return of pallets, skids, platforms or containers and damaged or rejected articles; excluding transportation to and from the borough of Lewistown and the village of Belleville, Mifflin County, and the boroughs of State College and Bellefonte, Centre County.
2. To transport, as a Class D carrier, dry cement, having prior movement by rail and/or water, between points in Pennsylvania; provided that the transportation of dry cement between points in the territory comprising the city and county of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of dry cement, in bulk, in tank vehicles or in hopper-type vehicles.

With right No. 2 above subject to the following condition:

That no right, power or privilege is granted to transport cement produced at or originating at the plant of Bessemer Cement Company Division Diamond Alkali Company at or near Bessemer, Lawrence County, and the plant of Medusa Portland Cement Company at or near Wampum, Lawrence County.

3. To transport, as a Class D carrier, dry commodities, in bulk in tank vehicles, limited to cement, building lime, agricultural lime, pebble lime, pulverized limestone and other limestone products, for G. & W. Corson, Incorporated from its facilities in the township of Whitmarsh, Montgomery County, to points in Pennsylvania.
4. To transport, as a Class D carrier, fly ash, in bulk in tank vehicles, for G. & W. Corson Incorporated, between points in Pennsylvania (except from points in the counties of Philadelphia and Bucks to points within an airline distance of one hundred (100) miles of the City Hall of Philadelphia, and vice versa.)
5. To transport, as a Class D carrier, building materials, gypsum and gypsum products and materials and supplies used in the installation and application of such commodities, except commodities in bulk, from the plant and other facilities of the United States Gypsum Company in the city and county of Philadelphia to points in the said city and to other points in Pennsylvania; and refused, rejected and returned shipments and materials, equipment and supplies used in the manufacture and distribution of the said commodities, except commodities in bulk, from points in the city and county of Philadelphia and from other points in Pennsylvania (except points in the Counties of Bucks, Chester, Delaware and Montgomery and the borough of Lewistown and the village of Belleville, Mifflin County, and the boroughs of State College and Bellefonte, Centre County) to the plant and other facilities of the United States Gypsum Company in the city of Philadelphia.

with right No. 5, above, subject to the following condition:

That no right, power or privilege is granted to transport cement in bags for the Universal Atlas Cement Division of United States Steel Corporation originating at its plant in the village of Universal, Penn Township, Allegheny County, and the borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plants in the village of West Vinfield, Vinfield Township, Butler County, and its plant sites in the county of Northampton, and for Lone Star Cement Corporation originating at its plant in the borough of Nazareth, and the township of Nazareth, Northampton County, to the city of Philadelphia.

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

1. 94851

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$11,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto, less any amount recorded under condition 2 above.

FOURTH: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and revised General Order No. 29 effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NO. to wit, August 8, 1972, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates a certificate of public convenience 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 thirty days from the date of the service of this order, complied with the requirements herein before set forth, the application shall be dismissed without further proceeding.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION



Chairman

ATTEST:



Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 21, 1978

Commissioners Present:

W. Wilson Goode, Chairman
Robert K. Bloom
Louis J. Carter
Helen B. O'Bannon
Michael Johnson

Application of Rebar Corporation, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of lime, in bulk, in pneumatic tank vehicles from the borough of Kutztown, in the township of Maxatawny, Berks County, to points in Pennsylvania.

A 94854

PA 2

Am-A

Duane Morris & Heckscher by Sheri B. Friedman for the applicant
Raymond A. Thistle, Jr. for Philip Stinger, Inc.

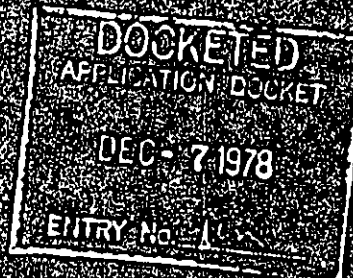
ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 31, 1978. Public notice of the application was given in the Pennsylvania Bulletin of July 1, 1978. Protests were filed by Philip Stinger, Inc. and Danella Bros., Inc. All protests were withdrawn when the applicant restrictively amended its application as follows:

That no right, power or privilege is granted to perform transportation for the Celotex Corporation.

That no right, power or privilege is granted to transport to the property of the United States Steel Company, Falls Township, Bucks County.



The record is now certified to the Commission without hearing. Verified statements have been submitted by the applicant and the supporting shipper.

Reber Corporation, represented herein by its president, Floyd A. Reber, has its corporate headquarters at 2216 Old Arch Road, Norristown, Montgomery County, and its terminal at Plymouth Meeting, Montgomery County.

Service proposed herein will consist of the transportation of lime, in bulk, in pneumatic tank trailers. The origin point will be Kutztown, Maxatawny Township, and be destined for various points within the Commonwealth. Two-way operations are not feasible due to the contamination of the vehicles caused by the lime.

The balance sheets for the year 1977, submitted with the application, reveals current assets of \$173,387, current liabilities of \$127,293, and retained earnings of \$144,752. The income statement for the same year discloses operating revenue of \$823,183, operating expenses of \$775,963, with a net income of \$47,220.

Eastern Industries, Inc., P.O. Box 1388, Wescosville, Lehigh County, is represented herein by its vice president of marketing, Carl R. Kresge.

The applicant will be tendered 7 to 9 truckloads of lime per day. This transportation was formerly provided in company-owned vehicles. Lime is no longer being transported in said vehicles. No other common carriers are available to provide the proposed service.

DISCUSSION AND FINDINGS

Reber Corporation is seeking to amend its certificate of public convenience to permit it to transport bulk lime from the borough of Kutztown in the township of Maxatawny, Berks County to points in Pennsylvania.

The proposed service will replace the supporting shipper's private carriage, which has been withdrawn from transporting lime.

Since the following grant of authority is being limited to one specific shipper, Eastern Industries, Inc., the first restrictive amendment submitted by the applicant regarding the Celotex Corporation is being excluded:

We find:

1. That the applicant possesses the necessary equipment, experience and financial fitness to provide the service as amended and limited.
2. That a need exists for the proposed service as amended and limited.
3. That approval of the application, as amended and limited, is necessary for the accommodation and convenience of the public.

