

FILE

CONTINUED

OPERATING RIGHTS
Certificate No. 67250

Folder 4

To transport as a Class C Carrier, liquids (excluding milk) and liquified gases in bulk in tank vehicles, between points in Pennsylvania.

Folder 4Am-A

To transport, property excluding Household Goods in use, as a Class B carrier, between points in the City and County of Philadelphia.

To transport, used and reconditioned electrical refrigerators, as a Class D carrier, between points in the City of Philadelphia and within 25 miles by the usually travelled highways of the limits thereof, provided the point of origin or destination be restricted to the plant of the Associated Refrigerators, Inc., in the City of Philadelphia.

To transport, as a Class D Carrier, property in bulk in tank trucks excluding petroleum products and coal tar products from points in the Counties of Philadelphia and Bucks to points within an airline distance of 100 miles of the City Hall of Philadelphia and vice versa.

To transport, as a Class D Carrier, liquid chocolate, liquid syrup, liquid sugar and liquid extracts, in bulk in tank trucks from points in the City of Philadelphia, Philadelphia County, to points in Pennsylvania.

Folder 4Am-B

To transport, as a Class D Carrier, dry sugar, in bulk, from points in the City of Philadelphia to points in the City of Altoona, Blair County, and the return of refused or rejected shipments to the point of origin.

Folder 4Am-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.

Folder 4Am-E

To transport, as a Class D carrier, dry sugar, in bulk, in tank or hopper-type vehicles, from points in the city and county of Philadelphia to points in the borough of Rimersburg, Clarion County.

OPERATING RIGHTS
Certificate No. 67250

Folder 5

To transport, as a Class D Carrier, for the Alpha Portland Cement Company, (1) Dry Bulk Cement, in tank or hopper-type vehicles, and (2) Dry Cement in Bags or Containers, from its plant at Martins Creek, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Martins Creek, Northampton County, Pennsylvania.

Folder 6

To transport, as a Class D Carrier, for the Dragon Cement Company, (1) Dry Bulk Cement, in tank or hopper-type vehicles, and (2) Dry Cement in bags or containers, from its plant at Northampton, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Northampton, Northampton County, Pennsylvania.

Folder 7

To transport, as a Class D Carrier, for the Whitehall Cement Manufacturing Company, (1) Dry Bulk Cement, in tank or hopper-type vehicles, and (2) Dry Cement in bags or containers, from its plant site located at Cemer-ton, Lehigh County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of Cement from points in Pennsylvania to Cemer-ton, Lehigh County, Pennsylvania.

Folder 8

To transport, as a Class D Carrier, for the Keystone Portland Cement Company, (1) dry bulk cement, in tank or hopper-type vehicles, and (2) dry cement in bags or containers, from East Allen and Upper Nazareth Townships, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to East Allen and Upper Nazareth Townships, Northampton County, Pennsylvania.

Folder 9

To transport, as a Class D Carrier, for the National Portland Cement Company, (1) dry bulk cement, in tank or hopper-type vehicles and (2) dry cement in bags or containers, from its plant at Brodhead, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Brodhead, Northampton County, Pennsylvania.

OPERATING RIGHTS
Certificate No. 67250

Folder 10

To transport, as a Class D Carrier, for the Giant Portland Cement Co., (1) dry bulk cement, in tank or hopper-type vehicles, and (2) dry cement in bags or containers, from its plant at Egypt, Lehigh County, to points in Pennsylvania, and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Egypt, Lehigh County, Pennsylvania.

Folder 11

To transport, as a Class D Carrier, for the Coplay Cement Manufacturing Company, (1) dry bulk cement, in tank or hopper-type vehicles, and (2) dry cement in bags or containers, from its plant site in Coplay and Whitehall Township, Lehigh County to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Coplay and Whitehall Township, Lehigh County, Pennsylvania.

Folder 12

To transport, as a Class D Carrier, sand, clay, gravel, powdered or granular carbonaceous materials, binders, foundry and refractory compounds, all dry, in bulk, in tank or hopper-type vehicles, excluding fly ash, portland and masonry cement, between points in the boroughs of Honeybrook and Spring City, Chester County, and from points in said boroughs to points in Pennsylvania and vice versa, except clay from points in the County of Lancaster and Limestone and Limestone products from points in the Counties of Lycoming, Montour, and Clinton.

To transport, as a Class D Carrier, powdered coke, in bulk, in tank or hopper-type vehicles, for George F. Pettinos, Inc., from the City of Pittsburgh, Allegheny County, to points beyond fifty (50) miles of the limits of the City of Pittsburgh.

Folder 12Am-A

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.

Folder 13 and 13 Am-A

To transport, as a Class D Carrier, Edible Flour, in bulk, between points in Pennsylvania. ✓

Folder 14

To transport, as a Class D Carrier, Urea, in bulk, from points in the County of Montgomery to points in the County of Cumberland, and vice versa.

SUPPLEMENT 8 TO FREIGHT TARIFF PA-PUC 15

OPERATING RIGHTS
Certificate No. A67250

7

Folder 21, Am-E

To transport, as a Class D carrier, flue dust, in bulk, in tank vehicles from points in Pennsylvania to points in the Borough of Ellwood City, Lawrence and Beaver Counties.

Order dated January 27, 1981

6

Folder 21, Am-B

To transport, as a Class D carrier, rock salt, in bags, from the village of Brodhead, Bethlehem Township, Northampton County, to points in Pennsylvania. (For rates see Matlack, Inc. Tariff Freight-PA-PUC No. 14)

6

Folder 21, Am-F

To transport, as a Class D carrier, carbon scrap flour, in bulk in tank vehicles, from the borough of Punxsutawney, Jefferson County, to points in the borough of St. Mary's, Elk County.

Folder 4

To transport as a Class C Carrier, liquids (excluding milk) and liquefied gases in bulk in tank vehicles, between points in Pennsylvania.

▲ For rates to apply on Liquid Cryogenics and Compressed Gases when transported in bulk, in shipper provided vehicles, see Tariff PA PUC 19.

6 - Reissued from Supplement 6, effective December 13, 1980

7 - Reissued from Supplement 7, effective February 24, 1981

▲ Denotes change in wording

OPERATING RIGHTS
Certificate No. 67250

Folder 15

To transport, as a Class D Carrier, dry cement, having a prior movement by rail and/or water, between points in Pennsylvania.

Subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport dry cement in bags between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually travelled highways of the limits of said city and county.

SECOND: That no right, power or privilege is granted to transport dry cement produced at or originating at the plants 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.

THIRD: That no right, power or privilege is granted to transport dry cement in dump vehicles.

Folder 15 Am-A

To transport, as a Class D Carrier, dry bulk cement in tank or hopper-type vehicles and dry cement in bags or containers from the plant site of the Universal Atlas Cement Division, United States Steel Corporation, in the borough of Northampton, Northampton County, to points in Pennsylvania; and rejected or returned shipments of the foregoing commodity, empty containers and other facilities used in the transportation of cement, from points in Pennsylvania to points in the Borough of Northampton, Northampton County.

Folder 17

To transport, as a Class D Carrier, Coal Tar Pitch, in bulk in pressurized vehicles, from points in the Borough of West Elizabeth, Allegheny County, to points in the City of Bethlehem, Lehigh and Northampton Counties.

Folder 18

To transport, as a Class D Carrier, Dry Phosphates (except when to be used as a feed or feed ingredient), in bulk, from the Borough of Morrisville, Bucks County, to points in the village of Frisco, Franklin Township, Beaver County, and return or refused or rejected shipments to the point of origin.

Folder 19

To transport, as a Class D Carrier, ground iron ore, in bulk, in pneumatic tank vehicles, from points in East Whiteland Township, Chester County, to points in Pennsylvania, and the return or refused or rejected shipments to the point of origin.

| OPERATING RIGHTS Certificate No. 67250 | |
|---|--|
| Folder 20 | |
| To transport, as a Class D Carrier, Dry Resin, in bulk, from points in the township of Lower Pottsgrove, Montgomery County, to points in Pennsylvania, and the return or refused or rejected shipments to the point or origin. | |
| Folder 20 Am-A | |
| To transport, as a Class D Carrier, lead oxide, in bulk, except in dump vehicles, from points in the township of West Pottsgrove, Montgomery County to points in Pennsylvania, and the return of refused or rejected shipments to the points of origin. | |
| Folder 20 Am-B | |
| To transport, as a Class D Carrier, dry chemicals, in bulk, in tank or hopper-type vehicles, from points in the borough of Norristown, Montgomery County, to points in Pennsylvania. | |
| Folder 21 | |
| To transport, as a Class D Carrier, plastic pellets, in bulk, except in dump vehicles, from points in the township of Canton, Washington County, to points in Pennsylvania, and the return of refused or rejected shipments to the point of origin. | |
| Folder 21 Am-A | |
| To transport as a Class D Carrier, plastic pellets, in bulk, from points in the township of Caln, Chester County, to points in Pennsylvania. | |
| ▲ Folder 21 Am-C | |
| To transport, as a Class D Carrier, soda ash, in dump vehicles, from the borough of South Heights, Beaver County, to points in Pennsylvania. | |
| | |

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 re issues thereof:

(A)▲ Freight PA. P.U.C. NOS. 2, 35, 131, 155, 166, 157, 159, 160, 162, 166, 167, 169, 170, 174. Issued by Bulk Carriers Conference, Inc., and

(B) Freight PA. P.U.C. NOS. 23 and▲36 issued by Tariff and enforcement department, Philadelphia Chapter, Pennsylvania Motor Truck Association.

THIS SPACE INTENTIONALLY LEFT BLANK

♦ - Indicates Increase

▲ - Indicates Change or Addition

LAW OFFICES

ABRAHAMS & LOEWENSTEIN

FOURTEENTH FLOOR

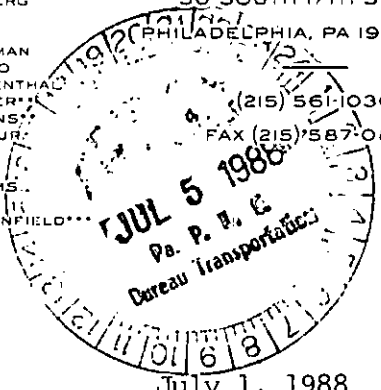
UNITED ENGINEERS BUILDING

30 SOUTH 17TH STREET

PHILADELPHIA, PA 19103-4096

ALBERT MOMJIAN
 MEYER A. BUSHMAN
 JEROME KAPLAN
 WARREN J. KAUFFMAN
 JOHN FRANCIS GOUGH
 EMANUEL A. BERTIN
 MORTON J. SIMON, JR.
 GARY M. EDELSON
 MARY CUSHING DOHERTY
 DAVID R. ROSENFELD
 ELLEN M. SWEENEY
 CHARLES M. HONEYMANT
 ROBERT D. FEDER
 RACHEL R. MUNAFO
 JONATHAN B. SPRAGUE
 GREGORY GAGLIONE***
 DIANE C. JOLLES
 AMY P. DE SHONG
 JANE GROSS MAKRANSKY

C. LAWRENCE RUTSTEIN
 ALAN KAHN
 ALLEN I. ROSENBERG
 MASON AVRIGIAN
 SAUL LEVIT
 ALLEN S. KELLERMAN
 H. RONALD KLASKO
 LEONARD B. ROSENTHAL
 HOWARD S. KRITZER
 ARLEN M. TOMPKINS
 HARRY M. BYRNE, JR.
 IRA W. BUSHMAN
 ARTHUR KORTH
 A. TAYLOR WILLIAMS
 MARCIA M. WILF
 ADRIENNE I. GREENFIELD
 MARK MOMJIAN
 CARON P. GRAFF



July 1, 1988

OF COUNSEL
 BENJAMIN S. LOEWENSTEIN
 ROBERT D. ABRAHAMS
 SIDNEY LOEWENSTEIN, 1910-1976

MONTGOMERY COUNTY OFFICE
 SUITE 700
 ONE MONTGOMERY PLAZA
 NORRISTOWN, PA 19401-4814
 (215) 277-7700
 FAX (215) 277-3211

WRITER'S DIRECT DIAL NUMBER

**ALSO MEMBER OF NEW JERSEY BAR
 **ALSO MEMBER OF NEW YORK BAR
 ***ALSO MEMBER OF DC BAR
 †ALSO MEMBER OF DELAWARE BAR
 ††MEMBER OF MARYLAND BAR ONLY

FILE RECEIVED

JUL 5 1988

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

SECRETARY'S OFFICE

Re: Application of Central Transport, Inc Public Utility Commission
 Docket No. A-00108155

Dear Mr. Rich:

Enclosed please find the original and two copies of the Protest of MIT Transportation Company, Inc. to the above application.

A U.S. Postal Service Certificate of Mailing Form 3817 is being obtained for this mailing and a copy of same will be sent to you under separate cover.

Sincerely,

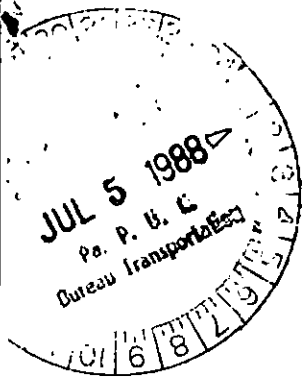
A. Taylor Williams C.K.

ATW:ck

Enclosures

cc: MIT Transportation Co, Inc. (w/encl.)
 William A. Chestnut, Esquire (w/encl.)





RECEIVED

JUL 5 1988

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE Public Utility Commission

IN RE: APPLICATION OF CENTRAL TRANSPORT, INC.

: DOCKET NO. A-00108155

PROTEST

The carrier named below, in accordance with the requirements of 52 Pa. Code Sec. 3.381, Special Rules of Administrative Practice and Procedures, hereby protests the granting of the above-captioned application and in support thereof avers as follows:

- 1. The protestant is: MIT Transportation Company, Inc. 500 N. Egg Harbor Road P.O. Box 410 Hammonton, NJ 08037
2. The protestant's attorney is: Alan Kahn, Esq. United Engineers Bldg. Fourteenth Floor 30 S. 17th Street Phila., PA 19103 (215) 561-1030

FILE

3. Protestant is a common carrier by motor vehicle and has a substantial interest herein in that the proposed operation is competitive with protestant's operation authorized at the above docket numbers. A copy of protestant's relevant operating authorities is attached hereto as Appendix A. Those portions of protestant's authority marked with an asterisk (*) are in specific conflict with the application.

Since no specific shippers are identified, it is impossible

DOCKETED 4

DOCKET 1988

DOCUMENT FOLDER

ENTRY No. [Signature]

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 derives substantial revenues therefrom, so that the adverse impact will be substantial.

5. The proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public.

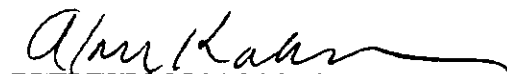
6. Also attached hereto, as Appendix 2, is a suggested restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier above-named. If no amendment is attached, no amendment is acceptable to satisfy protestant's interests.

7. 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.

Respectfully submitted,

MIT TRANSPORTATION COMPANY, INC.

BY:



ALAN KAHN, Esq.
Attorney for Protestant

OF COUNSEL:

ABRAHAMS & LOEWENSTEIN
Fourteenth Floor
United Engineers Building
30 South 17th Street
Philadelphia, PA 19103-4096
(215) 561-1030

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing protest upon counsel of record for the applicant, by mailing a copy thereof via first class mail, postage prepaid, as follows:

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

Dated at Philadelphia, PA this ^{1st} day of *July*, 1988.


A. TAYLOR WILLIAMS, Esq.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 16, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of Machise Interstate Transportation Company for an amendment to permit the transportation of petroleum products, in bulk, in tank vehicles, between points in Pennsylvania on and east of U.S. Highway Route 15.

A.102191, F.1, Am-D

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge Rudolph S. Pallastrone dated December 21, 1983, and his Ruling on Exceptions dated January 25, 1984; THEREFORE,

IT IS ORDERED:

1. That the Application of Machise Interstate Transportation Company at Docket Number A.00102191, F.1, Am-D, be and is hereby approved and that the certificate issued to applicant at Docket Number A.00102191, F.1, be amended to include the following rights:

* To transport, as a Class D carrier, petroleum products, except liquified (sic) propane gas (L.P.G.), in bulk, in tank vehicles, between points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia and from the said territory and from the Borough of Macungie, Lehigh County to points in PA on and east of U.S. Highway Route 15, and vice versa.

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

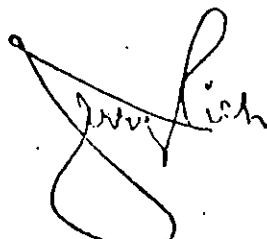
3. That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

4. That 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.

5. That the certificate holder shall comply with all provisions of the Public Utility Code as now exist or as may be hereafter amended, and with all pertinent regulations of the Commission as now in effect, or 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 this certificate.

6. That in the event applicant has not, on or before sixty (60) days from the date of service of this order, complied with the requirements set forth herein, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

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

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 16, 1984

ORDER ENTERED: APR 2 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 24, 1980

Commissioners Present:

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

Application of Machise Interstate Transportation
Co., for approval of the transfer to it of all of
the operating rights held by Pennsylvania Petroleum
Transportation Co., Inc., at A-00092465, F. 2.