THEREFORE,

IT IS ORDERED: That the application, as amended and limited, be and is hereby approved, and that the certificate issued on October 20, 1972, be amended to include the following right:

To transport, as a Class D carrier, lime, in bulk, in pneumatic tank vehicles, for Eastern Industries, Inc. from the borough of Kutztown, in the township of Maxatawny, Berks County, to points in Pennsylvania.

subject to the following condition:

total assets of \$605,339, current liabilities of \$263,026, total liabilities of \$366,200 and retained earnings of \$239,133. An income statement for the year 1979 indicates operating revenues of \$1,401,500, operating expenses of \$1,407,340 and a net operating income of 34,220.

Thomas J. Musicki, vice-president of National Minerals Corporation (National Minerals) or shipping, sets forth that this company is domiciled in or near Indiana, Indiana county and it is engaged in the business of selling and marketing fly ash. National Minerals supports the service proposed in the amended application for transportation of fly ash from the named terminals, its points in Pennsylvania, private and public via private carriage and its private label is suitable to handle the transportation resulting from increased orders of this customer during peak demand periods. National Minerals desires an amendment to private carriage and is not aware of other carriers able to meet the transportation requirements.

National Minerals will tender to be approximately 150,000 tons of fly ash annually. It expects additional peak demand periods, to tender applicant 200 tons weekly from the Erie terminal, 500 tons weekly from the Indiana terminal, 1,000 tons weekly from the Shickota terminal, 200 tons weekly from the Homer City terminal and 300 tons weekly from the Cumart Township terminal. No tonnage is given at present for service from the Wyandotte terminal and service is also needed from said terminal on operations. National Minerals fly ash is customer shell assignment manufacturers and users located at points throughout Pennsylvania such as Pittsburg, Altoona, Bradford, Erie, Philadelphia, Norristown, Marion Center, Millersburg, Millport, Allentown, Ephrata and Herronville.

DISCUSSION AND FINDINGS

Applicant has held common carrier authority from the Commission since 1972 and seeks additional authority to tender transportation of fly ash in pneumatic tank vehicles from six terminals of National Minerals Corporation to points in Pennsylvania. Private carriage is currently utilized by shipper, but increased orders from customers make it unable to handle the needed transportation which its own equipment. Existing service appears to be inadequate since no carrier apparently has the proper authority required to service shippers with pneumatic tank vehicles. The supporting shipper needs transportation for 150,000 tons annually from its terminal and expects to use applicant during daily peak periods for from three to 15 truckloads. Applicant appears to be willing and able to tender the proposed service.

1. Findings

1a. Applicant has the equipment, experience and financial capacity necessary to tender the proposed service.

2. A need has been demonstrated to exist for the service proposed in the amended application.

3. Private carriers and other common carriers cannot meet the Shipper's increased demands for transportation of fly ash in bulk in pneumatic tank vehicles.

4. Approval of the application, as amended, appears to be an accommodation and convenience to the public. THEREFORE,

IT IS ORDERED that the application, as amended, be and it hereby approved and that the said order, issued on application October 20, 1978, as amended, be further amended to include the following article:

To transport, as a Class I carrier, fly ash, in bulk, in pneumatic tank vehicles, from the terminals of National Minerals Corporation located in the boroughs of the Alexandria and New Bloomers, Westmoreland County, the boroughs of Indiana, Shelocta and Homer, City of Indiana County, and the township of Centre, Westmoreland County, Pennsylvania.

IT IS FURTHER ORDERED that the applicant shall not engage in any transportation granted herein until he shall have complied with the requirements of the Pennsylvania Public Utilities and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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 hereinafter 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,

W. J. Theisen
William J. Theisen
Secretary

(SEAL)

ORDER ADOPTED: May 17, 1980

ORDER ENTERED: MAY 29, 1980

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission to any proceedings that may be brought before it for any purpose, to fix a valuation on the right 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the value herein granted, in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550-Other Intangible Property, \$10,000, being the amount of the consideration payable by it for the right and going concern value attributable thereto, less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 202 (e) of the Public Utility Law of May 28, 1937, (P.L. 1053) as amended by Act No. 215 of October 7, 1976.

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 Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and tariffs establishing just and reasonable rates.

IT IS FURTHER ORDERED: That the following restriction be placed against the transferor's rights at A-00016085:

The rights at A-00016085, folders 76, 97, 98, 100, 102, 119 and 118 shall be subject to the following condition:

No right, power or privilege is granted to transport cement in bulk in tank or hopper-type vehicles, or containers and cement in bags, packages or other containers from points in the township of Malden, Berks County; the borough of West Conshohocken and the township of Upper Merion, Montgomery County; the borough of Coplay and the townships of Upper Merion, Whitehall and North Whitehall, Lehigh County; to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to points in the aforementioned boroughs and townships.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty 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 this order the rights granted the transferor, Reading Transportation Company, a corporation of the Commonwealth of Pennsylvania, at A-00016085 and various folders be modified as outlined in the order at A-00094854, P. 2, Am-B.

BY THE COMMISSION,


William P. Tierfelder
Secretary

(SEAL)

ORDER ADOPTED: December 7, 1979

ORDER ENTERED: **JAN 7 1980**

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 21, 1980

Commissioners Present:

Susan M. Shanahan, Chairman
Michael Johnson
James H. Coley
Hinda C. Tallafurro

Application of Reber Corporation, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate which grants the right, inter alia, to transport by motor vehicle property for the United States Gypsum Company between points in the city and county of Philadelphia and from said points to points east of the western boundaries of the counties of McKean, Elk, Clearfield, Cambria and Somerset, with the return of pallets, skids, platforms or containers and damaged or rejected articles, excluding transportation to and from the borough of Lewistown and the village of Belleville, Mifflin County, and the boroughs of State College and Bellefonte, Centre County, SO AS TO PERMIT the transportation of roofing and building materials and materials, equipment, and supplies used in or incidental to the manufacture, installation, and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation in the township of Richland, Bucks County, to points in Pennsylvania, and vice versa.