A-00102191

O R D E R

BY THE COMMISSION:

By application docketed May 23, 1980, Machise Interstate
Transportation Co., a corporation of the State of New Jersey seeks approval
of the transfer to it of all the rights granted to Pennsylvania Petroleum
Transportation Co., Inc., a corporation of the State of Delaware, under
the certificate issued at A-00092465, F. 2.

We find the applicant to be fit to hold a certificate of
public convenience and that 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 Pennsylvania Petroleum Transportation Co., Inc., at A-00092465,
F. 2 be approved and that a certificate be issued to the applicant
granting the following rights:

1. To transport, as a Class D carrier, sorbitol for the Merck
Chemical Company, Inc., in bulk in tank trailers, from
points in the borough of Riverside, Northumberland County,
to points in the city of Williamsport, Lycoming County,
and points in the city and county of Philadelphia.
- * 2. To transport, as a Class D carrier, petroleum products
by tank trucks between points in the city and county of
Philadelphia.
- * 3. To transport, as a Class D carrier, petroleum products
by tank trucks from points in the city and county of
Philadelphia to points within an airline distance of
twenty-five (25) statute miles of the Philadelphia City
Hall.

- * 4. To transport, as a Class D carrier, petroleum products by tank trucks for the National garages from the city of Philadelphia, Philadelphia County, to their service stations and garages in the city of Harrisburg, Dauphin County.
- * 5. To transport, as a Class D carrier, oil and petroleum products by tank trucks from Freemansburg, Northampton County, to Philadelphia, Philadelphia County, Marcus Hook, Delaware County, Reading, Berks County, Royersford, Montgomery County, and Berwick, Columbia County.
- * 6. To transport, as a Class D carrier, oil and petroleum products by tank trucks from Philadelphia, Philadelphia County, to Marcus Hook, Delaware County, Lancaster, Lancaster County, Harrisburg, Dauphin County, Lewistown, Mifflin County, Reading, Berks County, Shamokin, Northumberland County, Pottsville, Schuylkill County, Hughesville, Lycoming County, Wilkes-Barre, Luzerne County, Allentown, Lehigh County, Scranton and Carbondale, Lackawanna County, and Bethlehem and Easton, Northampton County.
- * 7. To transport, as a Class D carrier, oil and petroleum products by tank truck from Marcus Hook, Delaware County, to Shamokin, Northumberland County, Reading, Berks County, Berwick, Columbia County, Allentown, Lehigh County, and Norristown, Montgomery County.
- * 8. To transport, as a Class D carrier, petroleum and petroleum products in bulk in tank trucks for Cooperative G.L.F. Farm Supplies, Inc., from pipeline terminals located at the villages of Tuckerton, Berks County, and Inglenook, Dauphin County, to its bulk storage plants located at Cresco, Monroe County, Honesdale, Wayne County, Dalton, Lackawanna County, Hughesville, Lycoming County, Bloomsburg, Columbia County, New Milford, Susquehanna County, Towanda, Bradford County, and Mansfield, Tioga County.
- * 9. To transport, as a Class D carrier, petroleum and petroleum products in bulk in tank trucks for Cooperative G.L.F. Farm Supplies, Inc., and when sold to the account of the said Cooperative G.L.F. Farm Supplies, Inc., from refineries, pipeline terminals and water terminals located at Sinking Spring, Berks County, Marcus Hook, Delaware County, Fullerton and Allentown, Lehigh County, Exeter and Kingston, Luzerne County, Williamsport, Lycoming County, Northumberland, Northumberland County, Philadelphia, Philadelphia County, and Barnesville and Tamaqua, Schuylkill County, to its bulk storage plants located

at Cresco, Monroe County, Honesdale, Wayne County, Dalton, Lackawanna County, Hughesville, Lycoming County, Bloomsburg, Columbia County, New Milford, Susquehanna County, Towanda, Bradford County, and Mansfield, Tioga County.

10. To transport, as a Class D carrier, milk in bulk in special farm pickup tank vehicles, from dairy farms in the township of Wysox, Bradford County, and within an airline distance of one hundred (100) statute miles of the limits of said township to creameries of Sheffield Farms in the said township and within an airline distance of one hundred (100) statute miles of the limits thereof.
11. To transport, as a Class D carrier, milk in bulk in special two-compartment tank vehicles for Abbotts Dairies from its place of business in the borough of Port Allegany, McKean County, to its place of business in the city and county of Philadelphia.
12. To transport, as a Class D carrier, milk, in bulk in special tank vehicles, for Abbotts Dairies, Division of Fairmont Foods Company, from its place of business in the borough of Port Allegany, McKean County, to its place of business in the village of Belleville, Union Township, Mifflin County.
13. To transport as a Class D carrier, gasoline, distillate fuels, and residual fuels in tank vehicles from the borough of Tullytown, Bucks County, the borough of Malvern, Chester County, and the village of Twin Oaks, Upper Chichester Township, and the borough of Marcus Hook, Delaware County, the borough of Willow Grove, Montgomery County and the city of Philadelphia, Philadelphia County to points in the counties of Bucks, Chester, Delaware, Montgomery, Philadelphia and vice versa;

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 applicant charge to Account 1550, Other Intangible Property, \$100, 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 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 evidence of insurance and 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 upon compliance with this order the rights granted the transferor Pennsylvania Petroleum Transportation Co., Inc., a corporation of the State of Delaware at A-00092465, F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,

William P. Thierfelder
Secretary

(SEAL)

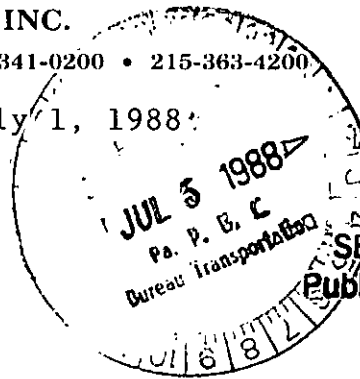
-ORDER ADOPTED: October 24, 1980

ORDER ENTERED: OCT 31 1980

CHEMICAL LEAMAN TANK LINES, INC.

102 Pickering Way • Exton, Pennsylvania 19341-0200 • 215-363-4200

July 1, 1988



RECEIVED

JUL 5 - 1988

**SECRETARY'S OFFICE
Public Utility Commission**

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

Re: Central Transport, Inc.
File: A-00108155

FILE

Dear Sir:

Enclosed please find an original and two copies of a protest to the above referenced application which is filed by Chemical Leaman Tank Lines, Inc.

A copy of this protest is being mailed by first class mail, postage prepaid to the applicant and applicant's attorney as stated in the Pennsylvania Bulletin of June 11, 1988 at page 2643.

Please enter the name of Paul L. Gausch, Director, Traffic Services, Chemical Leaman Tank Lines, Inc., 102 Pickering Way, Exton, PA 19341-0200 to also receive all notices and decisions in this proceeding.

Very truly yours,

CHEMICAL LEAMAN TANK LINES, INC.

Paul L. Gausch /rob

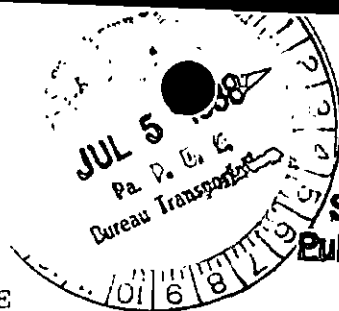
Paul L. Gausch,
Director, Traffic Services

PLG/rob

Enclosures

cc: Central Transport, Inc.
William A. Chesnutt
William J. O'Kane, Esquire

**DOCUMENT
FOLDER**



RECEIVED

JUL 5 - 1988
SECRETARY'S OFFICE
Public Utility Commission

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF

APPLICATION DOCKET

CENTRAL TRANSPORT, INC.
Uwharrie Road
P. O. Box 7007
High Point, NC 27264

A-00108155
Published in June 11, 1988
PA Bulletin Vol. 18, No. 24

PROTEST

In accordance with Section 3.380 of Subchapter E of Title 52, Chapter 3, Special Rules of Administrative Practice and Procedure, protest of the above referenced application is made on behalf of the below named carrier:

CHEMICAL LEAMAN TANK LINES, INC.
102 Pickering Way
Exton, Pennsylvania 19341-0200

Protestant respectfully represents:

FILE

1. The name of protestant's attorney is:

William J. O'Kane
102 Pickering Way
Exton, Pennsylvania 19341-0200

2. Protestant operates in intrastate Pennsylvania under Certificate of Public Convenience and Necessity issued to protestant by the Pennsylvania Public Utility Commission at Docket No. A-74103.

3. A copy of the relevant portions of protestant's authority upon which it's protest is predicated is attached hereto, made a part hereof, and marked EXHIBIT A.

4. Protestant makes its protest to the application upon the following grounds:

(a) That the service will be detrimental to the existing authorized service of the above named motor carrier.

5. Protestant's interest cannot be protected by amendment and will only be protected by dismissal of the application.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL 5 1988
ENTRY No. *Ac*

In 1987, Chemical Leaman Tank Lines, Inc. handled in excess of 50,490 loads for revenue of \$11,105,853. Chemical Leaman has appropriate equipment for the transportation of liquid commodities in bulk with ten terminals located throughout Pennsylvania, ready and able to bulk commodities.

I hereby certify that a copy of this protest has, on this date, been served by mailing same by first class United States mail, to the applicant and applicant's attorney as shown by the Pennsylvania Bulletin dated June 11, 1988.



Paul L. Gausch,
Director, Traffic Services

cc: Wm. J. O'Kane, Esquire
Central Transport, Inc.
William A. Chesnutt

OPERATING RIGHTS AUTHORIZED BY THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
(Class D Carrier)

CHEMICAL LEAMAN TANK LINES, INC.
CERTIFICATE NO. A-74103

FOLDER 2

To transport CHEMICALS and COAL TAR and CHEMICAL and COAL TAR PRODUCTS in bulk in tank trucks between points in Pennsylvania; 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 certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereinafter 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. (Source: Chemical Leaman Tank Lines, Inc., issued 1-6-50) (Issued 1-2-62)

FOLDER 2, Am-B

To transport PETROLEUM PRODUCTS in tank trucks for the Sun Oil Company from its pipeline at Cessna, Bedford County, to its plant or plants in the City of Altoona, Blair County, or within ten (10) miles by the usually traveled highways of the limits of said city. (Source: Certificate No. A.25576, Folder No. 3, issued 7-31-33; Folder No. 8, issued 8-29-35; Certificate No. A.74103, Chemical Tank Lines, Inc., issued 8-28-61) (Issued 1-2-62)

To transport LIQUID ORGANIC COMPOUNDS and LIQUID INORGANIC COMPOUNDS in bulk and tank trucks between points in the Counties of Philadelphia and Delaware and within an airline radius of one hundred twenty-five (125) miles of the limits of the said Counties. (Source: Certificate No. A.25576, Folder No. 2, issued 7-31-33; Folder No. 7, issued 8-29-35; Folder No. 10, issued 9-27-38; Folder No. 12, issued 11-27-40; Certificate No. A.74103, Chemical Tank Lines, Inc., issued 8-28-61) (Issued 1-2-62)

To transport LIQUID ORGANIC COMPOUNDS and LIQUID INORGANIC COMPOUNDS in bulk and tank trucks between points in the Village of Eldorado, Blair County, and within an airline radius of one hundred seventy-five (175) miles of the limits of the said village. (Source: Certificate No. A.50024, Folder No. 2, issued 5-8-38, 6-28-38; Certificate No. A.25576, Folder No. 11, issued 4-11-39; Folder No. 12, issued 11-27-40; Folder No. 12 Am. -A, issued 7-28-41; Certificate No. A.74103, Chemical Tank Lines, Inc., issued 8-28-61) (Issued 1-2-62)

FOLDER 2, Am-C

To transport CORN PRODUCTS, in bulk, from the facilities of A. E. Staley Manufacturing Company 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.
(Issued 11-15-71)

FOLDER 2, Am-D

To transport DRY SUGAR, in bulk, in tank or hopper vehicles, between points in the city and county of Philadelphia, and from points in the said city and county to points in Pennsylvania.
(Issued 5-14-79)

FOLDER 3

To transport DRY BULK CEMENT in tank or hopper type vehicles and DRY CEMENT in bags or containers from the plant of the Hercules Cement Company in the Borough of Stockertown, Northampton County, to points in Pennsylvania; empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to points in the Borough of Stockertown, Northampton County.
(Source: Chemical Tank Lines, Inc., issued 4-27-62) (Issued 5-28-62)

FOLDER 3, Am-A

To transport KILN DUST, in bulk, in tank vehicles, from the facilities of Hercules Division of American Cement Corporation, in the borough of Stockertown, Northampton County, to points in Pennsylvania.
(Issued 1-23-73)

OPERATING RIGHTS AUTHORIZED BY THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
(Class D Carrier)

CHEMICAL LEAMAN TANK LINES, INC.
CERTIFICATE NO. A-74103

FOLDER 4

To transport BULK CEMENT in tank type or hopper type vehicles, CEMENT IN BAGS, packages, or other containers, palletized and/or unpalletized, from the plant site of the Allentown Portland Cement Company in Malden Creek Township, Berks County, and its plant site in the Borough of West Conshohocken and Upper Merion Township, Montgomery County, to points in Pennsylvania; and on return, empty containers, pallets and other incidental facilities used in transporting cement. (Source: Chemical Tank Lines, Inc., issued 4-27-62) (Issued 5-28-62)

FOLDER 5, Am-A

To transport BULK CEMENT in tank type or hopper type vehicles and CEMENT IN BAGS, packages or other containers from the plant site of the Coplay Cement Manufacturing Co., in the borough of Nazareth, Northampton County, to points in Pennsylvania; and on return, empty containers and other incidental facilities used in Transporting cement. (Source: Chemical Tank Lines, Inc., Folder 5, issued 4-27-62) (Issued 5-28-62, 10-23-73)

FOLDER 6

To transport DRY CEMENT, having a prior movement by rail and/or water, between points in Pennsylvania; 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.
- SECOND: That no right or privilege is granted to transport dry cement in bags 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 the said city and county.
- THIRD: That no right, power or privilege is granted to transport dry cement produced at or originating at the plants 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.
- FOURTH: That no right, power or privilege is granted to transport dry cement in dump vehicles.
- FIFTH: 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. (Issued 7-8-63)

FOLDER 6, Am-A

To transport CEMENT in bulk in tank-type or hopper-type vehicles and in bags or containers between points in the counties of Lehigh, Northampton, Berks, Montgomery, and York and from points in the said counties to points in Pennsylvania; and the return of refused or rejected merchandise and empty containers and such other facilities used in the transportation of cement to the point of origin.

To transport DRY CEMENT, having a prior movement by rail and/or water, between points in Pennsylvania; subject to the following conditions:

- 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 the borough of Bessemer, Lawrence County, and the plant of Medusa Portland Cement Company, at or near the borough of Wampum, Lawrence County.
- That no right, power or privilege is granted to transport 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 thereof, except in bulk in tank vehicles or hopper-type vehicles.
- That no right, power or privilege is granted to transport dry cement from the city of Pittsburgh, Allegheny County to points in the counties of Mercer, Venango, Clarion, Jefferson, Clearfield, Cambria, Somerset, Lawrence, Butler, Beaver, Allegheny, Armstrong, Indiana, Westmoreland, Washington, Greene and Fayette for the account of Capitol Cement Company, a division of Martin Marietta Corp. (Issued 1-6-71)

OPERATING RIGHTS AUTHORIZED BY THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
(Class D Carrier)

CHEMICAL LEAMAN TANK LINES, INC.
CERTIFICATE NO. A-74103

FOLDER 8

To transport GROUND IRON ORE, in bulk in tank vehicles, from points in East Whiteland Township, Chester County, to points in Pennsylvania, and the return of refused or rejected shipments to the point of origin, and subject to the following conditions, as 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.

SECOND: 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 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.

(Issued 8/25/70)

FOLDER 8, Am-A

To transport CARBON DUST, in bulk in tank vehicles, from the city of Sunbury, Northumberland County, to points in Pennsylvania.

(Issued 10-20-77)

FOLDER 8, Am-B

To transport PETROLEUM COKE DUST, in bulk in tank vehicles, from the city of New Kensington, Westmoreland County, and the borough of West Elizabeth, Allegheny County, to points in Pennsylvania.

(Issued 2-28-78)

FOLDER 8, Am-C

To transport, as a Class D carrier, fine anthracite coal, dry, in bulk, in tank or hopper-type vehicles for Wickes Engineered Materials, a division of Wickes Corporation, from the city of Shamokin, Northumberland County, to points in Pennsylvania.

(Issued 6-13-79)

OPERATING RIGHTS AUTHORIZED BY THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
(Class D Carrier)

CHEMICAL LEAMAN TANK LINES, INC.
CERTIFICATE NO. A-74103

FOLDER 8, Am-D

To transport, as a Class D carrier, ANTHRACITE COAL FINES, in bulk in pneumatic type vehicles, for Gilberton Coal Company, from points in the counties of Northumberland, Carbon and Schuylkill, to points in Monroe County.