A-00096874

P
/am-P

Sheri B. Friedman for applicant
Jerome Solomon for Tajon, Inc. protestant
H. Ray Pope for Paul L. Zamberlan & Sons, Inc. protestant

1980

ORDER

BY THE COMMISSION:

This matter came before the Commission on an application filed August 1, 1978. Public notice of the application was given in the Pennsylvania Bulletin of August 25, 1978. Protests were filed by Tagon Inc., and Paul E. Zamboni & Sons, Inc. The protests were withdrawn predicated on Commission's acceptance of amendments excluding transportation of commodities in bulk in dump vehicles to or from points within fifty (50) statute miles of the limits of the city of Pittsburgh, Allegheny County; transportation of bricks, tile or clay products from the borough of Lewis Run, McKean County, and the borough of Summerville, Jefferson County; and transportation of stone or building brick from the county of Clearfield to points in Pennsylvania.

The application is now approved and the record is certified to the Commission without hearing. The record consists of verified statements filed by applicant and Georgia-Pacific Corporation, the supporting shipper.

Floyd A. Reber, president of Reber Corporation (hereinafter Reber or applicant), sets forth in his statement that his company is domiciled in the borough of Bearstown, Montgomery County. Reber holds authority from the Commission, under plans to transport dry commodities in bulk in tank vehicles, such commodities as fly ash, cements, pebble lime, building lime, agricultural lime, etc. Georgia-Pacific Corporation requested applicant to file for the proposed service. The service involves transportation of roofing and building materials and materials, equipment and supplies used in or incidental to the manufacture, installation and distribution of roofing and building materials from the Richland Township facility of Georgia-Pacific Corporation, to points in Pennsylvania, and vice versa. Applicant owns and operates 13 tractors and 38 trailers, including flatbed units and pneumatic tank trailers. Shipper requires service by both flatbed and pneumatic tank equipment and it has sufficient equipment available to meet the demands of shipper for service. Reber will load the commodities at the Richland facility of Georgia-Pacific Corporation for delivery statewide and provide inbound service from Pennsylvania points to said facilities.

Applicant has the equipment and personnel necessary to provide service now, however, if additional equipment and personnel are required the corporation is in a financial position to acquire them. Reber, in its financial statement, indicates total assets of \$476,602 at the end of 1978, against total liabilities of \$288,968. Its income statement for 1978 shows a net operating income of \$63,862 realized from revenues of \$1,266,773. No dual operation or duplicate authority should result if the application is approved.

Sidney P. Mackenzie, assistant transportation manager of the Gypsum Division, Georgia-Pacific Corporation (Georgia or shipper), states that Georgia is engaged in the manufacture of paper, paper board, converted paper products, pulp, plywoods, chemicals, gypsum and gypsum products, roofing, lumber, flake board, paint and paint materials and wood and aluminum building materials. Georgia is presently constructing a new plant for manufacture of roofing materials near Quaker Run, Richland Township, Bucks County, and operations are slated to commence in the interval of 1979 or early 1980. Addendum A is an exhibit detailing some of the roofing and building materials that will be manufactured and/or distributed from the new plant in Richland Township. The products are used in the construction and building industry as well as a number of other industries. Its customers at Pennsylvania points include building contractors, lumber yards, farm and ranch stores, building materials supply houses, cooperatives, and Federal, State and local government installations. Georgia markets its products through its own warehouses or distribution centers and they are presently located in Pennsylvania at King of Prussia, Lancaster, New Stanton and Yaretsville. In addition a new distribution center is being constructed in Fogelsville. In 1977 a total of 250,000 net tons of roofing materials were purchased from other sources and sold through its distribution centers. The Richland Township plant will manufacture 101,610 net tons of finished roofing materials. An undetermined amount of building materials will be shipped from the new plant to customers and its distribution centers. In addition to the roofing products it will manufacture and ship. Most of the tonnage outbound is expected to be transported via motor carriage and a total of 60 pieces of flatbed equipment will be required daily. An increase in production to 405,000 net tons annually as contemplated and outbound requirements for transportation would then increase to approximately 100 flatbed units daily. Its sales force hopes to sell 40 percent of the annual production to customers at Pennsylvania points and estimates 16 truckloads would be shipped daily to Pennsylvania points. Inbound transportation of a certain amount of raw materials, equipment and supplies used in the manufacture, installation and distribution of roofing and building materials to the new facility will be required and the transportation will be primarily via motor carrier. Items it will receive are adhesive, asphalt, chemicals, petroleum products or by-products, limestone, filler, building paper or felt, wrappers, tape, nails, pallets, wood chips, glass fiber matting, talc and granules. The above materials are all used in manufacturing of roofing and preliminary studies indicate the new plant will have a daily requirement for inbound shipments of 140 net tons of limestone, 24 net tons of granules, 310 net tons of asphalt, 3,600 gallons of fuel oil and 135 net tons of dry felt paper. Other materials and supplies necessary to the manufacturing process and development of its product line are anticipated. The items listed will be purchased from various suppliers throughout Pennsylvania. On occasion inbound shipments of commodities such as asphalt, roof granules and limestone will be required and the transportation in pneumatic tank equipment, such as applicant possesses, will be required. In addition many carriers cannot meet its demands for emergency deliveries, scheduled

deliveries or multiple deliveries through Georgia needs a carrier such as applicant who has statewide authority both to and from the Richland facility, who can supply flatbed and pneumatic tank equipment in the quantity required and who can make scheduled deliveries, job site deliveries, multiple deliveries and split deliveries. It is necessary to meet its large volume requirements for transportation. Due to the volume of traffic to be transported to and from the Richland Township plant, it has supported numerous other common and contract carrier applications for similar type authority and they have recently been granted authority.

DISCUSSION AND FINDINGS

Applicant has held common carrier authority from the Commission since 1972 and seeks additional authority to render service from the facilities of Georgia-Pacific Corporation in Richland Township, Bucks County, to points in Pennsylvania and vice versa. Georgia supports the proposed service to Pennsylvania points from its new plant both inbound and outbound. Common carriers in the area of origin with statewide authority did not have the necessary flatbed equipment or pneumatic tank trucks available to meet the inbound and outbound traffic requirements of shipper's new plant. Recently, numerous carriers have received authority to serve the new plant and Georgia supports applicant for this additional service to ensure it has sufficient carriers available to meet the high volume traffic anticipated to and from the Richland plant. Approval of the instant application will help the supporting shipper to meet its transportation requirements.

We find that:

1. Applicant appears to have the experience, equipment and financial capacity necessary to render the proposed service.
2. A need has been demonstrated to exist by Georgia-Pacific Corporation for statewide service by flatbed and pneumatic tank units to and from its new plant in the township of Richland, Bucks County.
3. Existing carrier service is not available in the quantities required by the traffic to be tendered both inbound and outbound from the shipper.
4. 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 the certificate issued to applicant on October 20, 1972, as amended, be further amended to include the following right

to transport, as a Class D carrier, roofing and building materials, and materials, equipment, and supplies used in

or incidental to the manufacture, installation, and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation in the township of Richland, Bucks County, at points in Pennsylvania, and vice versa.

subject to the following conditions:

That no right, power or privilege is granted to transport commodities in bulk in dump vehicles to or from points within fifty (50) statute miles of the limits of the city of Pittsburgh, Allegheny County.

That no right, power or privilege is granted to transport brick, tile or clay products from the borough of Lewis Run, McKean County, and the borough of Summerville, Jefferson County, and face or building brick from the county of Clearfield to points in Pennsylvania.

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 Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: March 21, 1980

ORDER ENTERED: MAR 28 1980

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 14, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Reber Corporation, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of fly ash, in bulk, in pneumatic tank vehicles for National Minerals Corporation, from the facilities of Metropolitan Edison Electric Company, in the borough of Portland, Northampton County, to points in Pennsylvania.

A-00094854
F. 2
Am-H

Sheri B. Friedman for Reber Corporation.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 28, 1980. Public notice of the application was given in the Pennsylvania Bulletin of April 19, 1980. The application is unopposed and the record is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and its supporting shipper.

Floyd A. Reber, president of Reber Corporation (applicant or Reber), set forth in his verified statement that the applicant operates as a Pennsylvania intrastate carrier from a facility at Norristown, Montgomery County. Reber has 22, 1,000 cubic foot pneumatic semi-tanker units available to provide the service herein proposed to the supporting shipper. All equipment is operated in compliance with Commission and Federal safety regulations.

As evidence of its financial capacity to operate the additional service proposed, the applicant entered its balance sheet and income statement as of December 31, 1979. Reber reports total current assets of \$254,476, total assets of \$605,533, current liabilities of \$243,024, and total liabilities of \$366,200. Operating revenue of \$1,491,569 produced a net operating income of \$83,729 after expenses of \$1,407,840.

Thomas J. Maechler, vice president and general manager of National Minerals Corporation (shipper or National), set forth in his verified statement that the shipper is a marketer of fly ash and bottom ash, which is sold to cement users at such points as Pittsburgh, Hanover, Shrewsbury, Bradford, Erie, Philadelphia, Norristown, Marion Center, Wilkes-Barre, Allentown, Harrisburg, Ephrata and Terre Hill. Currently, fly ash moves to customers via their own vehicles. National desires a common carrier be available to handle this traffic.

It is expected that 10,000 tons of fly ash per year will be tendered to the applicant within the scope of the instant application. During peak demand periods, as many as, three loads (230 tons) per day will be given to Reber. National's own trucks are unable to handle this volume and certificated carriers with both the authority and sufficient vehicles to render full service have generally been unavailable.

DISCUSSION AND FINDINGS

Reber seeks to provide transportation for the account of one shipper moving fly ash from the Metropolitan Edison Electric Company's facility in the borough of Portland, Northampton County, to various points in Pennsylvania. The traffic will be handled in pneumatic tank vehicles.

Reber is an experienced bulk carrier with the specialized equipment necessary to render the proposed service. The applicant is in a financially sound position and National seeks the applicant's service to meet its expanding needs which are not now fulfilled by existing carriers. The shipper has a substantial volume of fly ash per year for intrastate movement to various statewide destinations. We are convinced by the evidence before us that approval of the application will aid in meeting the specific needs of the shipper and is an accommodation and convenience to the public in general.

We find:

1. The applicant is an experienced bulk commodities carrier with the appropriate equipment and financial capacity necessary to render the proposed service.

2. The supporting shipper has a requirement for the movement of a substantial volume of fly ash from the Metropolitan Edison Electric Company's facilities to various customers statewide.

3. Approval of the application will aid the shipper in meeting its specific transportation requirement and approval of the application will benefit the public generally; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued October 20, 1972, as amended, be further amended to include the following right:


To transport, as a Class D carrier, fly ash, in bulk in pneumatic tank vehicles, for National Minerals Corporation, from the facilities of Metropolitan Edison Electric Company, in the borough of Portland, Northampton County, to points in Pennsylvania.

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 the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

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,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: August 14, 1980

ORDER ENTERED: AUG 20 1980

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 10, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Reber Corporation for approval of the transfer to it of all of the operating rights held by George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4.

A-00094854
F. 2
Am-I

O R D E R

BY THE COMMISSION:

By application docketed April 16, 1980 Reber Corporation, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., under the certificate issued at A-00084128, F. 4.

We find the applicant to be fit to be granted the operating authority sought herein and the approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4 be approved and that the report and order of August 8, 1972 at A-00094854, F. 2, and the certificate issued pursuant thereto, as modified and amended, be further modified and amended to include the following rights:

1. To transport, as a Class D carrier, road and building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of thirty (30) miles from point of origin to point of destination in the counties of Philadelphia, Delaware, Montgomery and Bucks, excluding transportation between points in the city and county of Philadelphia;

with right no. 1 above subject to the following condition:

That no right, power or privilege is granted to transport iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products from the property of the United States Steel Corporation (formerly the United States Steel Company) located in Falls Township, Bucks County, to points in the counties of Philadelphia, Delaware, Montgomery and Bucks, and vice versa.

2. To transport, as a Class D carrier, bulk building materials and bulk building supplies, such as are usually transported in dump trucks, between points in the counties of Chester, Berks, Philadelphia, Delaware, Montgomery and Lancaster, provided no haul shall exceed a distance of forty (40) miles from point of origin to point of destination; excluding the transportation of wood, poles and forest products and excluding the transportation of sand, gravel, crushed stone and slag from points in Philadelphia.
3. To transport, as a Class D carrier, property, except sand, gravel, crushed stone and slag, for the American Telephone and Telegraph Company and the Philadelphia Electric Company, between points in Pennsylvania within one hundred (100) miles by the usually traveled highways of the village of Devault, Chester County;

with rights numbers 2 and 3 above subject to the following condition:

That no right, power or privilege is granted to transport household goods in use.