(Issued 5-23-84)

FOLDER 8, Am-E

To transport, as a Class D carrier, in bulk, in pneumatic tank vehicles, LIME FINES from the facilities of Bethlehem Mines Corporation, located in the township of Annville, Lebanon County, to the facilities of National Gypsum Company, Cement Division, located in the village of Evansville, Maiden creek Township, Berks County.

(Issued 10-19-84)

FOLDER 8, Am-F

To transport, as a Class D carrier, ANTHRACITE COAL FINES, in bulk, in pneumatic tank-type vehicles, from the village of Ebervale, Hazle Township, Luzerne County, to East Stroudsburg University, in the borough of East Stroudsburg, Monroe County.

(Issued 2-21-85)

FOLDER 8, Am-G

To transport, as a Class D carrier, fly ash, in bulk in pneumatic-type vehicles, for Craig's Concrete, Inc., from points in the counties of Montour and Indiana, to points in Franklin County.

(Issued 7-24-86)

9. That it is in the public interest to eliminate from the authority hereinafter granted, the two (2) rights that are duplicated in total, and limit the partially duplicated right by excluding the transportation of liquids in bulk in tank vehicles; THEREFORE,

IT IS ORDERED: That the application for partial transfer of the rights held by Coastal Tank Lines, Inc. at A-00060226, Folders 2, 3, 4, 5 and 6, be and is hereby approved, as modified, granting the following rights:

copy (1) To transport, as a Class D carrier, property for the Standard Oil Company of Pennsylvania and the Pennsylvania Petroleum Company of Pennsylvania, as provided for in the respective contracts entered into by and between the certificate holder and the said companies.

with Right No. 1 subject to the following condition:

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

- (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 Kinthersville, 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.
- (3) To transport, as a Class D carrier, fly ash, in bulk in tank and hopper vehicles, between points in the borough of Millheim, Centre County, and within an airline distance of one hundred seventy-five (175) miles of the limits of said borough.
- (4) To transport, as a Class D carrier, pulverized limestone, in tank or hopper vehicles, from points in the township of Whitemarsh, Montgomery County, to points in the city of Philadelphia, Philadelphia County.

- (5) To transport, as a Class D carrier, lime and limestone products, except fluxing stone, in bulk, in tank or hopper vehicles, from points in the township of Whitmarsh, Montgomery County, to points in Pennsylvania east of the following described route including all points on said route:

Beginning at the Pennsylvania-Maryland State Line in the county of Bedford, thence via Highway Route 220 through the borough of Bedford, Bedford County, city of Altoona and borough of Tyrone, Blair County, borough of Milesburg, Centre County, city of Lock Haven, Clinton County, to its intersection with Highway Route 15 in the city of Williamsport, Lycoming County, thence via Highway Route 15, through Trout Run, Lycoming County, Blossburg and Mansfield, Tioga County, to its intersection with the New York State Line north of Lawrenceville, Tioga County, and the return of refused or rejected shipments.

with Right No. 5 subject to the following condition:

That no right, power or privilege is granted to transport said lime and limestone and lime and limestone products to the village of Sheridan, Lebanon County, unless said commodities are to be used in the manufacture or production of paving materials.

- (6) To transport, as a Class D carrier, by tank or hopper-type motor vehicles, spent silica gel catalyst between points in the city and county of Philadelphia and from points in the borough of Marcus Hook, Delaware County, to points in the city and county of Philadelphia, and vice versa.

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 property and 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, \$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.
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.
6. That the certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §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.
7. 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 66 Pa. C.S.A. Section 1102(3).

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.

JUL 6 1988
Pa. U. C. E.
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. 108155
CENTRAL TRANSPORT, INC.

RECEIVED

JUL 5 1988

SECRETARY'S OFFICE
Public Utility Commission

PROTEST

Authority sought: property, in bulk, in tank and hopper type vehicles between points in PA.

1. Protestant(s) is (are) :

Ray L. Brandt Trucking Co.

R J Glass Inc.

Richard C. Lamparter

FILE

2. The name and address of protestant's attorney are:

John E. Fullerton
407 N. Front St.
Harrisburg, PA 17101

3. Protestant(s) hold operating rights which conflict with the instant application, copy attached.

4. Protestant(s) provide an adequate and satisfactory service within the scope thereof.

5. To the extent of the conflict, there is no need for the proposed service.

6. The only amendment which will satisfy protestant(s) is the exclusion of the conflicting authority from the instant application.

Dated: July 1, 1988

John E. Fullerton
JOHN E. FULLERTON
Attorney for Protestants

CERTIFICATE OF SERVICE

I certify that a copy of this protest has been served upon applicant's attorney by first class US mail, postage prepaid.

DOCKETED
APPLICATION DOCKET
JUL 7 1988
ENTRY No. *11*

cc: William Chesnutt, Esq.
Box #1166
Harrisburg, PA 17108

John E. Fullerton
JOHN E. FULLERTON

As required by Section 333(c) of the Code, please furnish forthwith the identity of the shipper witnesses supporting this application and the subject matter of their expected testimony. Failure to do so will be the basis of a Motion to Dismiss.

DOCUMENT
FOLDER

60 W. Philadelphia St.
York, PA 17404
717)846-4149

RAY L. BRANDT TRUCKING CO. OPERATING AUTHORITY A.90652

Folder 2:

Class D - fertilizer, materials used in the manufacture of fertilizer, and chemical products, all in bulk and unpackaged, from points in the County of York to points in Pennsylvania, and vice versa.

Class D - fertilizer in packages from points in the County of York to points in Pennsylvania.

RESTRICTION: The above transportation is restricted to the operation of dump trucks or semi-trailer dump vehicles.

Class D - crushed limestone, in bulk and unpackaged, in dump trucks or dump semi-trailers from points in the Counties of York and Lancaster to points in Pennsylvania excluding lime from Village of Thomasville, York County, to points in the Boro of Brackenridge, Allegheny County.

Class D - limestone and limestone products, in bulk, in dump semi-trailers, tank and hopper vehicles and air-unloading bulk vehicles, from points in the County of York to points in Pennsylvania, and the return of damaged, refused or rejected shipments to the point of origin.

Folder 2 Am-A:

Class D - 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, and the return of damaged, refused or rejected shipments to the point of origin.

Folder 2 Am-B:

Class D - fertilizer, in bags and other types of containers, for Agway, Inc., from its plants in the Townships of Spring Garden and West Manchester, York County, to points in Pennsylvania, and the return of damaged, refused or rejected shipments to the point of origin.

Folder 2 Am-C:

Class D - fertilizer, in bulk, in air-unloading bulk vehicles, for Agway, Inc., from its plant in the Township of Spring Garden, York County, to points in said Township and other points in Pennsylvania and the return of damaged, refused or rejected shipments to the point of origin, excluding the transportation of liquid commodities in bulk in tank vehicles.

Folder 2 Am-E:

Class D - property owned by Ray L. Brandt Trucking Co. and property for its affiliates, Belcamp Sand & Gravel Co. and Abingdon Sand & Gravel Co. between points in PA.

Folder 2 Am-F

Class D - property for DBCA Division of J E Baker Co., on flatbed trailers, from its facilities in York County to points in PA and vice versa.

Folder 2 Am-G: - property for J E Baker Co. ~~from its facilities~~ in Lancaster County, to points in PA and vv. *and Thomasville Stone & Lime Co. between points*

PA PUBLIC UTILITY COMMISSION
OPERATING RIGHTS

4061 Nursery Rd.
Dover, PA 17315
(717) 292-4527

—————
A. 104759
RICHARD C. LAMPARTER
—————

Class D - agricultural limestone, in bulk, from the facilities of Thomasville Stone & Lime Co. in Jackson Twp, York county and from the facilities of J.E. Baker Co. in W. Manchester Twp, York County to farms in PA.