4. To transport, as a Class D carrier, lime and lime products, limestone and limestone products in dump trucks and dump trailers from points in the townships of Tredyffrin, East Whiteland and Charlestown, Chester County, to points within an airline distance of one hundred fifty (150) miles of the point of origin.
5. To transport, as a Class D carrier, lime and lime products, limestone and limestone products in dump trucks and dump trailers from the borough of Bellefonte, Centre County and the village of Annville, Lebanon County, to points within an airline distance of fifty (50) miles of the limits of the borough of Malvern, Chester County.

6. To transport, as a Class D carrier, bulk building materials in dump vehicles for Mehl and Latta Lumber Company from its place of business in the village of Frazer, Chester County, to its customers in the counties of Lehigh and Northampton.
7. To transport, as a Class D carrier, clay in dump vehicles from points in the counties of Delaware and Chester in the Penn Steel Castings Company in the city of Chester, Delaware County.
8. To transport, as a Class D carrier, waste products from the plant of Lukens Steel Company in the city of Coatesville, Chester County, to points within seventy-five (75) miles of the limits of the borough of Malvern, Chester County, and the return of refused or rejected shipments.
9. To transport, as a Class D carrier, lumber for T. W. Stuart and Company, Inc., from points in the village of Exton, Chester County, and the city of Philadelphia, Philadelphia County, to points within an airline distance of one hundred fifty (150) statute miles of the limits of the borough of Malvern, Chester County, and the return of refused or rejected shipments.
10. To transport, as a Class D carrier, ores, ore concentrates, ferroalloys and limestone, for C. E. Minerals Division of Combustion Engineering, Inc., from points in the borough of Conshohocken, Montgomery County, and the city and county of Philadelphia to points within an airline distance of seventy-five (75) statute miles of the limits of the borough of Malvern, Chester County, and the return of refused or rejected shipments to point of origin;

with right numbers 8, 9 and 10 above subject to the following condition:

That no right, power or privilege is granted to transport any materials and supplies used in the production of blast furnace products to points in the township of Mill Creek, Lebanon County;

with all of the above rights subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$62,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

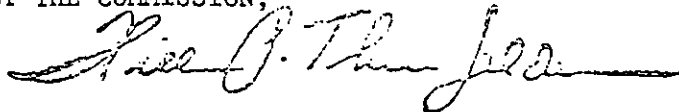
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable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

IT IS FURTHER ORDERED: That issuance of this order be withheld pending receipt of payment of the fiscal year 1980-1981 assessments by the transferor and transferee.

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 this order the rights granted the transferor George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4, be cancelled and the record be marked closed.

BY THE COMMISSION,



William P. Thierfelder
Secretary



(SEAL)

ORDER ADOPTED: July 10, 1980.

ORDER ENTERED: JUL 18 1980

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 10, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Reber Corporation for approval of the transfer to it of all of the operating rights held by George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4.

A-00094854
F. 2
Am-I

O R D E R

BY THE COMMISSION:

By application docketed April 16, 1980 Reber Corporation, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., under the certificate issued at A-00084128, F. 4.

We find the applicant to be fit to be granted the operating authority sought herein and the approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4 be approved and that the report and order of August 8, 1972 at A-00094854, F. 2, and the certificate issued pursuant thereto, as modified and amended, be further modified and amended to include the following rights:

1. To transport, as a Class D carrier, road and building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of thirty (30) miles from point of origin to point of destination in the counties of Philadelphia, Delaware, Montgomery and Bucks, excluding transportation between points in the city and county of Philadelphia;

with right no. 1 above subject to the following condition:

That no right, power or privilege is granted to transport iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products from the property of the United States Steel Corporation (formerly the United States Steel Company) located in Falls Township, Bucks County, to points in the counties of Philadelphia, Delaware, Montgomery and Bucks, and vice versa.

2. To transport, as a Class D carrier, bulk building materials and bulk building supplies, such as are usually transported in dump trucks, between points in the counties of Chester, Berks, Philadelphia, Delaware, Montgomery and Lancaster, provided no haul shall exceed a distance of forty (40) miles from point of origin to point of destination; excluding the transportation of wood, poles and forest products and excluding the transportation of sand, gravel, crushed stone and slag from points in Philadelphia.
3. To transport, as a Class D carrier, property, except sand, gravel, crushed stone and slag, for the American Telephone and Telegraph Company and the Philadelphia Electric Company, between points in Pennsylvania within one hundred (100) miles by the usually traveled highways of the village of Devault, Chester County;

with rights numbers 2 and 3 above subject to the following condition:

That no right, power or privilege is granted to transport household goods in use.

4. To transport, as a Class D carrier, lime and lime products, limestone and limestone products in dump trucks and dump trailers from points in the townships of Tredyffrin, East Whiteland and Charlestown, Chester County, to points within an airline distance of one hundred fifty (150) miles of the point of origin.
5. To transport, as a Class D carrier, lime and lime products, limestone and limestone products in dump trucks and dump trailers from the borough of Bellefonte, Centre County and the village of Annville, Lebanon County, to points within an airline distance of fifty (50) miles of the limits of the borough of Malvern, Chester County.