LAW OFFICES

ABRAHAMS & LOEWENSTEIN

FOURTEENTH FLOOR
UNITED ENGINEERS BUILDING
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4096

(215) 561-1030

FAX (215) 587-0888

OF COUNSEL
BENJAMIN S. LOEWENSTEIN
ROBERT D. ABRAHAMS
SIDNEY LOEWENSTEIN, 1910-1976

MONTGOMERY COUNTY OFFICE
SUITE 700
ONE MONTGOMERY PLAZA
NORRISTOWN, PA 19401-4814
(215) 277-7700
FAX (215) 277-3211

WRITER'S DIRECT DIAL NUMBER

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ARLEN M. TOMPKINS**
HARRY M. BYRNE, JR.
IRA W. BUSHMAN
ARTHUR KORTH*
A. TAYLOR WILLIAMS
MARCIA M. WILF*
ADRIENNE I. GREENFIELD***
MARK MOMJIAN
CARON P. GRAFF**

*ALSO MEMBER OF NEW JERSEY BAR
**ALSO MEMBER OF NEW YORK BAR
***ALSO MEMBER OF DC BAR
[ALSO MEMBER OF DELAWARE BAR
]MEMBER OF MARYLAND BAR ONLY

July 5, 1988

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JUL 7 1988

SECRETARYS OFFICE
Public Utility Commission

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

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

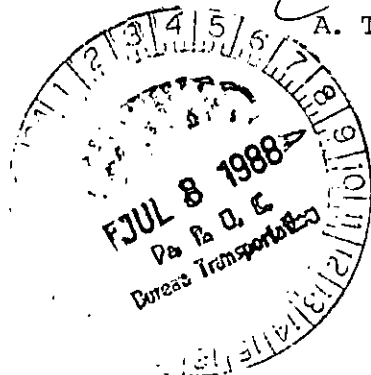
Dear Mr. Rich:

Enclosed please find a photocopy of a U.S. Postal Service Certificate of Mailing Form 3817 which was obtained on July 1, 1988 for the mailing of the Protest of MIT Transportation Company, Inc. to the above application.

Sincerely,

A. Taylor Williams

ATW:ck
Enclosures



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

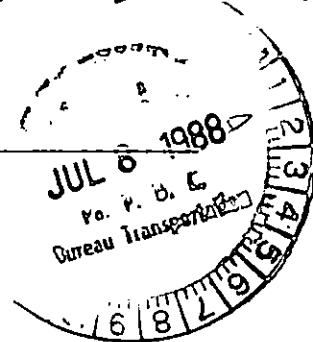
RECEIVED

JUL 5 1988

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

SECRETARY'S OFFICE
Public Utility Commission

PROTEST AND REQUEST
FOR ORAL HEARING



The motor carrier shown on Appendix A hereof (herein called protestant) protests the above application and requests that the application be assigned for oral hearing and in support thereof respectfully represents as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.

2. Protestant holds authority from this Commission at the docket numbers shown in Appendix A and the relevant portions of the authority are attached to the protest. Unless otherwise indicated in Appendix A, protestant will withdraw the protest only in the event an amendment is made which will totally eliminate the conflict between the authority sought by the application and the authority presently held by protestant.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL 11 1988
ENTRY No.

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestant presently holds authority to provide service in the area affected by the application, (b) protestant and other existing carriers are providing adequate service to the shipping public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of tonnage and revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect protestant and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestant requests that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestant will appear and present evidence of protestant's own operations and particular interest unless this application is amended so as to eliminate that interest as set forth in this protest.

WHEREFORE, protestant requests that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestant to participate fully therein;

and applicant be required to make available at the hearing competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

DART TRUCKING COMPANY, INC.

By: William J. Lavelle
William J. Lavelle
Attorney for Protestant

VUONO, LAVELLE & GRAY
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Of Counsel

Dated: July 5, 1988

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request for oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, Pa. this 5th day of July, 1988.

William J. Lavelle
William J. Lavelle

Re: Central Transport, Inc. (NC)
Docket No. A-00108155

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on June 11, 1988, applicant seeks authority to operate as a common carrier, transporting:

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

INTEREST OF PROTESTANT:

Dart Trucking Company, Inc., 61 Railroad Street, Canfield, OH 44406 (216-533-9841), holds authority at Docket No. A.101191. A summary of its operating authority is attached to the protest. Its pertinent authority is set forth in paragraph 1 of Folder 2, Am-A; Folder 2, Am-C; Folder 2, Am-D; Folder 2, Am-G; and Folder 2, Am-H subject to the second condition.

DART TRUCKING COMPANY, INC.
OPERATING AUTHORITY
DOCKET NO. A. 101191

FOLDER 2

(1) To transport, as a Class B carrier, electrical household appliances, crated or uncrated, between points in the City of Pittsburgh, Allegheny County, and within an airline distance of three (3) statute miles of the limits of the said city.

(2) To transport, as a Class D carrier, electrical household appliances, crated or uncrated, from points in the City of Pittsburgh, Allegheny County, and within an airline distance of three (3) statute miles of the said city to points in Allegheny County, and vice versa.

(3) To transport, as a Class D carrier, pianos, crated or uncrated, between points in the City of Pittsburgh, Allegheny County, and within seventy-five (75) miles, by the usually traveled highways, of the limits of the said city.

(4) To transport, as a Class D carrier, office equipment, crated or uncrated, for Remington Rand, Incorporated, from points in the City of Pittsburgh, Allegheny County, to points within fifty (50) miles by the usually traveled highways of the limits of the said city, and vice versa, excluding pick-up and delivery of goods on Highway Routes 22 and 80 east of the Allegheny County line.

(5) To transport, as a Class D carrier, coal, coke, and other solid fuels, contractors' supplies, and building materials and other commodities, such as are usually transported in dump trucks, between points in the City of Pittsburgh, Allegheny County, and within fifteen (15) miles, by the usually traveled highways, of the City-County Building in said city.

(6) To transport, as a Class D carrier, household goods in use, between points in the City of Pittsburgh, Allegheny County, and within fifteen (15) miles, by the usually traveled highways, of the City-County Building in said city.

FOLDER 2, AM-A

(1) To transport, as a Class D carrier, property in bulk, such as is usually transported in dump trucks or dump trailers, and property in bulk, such as may be transported in other specialized self-unloading vehicles, said property to be transported in such vehicles, between points in the counties of Lawrence, Beaver, Butler and Mercer and from points in the said counties to points within an airline distance of one hundred (100) statute miles of the limits of the said counties, and vice versa, provided that no right, power or privilege is herein granted to transport cement, liquid commodities in bulk, fly ash, brick, tile, refractory products and iron and steel articles other than scrap metals, iron grinding balls and pig iron.

FOLDER 2, AM-A
(Continued)

(2) To transport, as a Class D carrier, coal and coke for domestic consumption between points in the counties of Cambria, Allegheny, Westmoreland, Indiana, and Armstrong, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

(3) To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Cambria, Allegheny, Westmoreland, Indiana and Armstrong to railroad sidings, coke ovens, docks or stock piles in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

FOLDER 2, AM-B

To transport, as a Class D carrier, coal and coke, for Derby & Company, Carpentertown Coal & Coke Company, Jones & Laughlin Steel Corp., and Wheeling-Pittsburgh Steel Corp., between points in the counties of Allegheny, Armstrong and Westmoreland.

FOLDER 2, AM-C

To transport, as a Class D carrier, lime, lime products and dolomite, from the facilities of Neville Pulverized Lime Co. in the Borough of Leetsdale, Allegheny County, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to transport property to or from points in the Counties of Beaver, Lawrence and Mercer.

FOLDER 2, AM-D

To transport, as a Class D carrier, property, for the account of and from the facilities of Wheeling-Pittsburgh Steel Corporation, in the Borough of Allenport, Washington County, and the City of Monessen, Westmoreland County, and points within an airline distance of five (5) statute miles of the limits of said borough and city, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to transport (1) lime from points in Centre County, and (2) sand, in bulk, from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County and McVeytown, Mifflin County.

FOLDER 2, AM-G

To transport, as a Class D carrier, property, from the plant site of Pittsburgh Pacific Processing Co., on Neville Island, in the township of Neville, Allegheny County, to points in Pennsylvania, and vice versa.

subject to the following condition:

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

FOLDER 2, AM-H

To transport, as a Class D carrier, property, in bulk, between points in that part of Pennsylvania on and west of U. S. Highway 219, and from points in said territory, to points in Pennsylvania and vice versa.

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport petroleum products to or from points in the Counties of Warren, McKean and Venango.

SECOND: That no right, power or privilege is granted to transport property, in bulk, in tank or hopper-type vehicles, between points in Pennsylvania (except (1) lime, lime products, limestone and limestone products; (2) fly ash, originating at points in that part of Pennsylvania east of U. S. Highway 15; (3) fertilizer from points in York County; and (4) flue dust to or from the facilities of Inmetco in Ellwood City.

THIRD: That no right, power or privilege is granted to transport limestone and limestone products from points in York County.

FOURTH: That no right, power or privilege is granted to transport limestone from points in the County of Centre to the facilities of Brockway Glass Company in the County of Jefferson.

FIFTH: That no right, power or privilege is granted to provide service for Lycoming Silica Sand Co. from its facilities in the Counties of Clinton, Lycoming and Montour.

SIXTH: That no right, power or privilege is granted to transport coal or sand except between points in the Counties of Allegheny, Armstrong, Clarion, Crawford, Erie, Fayette, Greene, Somerset, Venango, Warren, Washington and Westmoreland, provided that no right, power or privilege is granted to transport coal for Delta Mining, Inc., Delta Industries, Inc. and Appalachian Fuels, Inc. between the facilities of said shippers in Somerset County and from said facilities to points in Pennsylvania, and vice versa.