6. To transport, as a Class D carrier, bulk building materials in dump vehicles for Mehl and Latta Lumber Company from its place of business in the village of Frazer, Chester County, to its customers in the counties of Lehigh and Northampton.
7. To transport, as a Class D carrier, clay in dump vehicles from points in the counties of Delaware and Chester in the Penn Steel Castings Company in the city of Chester, Delaware County.
8. To transport, as a Class D carrier, waste products from the plant of Lukens Steel Company in the city of Coatesville, Chester County, to points within seventy-five (75) miles of the limits of the borough of Malvern, Chester County, and the return of refused or rejected shipments.
9. To transport, as a Class D carrier, lumber for T. W. Stuart and Company, Inc., from points in the village of Exton, Chester County, and the city of Philadelphia, Philadelphia County, to points within an airline distance of one hundred fifty (150) statute miles of the limits of the borough of Malvern, Chester County, and the return of refused or rejected shipments.
10. To transport, as a Class D carrier, ores, ore concentrates, ferroalloys and limestone, for C. E. Minerals Division of Combustion Engineering, Inc., from points in the borough of Conshohocken, Montgomery County, and the city and county of Philadelphia to points within an airline distance of seventy-five (75) statute miles of the limits of the borough of Malvern, Chester County, and the return of refused or rejected shipments to point of origin;

with right numbers 8, 9 and 10 above subject to the following condition:

That no right, power or privilege is granted to transport any materials and supplies used in the production of blast furnace products to points in the township of Mill Creek, Lebanon County;

with all of the above rights subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the 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 applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$62,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

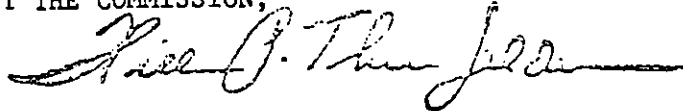
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable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

IT IS FURTHER ORDERED: That issuance of this order be withheld pending receipt of payment of the fiscal year 1980-1981 assessments by the transferor and transferee.

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 this order the rights granted the transferor George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4, be cancelled and the record be marked closed.

BY THE COMMISSION,



William P. Thierfelder
Secretary



(SEAL)

ORDER ADOPTED: July 10, 1980.

ORDER ENTERED: JUL 18 1980

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 25, 1980

Commissioners Present:

Susan M. Shanahan, Chairman

Michael L. Johnson

James B. Gawley

Linda C. Tallarico

Application of Reber Corporation, a
corporation of the Commonwealth of Penn-
sylvania, for amendment to its common
carrier certificate, SO AS TO PERMIT
the transportation of electrical masonry
cement, in bags, from the plant of
Centurion Products Co. located in
the township of Wayne, Schuylkill
County, to points in Pennsylvania.

A-00094854

P. 2

Am-1

Sheriff B. Friedman for Reber Corporation

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application
filed June 5, 1980. Public notice of the application was given in the
Pennsylvania Bulletin of June 28, 1980. The application is unopposed
and the record is certified to the Commission for its decision without
hearing. The record consists of verified statements entered by the
applicant and its supporting shipper.

Floyd A. Reber, president of Reber Corporation (applicant or
Reber), set forth in his verified statement that the applicant operates
as a Pennsylvania intrastate carrier from a facility at Norristown,
Montgomery County. Reber has 25 40-foot flatbed trailers and expects
that approximately five of these units will be placed into service to
the supporting shipper. All equipment is operated in compliance with
Commission and Federal safety regulations.

As evidence of its financial capacity to operate the additional
service proposed, the applicant entered its balance sheet and income
statement as of December 31, 1979. Reber reports total current assets

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DOCUMENT
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of \$254,476; total assets of \$608,500; current liabilities of \$243,027; and total liabilities of \$366,200; operating revenue of \$1,491,568; and produced a net operating income of \$83,729 after expenses of \$1,407,840.

Thomas Heuser, Treasurer of Centurion Products Co. (Shipper or Centurion), set forth in his verified statement that he is authorized to enter a verified statement and is fully familiar with the shipper's requirements. Centurion engages in the business of manufacturing colorbond masonry cement and has a requirement for the daily movement of approximately three truckloads. It is estimated that the shipper will tender to the applicant approximately 73,000 tons of colorbond masonry cement per year. The transportation here involved will originate at the shipper's plant in Wayne Township, Schuylkill County, destined to various points in Pennsylvania, such as Pottsville, Manover, Shrewsbury, Bradford, Erie, Philadelphia, Norristown, Marion Center, Wilkes-Barre, Allentown, Harrisburg, Ephrata and there will to name but a few.

The transportation of colorbond masonry cement is a new movement for Centurion which it cannot handle in its own vehicles and as yet no other carrier has been found with authority to provide the subject transportation. Approval of the application is urged so that Centurion will have available to it a carrier with appropriate authority to aid in meeting its full transportation requirements.

DISCUSSION AND FINDINGS

Reber seeks authority to serve one shipper from its plant in Wayne Township, Schuylkill County, to points in Pennsylvania. The applicant is an experienced common carrier and holds authority for the transportation of commodities similar to that here involved. We are of the opinion that the application has equipment appropriate for use in the proposed service with five attached units available for use in service to the shipper.

The supporting shipper has a new requirement for the transportation of colorbond masonry cement from its plant in Wayne Township, Schuylkill County to various customers throughout the Commonwealth. The shipper states that it does not at this time have a carrier available that can meet its transportation requirements with state-wide authority. Centurion urges approval of the application as an aid in meeting its requirements.

We find:

1. That the applicant has the experience, equipment and fitness to render the proposed service.
2. The applicant, through its supporting shipper, has established need for the service as an aid in meeting the shipper's requirements.

It is approved of the application appears to be an accommodation and convenience to the public. THEREFORE

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued October 20, 1972, as amended, be further amended to include the following rights:

to transport, as a Class D carrier, colorband masonry cement in bags from the plant of Centurion Products Co., in the township of Noyne, Schuylkill County, to points in Pennsylvania.

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 the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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 hereinafore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


William P. Tierfelder
Secretary

(SEAL)

ORDER ADOPTED: September 25, 1980

ORDER ENTERED: OCT 3 1980

PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF : APPLICATION DOCKET NO.
CENTRAL TRANSPORT, INC. : A-108155

JUL 5 1988
Pa. P. U. C.
Bureau Transportation

RECEIVED

PROTEST

JUL 5 1988

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

SECRETARY'S OFFICE
Public Utility Commission

In accordance with 52 Pa. Code §3.381, protest of the above application is hereby made on behalf of the below-named motor carrier(s):

CARRIER	ADDRESS	DOCKET NO.
Matlack, Inc.	One Rollins Plaza P.O. Box 8789 Wilmington, DE 19899	A-00067250

FILE

on the following grounds:

(1) That the service proposed will be detrimental to the existing authorized service of the above-named motor carrier(s). Adverse impact upon the above-named motor carrier(s) is set forth at Appendix 1 hereto.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accommodation, convenience or safety of the public.