SEVENTH: That no right, power or privilege is granted to transport clay.

U.S. POSTAL SERVICE
CERTIFICATE OF MAILING

Received From:

Abrahamson & Loewenstein

32 S. 17th St. 15th Fl.

Phila. PA. 19103-4096

One piece of ordinary mail addressed to:

Jerry Rich Secretary PA. Public Utility Comm.

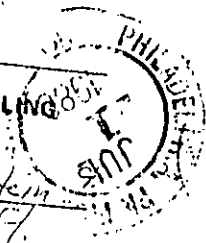
P.O. Bx. 3265

Harrisburg, PA. 17120

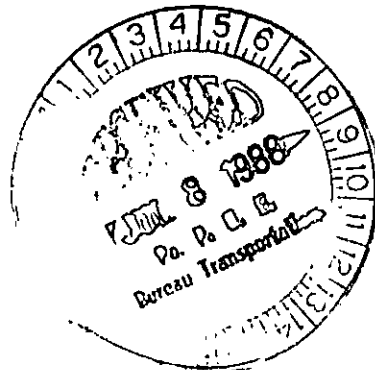
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE - POSTMASTER

PS FORM MAY 1978 9817

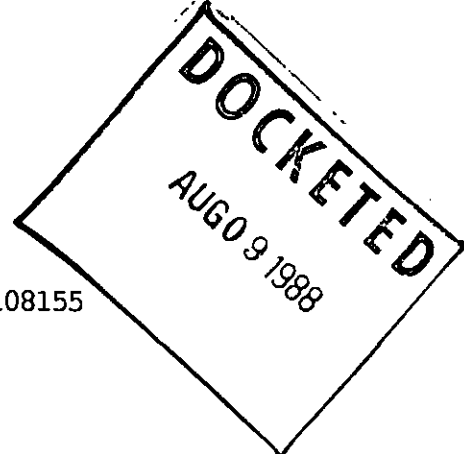
U.S. Government Printing Office: 489-224



JUL 8 1988



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
August 8, 1988



In Re: A-00108155

(See attached lists)

Application of Central Transport, Inc.

A Corporation of the State of North Carolina, for the right to transport, as a common carrier, property, in bulk, in tank and hopper-type vehicles, between points in Pennsylvania.

NOTICE

The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, an initial hearing is hereby scheduled for Tuesday and Wednesday, November 1 and 2, 1988, at 10:00 a.m., in available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania.

Additionally, further hearings in this case will be held as follows:

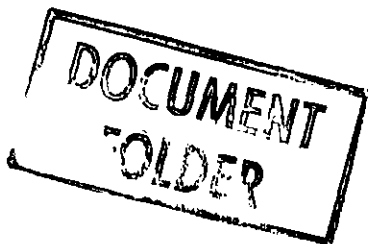
Philadelphia - Room 1306, Philadelphia State Office Building
Broad and Spring Garden Streets
Wednesday & Thursday, November 9 & 10, 1988 - 10:00 a.m.

Pittsburgh - 11th Floor Hearing Room, Pittsburgh State
Office Building, 300 Liberty Avenue
Wednesday, Thursday & Friday - November 16, 17 & 18, 1988 - 10:00 a.m.

The presiding officer in this proceeding will be Administrative Law Judge Michael Schnierle. Judge Schnierle can be contacted at P.O. Box 3265, Harrisburg, Pennsylvania 17120; telephone (717) 783-5452.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Schnierle
Mrs. Pappas
Mrs. Howell
Mr. Bramson
File Room



William A. Chesnutt, Esquire
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108 ✓

Central Transportation, Inc.
Uwharrie Road
P.O. Box 7007 ✓
High Point, NC 27264

J. Bruce Walter, Esquire
Rhoads & Sinon
410 North Third Street ✓
P.O. Box 1146
Harrisburg, PA 17108

Peter G. Loftus, Esquire
Suite 300 ✓
240 Penn Avenue
Scranton, PA 18503

Christian V. Graf, Esquire
David H. Radcliff, Esquire ✓
Graf, Andrews & Radcliff, P.C.
407 North Front Street
Harrisburg, PA 17101

John A. Pillar, Esquire
Pillar & Mulroy
Suite 700 ✓
312 Boulevard of The Allies
Pittsburgh, PA 15222

Joseph A. Bubba, Esquire
Butz, Hudders, Tallman, Stevens & Johnson
740 Hamilton Mall
Allentown, PA 18101-2488 ✓

Henry M. Wick, Jr., Esquire
Wick, Streiff, Meyer, Metz & P'Boyle ✓
1450 Two Chatham Center
Pittsburgh, PA 15219

Kenneth A. Olsen, Esquire
P.O. Box 357
Gladstone, NJ 07934 ✓

Dwight L. Koerber, Jr., Esquire
Kriner, Koerber & Kirk
110 North Second Street
P.O. Box 1320 ✓
Clearfield, PA 16830

Ronald W. Malin, Esquire
Johnson, Peterson, Tener & Anderson
Key Bank Building, Fourth Floor ✓
Jamestown, NY 14701

Raymond A. Thistle, Jr., Esquire
206B Benson East
100 Old York Road ✓
Jenkintown, PA 19046

Louis J. Carter, Esquire
7300 City Line Avenue ✓
Suite 120
Philadelphia, PA 19151-2291

James W. Patterson, Esquire
Rubin, Quinn & Moss
1800 Penn Mutual Tower ✓
510 Walnut Street
Philadelphia, PA 19106

Alan Kahn, Esquire
Abrahams and Loewenstein ✓
14th Floor
United Engineers Building
30 South 17th Street
Philadelphia, PA 19103-4096

John E. Fullerton, Esquire
Graf, Andrews & Radcliff, P.C. ✓
407 North Front Street
Harrisburg, PA 17101

William J. Lavelle, Esquire
Vuono, Lavelle & Gray ✓
2310 Grant Building
Pittsburgh, PA 15219

Paul L. Gausch
Chemical Leaman Tank Lines, Inc.
102 Pickering Way ✓
Exton, PA 19341-0200

LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE

1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219-3427
(412) 765-1600

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

ARTHUR J. DISKIN
SENIOR COUNSEL

TELECOPIER
(412) 261-3783

August 22, 1988

RECEIVED

AUG 24 1988

SECRETARYS OFFICE
Public Utility Commission

Re: Central Transport, Inc.
Docket No. A.00108155
Our File 2853.501

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



Dear Mr. Chesnutt:

On behalf of Refiners Transport & Terminal Corporation, we have enclosed, and are serving on you, Interrogatories, dated August 19, 1988, in the above-captioned proceeding.

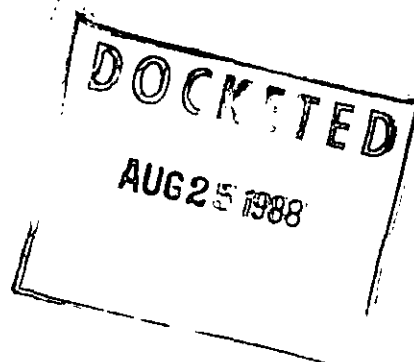
A copy of this letter is being sent to Secretary Rich.

Very truly yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE

Henry M. Wick, Jr.

HMW/mec/0859P
Enclosure
cc: Jerry Rich, Secretary



ORIGINAL
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

WILLIAM A. CHESNUTT

RECEIVED

SEP 1 1988

August 31, 1988

SECRETARY'S 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:

In accordance with 52 Pa. Code §5.342(d), I am filing the required Certificate of Service.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By



William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: All parties of record
W. David Feserman

111
}

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SEP. 1 1988

SECRETARY'S OFFICE
Public Utility Commission

CERTIFICATE OF SERVICE

I hereby certify that I have served on all counsel of record in this matter on the date indicated below, by first class mail, postage prepaid, an Objection to Interrogatory No. 13 of Refiners Transport & Terminal Corporation which read as follows:

"Supply a copy of all documents that applicant will seek to introduce into evidence."

Dated this 31st day of August, 1988, at Harrisburg, Pennsylvania.



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

DOCKETED

SEP 07 1988

RECEIVED

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166

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TELEPHONE (717) 232-8000
TELECOPIER (717) 236-2665

RECEIVED

SEP 19 1988

SECRETARYS OFFICE
Public Utility Commission

WILLIAM A. CHESNUTT

September 19, 1988

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9

Dear Secretary Rich:

We represent applicant Central Transport, Inc. On behalf of Central Transport, Inc. we are enclosing for you and each of the parties of record a revised description of the scope of authority sought in this application. This revision is restrictive in nature, and is expected to produce a withdrawal of protests from a number of carriers in reliance thereon.