A copy of the pertinent operating authority of the above-named motor carrier(s) is attached hereto as Appendix 2. Also attached hereto, as Appendix 3, is a suggested restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier(s) above-named. If no amendment is attached, no amendment is acceptable to satisfy protestant's interest.

PURSUANT TO SECTION 333(c) OF THE PUBLIC UTILITY CODE (66 PA. C.S. §333[c]), WE HEREBY REQUEST A LIST OF THE WITNESSES EXPECTED TO TESTIFY IN THE ABOVE-ENTITLED PROCEEDING, TOGETHER WITH THE SUBJECT MATTER OF THEIR ANTICIPATED TESTIMONY.

I hereby certify that a copy of this Notice of Protest has, on this date, been served upon applicant and/or its counsel (if any) by mailing a copy of same to the address(es) set forth in the Pennsylvania Bulletin dated 6/11/88.

cc: William A. Chesnutt, Esq.
Central Transport, Inc.
Martin C. Hynes, Jr., Vice Pres.-Mktg.

By: James W. Patterson
JAMES W. PATTERSON
Attorney for Protestant(s)
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, Pennsylvania 19106
(215) 925-8300

Date: June 30, 1988

DOCKETED
APPLICATION DOCKET
JUL 5 1988
ENTRY No.

DOCUMENT
FOLDER

MATLACK, INC.

Adverse Impact

Matlack, Inc. is presently providing an active, daily service pursuant to authority which duplicates, in part, the authority requested in the instant proceeding. A complete copy of Matlack's intrastate authority is attached to this protest as Appendix 2.

The service proposed by Applicant will be competitive with and detrimental to the service presently provided by Matlack. A grant of the instant application will interfere with the ability of protestant to provide service within Pennsylvania and will tend to divert important traffic and revenues from Matlack, Inc.

Certificate Number 67250

Folders 2, 3, 4, 4 Am-A, 4 Am-B,
4 Am-C, 4 Am-E, 5, 6, 7, 8, 9, 10,
11, 12, 12 Am-A, 13, 13 Am-A, 14,
15, 15 Am-A, 17, 18, 19, 20, 20 Am-A,
20 Am-B, 21, 21 Am-A, 21 Am-C

Supplement Nos. 8 and 9 contain
all changes.

SUPPLEMENT NO. 9

to
FREIGHT PA P.U.C. NO. 15
(New Issue)

MATLACK, INC.

LOCAL FREIGHT TARIFF

DIRECTORY

OF

OPERATING RIGHTS

This tariff applies only when, and to the extent, its application is authorized in tariffs made subject hereto by specific reference to the Freight PA P.U.C. Number shown above.

ISSUED: JANUARY 28, 1985

EFFECTIVE: JANUARY 29, 1985

"Issued under Special Permission No. 28116 of the Pennsylvania Public Utility Commission."

Issued by:

R. W. FREDRICK, Tariff Issuing Officer
Ten West Baltimore Avenue
Lansdowne, Pennsylvania 19050

TR 49-85 (5)

SCHEDULE OF RATES

Building Materials, in bulk, in dump trucks: 35 cents per one hundred pounds.

Rates, rules and regulations for all other authorized transportation as set forth herein shall be provided in the following tariffs, including supplements thereto and reissues thereof:

(A) Freight PA P.U.C. Nos. 2, 35, 131, 155, 156, 157, 159, 160, 162, 166, 167, 169, 170, 174 issued by Bulk Carriers Conference, Inc.

▲(B) Freight PA P.U.C. No. 23 issued by Philadelphia Chapter, Pennsylvania Motor Truck Association.

▲ :- Indicates Change

Certificate Number 67250

Folders 2, 3, 4, 4 Am-A, 4 Am-B, 4 Am-C, 4 Am-G
 4 Am-E, 5, 6, 7, 8, 9, 10, 11, 11 Am-A
 12, 12 Am-A, 13, 13 Am-A, 14, 15, 15 Am-A
 17, 18, 19, 20, 20 Am-A, 20 Am-B
 21, 21 Am-A, 21 Am-C, 21 Am-D
 2 Am-A, 19 Am-A, 21 Am-E
 21 Am-B, 21 Am-F

Supplement 8
 to
FREIGHT TARIFF PA-PUC 15
 cancels
 Supplement 7
 Supplement 8 contains
 All Changes

MATLACK, INC.

LOCAL FREIGHT TARIFF
 DIRECTORY
 OF
 OPERATING RIGHTS

This tariff applies only when, and to the extent,
 its application is authorized in tariffs made
 subject hereto by specific reference to the
 Freight PA-PUC Number shown above.

ISSUED: March 23 , 1981

EFFECTIVE: March 24 , 1981

Issued on one day's
 notice, PA Code, Title 52,
 Section 23.42

ISSUED BY:
 R. W. FREDRICK
 TARIFF ISSUING OFFICER
 MATLACK, INC.
 TEN WEST BALTIMORE AVENUE
 LANSDOWNE, PENNSYLVANIA 19050

SUPPLEMENT 8 to FREIGHT TARIFF PA-PUC 15

OPERATING RIGHTS
CERTIFICATE NO. 67250

1

Folder 4-Am-G

To transport, as a Class D carrier, dry sugar, in bulk in tank vehicles, from the city of Philadelphia, Philadelphia County, to points in Pennsylvania.

2

Folder 21-Am-D

To transport, as a Class "D" carrier, fly ash, in pneumatic tank vehicles, from the borough of Washingtonville, Montour County, to points in Pennsylvania.

3

Folder 11, Am-A

To transport, as a Class D carrier, cement, in bulk, from the plant site of Coplay Cement Company, in the borough of Nazareth, Northampton County, to points in Pennsylvania.

4

Folder 2, Am-A

To transport, as a Class D carrier, roofing and building materials, and materials, equipment and supplies used in or incidental to the manufacture, installation, and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation in the township of Richland, Bucks County, to points in Pennsylvania and vice-versa;

subject to the following conditions:

That no right, power or privilege is granted to render service in dump vehicles.

4

Folder 19, Am-A

To transport, as a Class D carrier, iron oxide dust, in bulk, in tank vehicles, from the facilities of Bethlehem Steel Corporation in the city of Bethlehem, Lehigh and Northampton Counties, to points in Pennsylvania.

1

Reissued from Supplement 1, effective June 8th, 1979

2

Reissued from Supplement 2, effective February 5, 1980

3

Reissued from Supplement 3, effective March 4, 1980

4

Reissued from Supplement 4, effective April 16, 1980

Certificate Number 67250

Folders 2, 3, 4, 4 Am-A, 4 Am-B, 4 Am-C,
4 Am-E, 5, 6, 7, 8, 9, 10, 11
12, 12 Am-A, 13, 13 Am-A, 14, 15, 15 Am-A
17, 18, 19, 20, 20 Am-A, 20 Am-B
21, 21 Am-A, 21 Am-C

FREIGHT TARIFF PA-PUC 15
Cancellation PA-PUC 7
FREIGHT TARIFF PA-PUC 7



matlack, Inc.
pipeline on wheels®

LOCAL FREIGHT TARIFF
DIRECTORY
OF
OPERATING RIGHTS

This tariff applies only when, and to the extent,
its application is authorized in tariffs made
subject hereto by specific reference to the
Freight PA-PUC Number shown above.

ISSUED: May 14, 1979

EFFECTIVE: May 15, 1979

Issued on one day's notice, PA-PUC Special
Permission No. 28116.
Dated November 2, 1978

ISSUED BY:
R. W. FREDRICK
TARIFF ISSUING OFFICER
MATLACK, INC.
TEN WEST BALTIMORE AVENUE
LANSLOWNE, PENNSYLVANIA 19050

OPERATING RIGHTS
Certificate No. 67250

Folder 2

To transport as a Class D Carrier, building materials, such as are usually transported in bulk in dump trucks, between points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Berks, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D Carrier, oil and petroleum products in bulk, in tank trucks, between points in the Village of Ithan, Delaware County, and within an airline distance of one hundred fifty (150) miles of said village.

To transport, as a Class D Carrier, oil and petroleum products in bulk, in tank trucks, for the Texas Company, from the borough of Coraopolis, Allegheny County, to points within an airline distance of one hundred fifty (150) miles of said borough and vice versa.

To transport as a Class D Carrier, naphtha for the Pittsburgh Asphalt Company, from points within an airline distance of one hundred (100) miles to its plant in the Borough of Worthington, Armstrong County.

To transport as a Class D Carrier, asphalt and other road oil from points in Pennsylvania to job sites within an airline distance of one hundred (100) miles of the points of origin.

To transport as a Class D Carrier, petroleum products in tank trucks, for E. M. Griswold and G. J. Rubrecht from the borough of Elizabeth, Allegheny County, to the city of Pittsburgh, Allegheny County, and vice versa.

To transport as a Class D Carrier, molasses residuum, in bulk for the National Molasses Company from Philadelphia to points in Pennsylvania within 200 miles by the usually traveled highways of the limits of said city.

Subject to the condition that the rights, powers and privileges hereby granted pertaining to the transportation of oil and petroleum products shall be limited and restricted to that which is transported in tank trucks.

Folder 3

To transport as a Class D Carrier, oil and petroleum products in bulk in tank trucks for the American Oil Company from Butler, Butler County to points in Mercer County, from the borough of Coraopolis, Allegheny County, to points in Mercer, Beaver and Lawrence Counties; from Floneffe, Allegheny County, to points in Lawrence County; from Hays, Allegheny County to points in the Counties of Allegheny, Beaver, Blair, Butler, Cambria, Centre, Greene, Fayette, Jefferson, Lawrence, Mercer, Washington and West Moreland; from the Borough of Midland.

(Continued on next page)

OPERATING RIGHTS
Certificate No. 672501

Folder 3 (Concluded)

Beaver County, to points in Butler and Mercer Counties; from Neville Island, Allegheny County, to points in Mercer and Washington Counties.

To transport as a Class D Carrier, petroleum products in bulk in tank trucks for the Texas Company from the city of Pittsburgh and points within an airline distance of fifteen (15) miles thereof to points in Pennsylvania west of the eastern boundaries of the Counties of Lycoming, Tioga, Union, Snyder, Juniata, Perry, Cumberland and Adams.

To transport as a Class D Carrier, petroleum products in bulk in tank trucks for the Standard Oil Company of Pennsylvania between points in Pennsylvania west of the eastern boundaries of the Counties of Lycoming, Tioga, Union, Snyder, Juniata, Perry, Cumberland, and Adams.

To transport as a Class D Carrier, petroleum products in bulk in tank trucks for the Standard Oil Company of New Jersey between points in Pennsylvania west of the eastern boundaries of the counties of Lycoming, Tioga, Union, Snyder, Perry, Cumberland and Adams.

To transport as a Class D Carrier, oil and petroleum products in bulk in tank trucks for the Ashland Oil and Refining Company from the Village of Floreffe, Allegheny County, to points in the Counties of Allegheny, Beaver, Butler, and Lawrence, and the Borough of Geneva, Crawford County.

To transport as a Class D Carrier, oil and petroleum products in bulk in tank trucks between points in the Borough of Emsworth, Allegheny County, and within an airline distance of one hundred fifty (150) miles of said borough; excluding transportation as an area of origin, from the northwest portion of the Commonwealth of Pennsylvania, bounded by the south line of Venango County extending westward to the state line and extending eastward to the east line of McKean County extended to the northern boundary of Pennsylvania, thence northward along the northern boundary of Pennsylvania to the Ohio line, thence southward to the point and place of beginning, and as an area of destination, to points within an airline distance of one hundred (100) miles of Warren, Pennsylvania.

Subject to the condition that no right, power or privilege is hereby granted to transport gasoline or other petroleum products in compartment tank trucks, which total load shall not exceed fifteen hundred (1500) gallons per vehicle or combination thereof, for the American Oil Company from its bulk plant in the County of Allegheny to service stations or commercial accounts located within an airline distance of fifty (50) miles of the City-County building in the City of Pittsburgh, Allegheny County.

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CONTINUED