In an earlier letter dated June 28, I had submitted a revised scope of authority sought in which the only exclusion was transportation of cement. That exclusion is preserved in the enclosed revised scope of authority sought.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By 

William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

ENCLOSURE
FOLDER

WAC/law
Enclosure

cc: All parties of record (w/enclosure)
W. David Fesperman (w/enclosure)
Hon. Michael C. Schnierle (w/enclosure)

RECEIVED

SEP 19 1988

A.108155

Central Transport, Inc.

SECRETARYS OFFICE
Public Utility Commission

REVISED SCOPE OF AUTHORITY SOUGHT

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

Provided that no right, power or privilege is granted to transport asphalt, cement, cement mill waste, dolomitic limestone and dolomitic limestone products, fly ash, limestone and limestone products, mill scale, roofing granules, salt, sand, scrap metal and stack dust.

Provided that no right, power or privilege is granted to transport aviation gasoline, butane diesel fuel, fuel oil (grades 2, 4, 5 and 6), gasoline, kerosene, motor fuel, propane and turbo fuel.

Provided that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes.

Provided that no right, power or privilege is granted to perform transportation in dump vehicles.

DOCKETED
SEP 21 1988

DOCUMENT
FOLDER

ORIGINAL

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

OF COUNSEL
FRANK A. SINON

PAUL H. RHOADS
1907-1984
JOHN M. MUSSELMAN
1910-1980
CLYLE R. HENDERSHOT
1922-1980

HENRY W. RHOADS
ROBERT H. LONG, JR.
GERALD K. MORRISON
SHERILL T. MOYER
JAN P. PADEN
RICHARD D. WOOD
LAWRENCE B. ABRAMS, III.*
J. BRUCE WALTER
JOHN P. MANBECK
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. DUSINBERRE
DONNA M. J. CLARK
ADAM G. HEFFNER**
JOHN T. MULHALL, III.*
LUCY E. KNISELEY
GLORIA J. DAVIS
JOAN C. FITZPATRICK
SHAUN E. O'TOOLE
PAUL F. WESSELL

1200 NORTH FEDERAL HIGHWAY
DOCA RATON, FL 33432
TELEPHONE (407) 305-5505
TELECOPIER (407) 305-0407

1460 36TH STREET
VERO BEACH, FL 32960
TELEPHONE (407) 778-5555
TELECOPIER (407) 562-0005

FILE NO. 2684/01
DIRECT DIAL NO.

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

Re: Application of Central Transport, Inc., A.108155

September 21, 1988

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

Dear Secretary Rich:

We are in receipt of the Restrictive Amendment filed on behalf of the applicant accompanying applicant counsel's letter of September 19, 1988. That portion of the amendment which provides that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes, satisfies the interest of my client, Herman R. Ewell, Inc.

Accordingly, conditioned upon acceptance of the amendment by the Commission, we hereby withdraw the protest filed on behalf of Herman R. Ewell, Inc. We do, however, desire to remain a party of record for purpose of service.

Very truly yours,

RHOADS & SINON

By: *BW*
J. Bruce Walter

cc: Administrative Law Judge Michael c. Schnierle
William A. Chesnutt, Esquire
Herman R. Ewell, Inc.

RECEIVED

SEP 22 1988

SECRETARYS OFFICE
Public Utility Commission

DOCKETED
SEP 26 1988

**DO NOT
FOLDER**

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

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

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SEP 23 1988
SECRETARY'S OFFICE
Public Utility Commission

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

September 22, 1988
File: 61.172

RE: CENTRAL TRANSPORT, INC., A. 108155-
Protest of Jonas P. Donmoyer, Inc.

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

RECEIVED
SEP 23 1988
SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:


We have received the amendment submitted in the above case by Mr. Chesnutt's letter of September 12, 1988, and have conferred with Jonas P. Donmoyer, Inc. with respect thereto.

We have been authorized to advise you that in consideration of and in reliance on said amendment, the protest of Jonas P. Donmoyer, Inc. is hereby withdrawn and we will not attend on its behalf any hearings in this matter.

We do desire, however, to remain a party of record for the receipt of all Orders which may issue.

We are forwarding copy of the amendment to our client and marking this file closed.

Very truly yours,


Christian V. Graf

CVG:tcv

DOCUMENT
FOLDER

cc: William A. Chesnutt, Esquire
McNees, Wallace & Nurick
100 Pine Street
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

DOCKETED
SEP 26 1988

A.108155
Central Transport, Inc.

REVISED SCOPE OF AUTHORITY SOUGHT

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

Provided that no right, power or privilege is granted to transport asphalt, cement, cement mill waste, dolomitic limestone and dolomitic limestone products, fly ash, limestone and limestone products, mill scale, roofing granules, salt, sand, scrap metal and stack dust.

Provided that no right, power or privilege is granted to transport aviation gasoline, butane diesel fuel, fuel oil (grades 2, 4, 5 and 6), gasoline, kerosene, motor fuel, propane and turbo fuel.

Provided that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes.

Provided that no right, power or privilege is granted to perform transportation in dump vehicles.

RAYMOND A. THISTLE, JR.

ATTORNEY AT LAW

206B BENSON EAST

100 OLD YORK ROAD

JENKINTOWN, PA. 19046

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SEP.30 1988

September 28, 1988

SECRETARY'S OFFICE
Public Utility Commission

(215) 576-0131

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

Re: Application of Central Transport, Inc.
Docket A-00108155

Dear Secretary Rich:

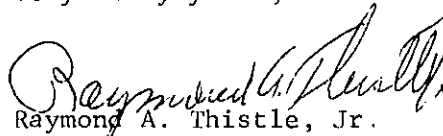
I have received from William A. Chesnutt, Esquire, counsel for applicant in the above referenced application, under date of September 19, 1988, a restrictive, revised scope of authority sought, a copy of which is attached hereto.

In view of such restricted, revised scope of authority sought, and in reliance upon the Commission's acceptance thereof and inclusion in any final order of a Commission grant of authority to applicant, I hereby withdraw the protests I filed on behalf of G & G Transport, Inc. and Reber Corporation. However, I wish to remain a party of record to receive any orders of the Commission in this proceeding.

I have served a copy of this letter of withdrawal upon counsel for the applicant and upon the Honorable Michael C. Schnierle, assigned as the Administrative Law Judge in this proceeding.

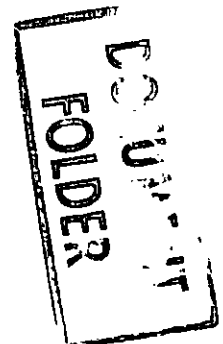
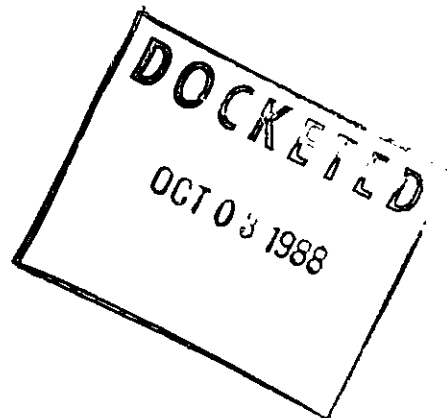
Thank you for your attention and consideration in this matter.

Very truly yours,


Raymond A. Thistle, Jr.

RAT:mt

cc: Honorable Michael C. Schnierle, ALJ
William A. Chesnutt, Esquire
G & G Transport, Inc.
Reber Corporation



A.108155
Central Transport, Inc.

REVISED SCOPE OF AUTHORITY SOUGHT

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

Provided that no right, power or privilege is granted to transport asphalt, cement, cement mill waste, dolomitic limestone and dolomitic limestone products, fly ash, limestone and limestone products, mill scale, roofing granules, salt, sand, scrap metal and stack dust.

Provided that no right, power or privilege is granted to transport aviation gasoline, butane diesel fuel, fuel oil (grades 2, 4, 5 and 6), gasoline, kerosene, motor fuel, propane and turbo fuel.

Provided that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes.

Provided that no right, power or privilege is granted to perform transportation in dump vehicles.

ORIGINAL

RECEIVED

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

OCT 3 1988

SECRETARYS OFFICE
Public Utility Commission

(814) 765-9611

September 28, 1988

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

COUNSEL TO THE FIRM
WILLIAM T. DAVIS

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

RE: CENTRAL TRANSPORT, INC.
A-108155

Dear Mr. Rich:

I represent Butler Trucking Company, a protestant in the above referenced proceeding. Upon consideration of the restrictive amendment filed by the applicant, dated September 19, 1988, the interests of my client have been satisfied. Accordingly, conditioned upon a final acceptance of that restrictive amendment, I hereby withdraw the protest of Butler Trucking Company. For ease in reference, I am attaching hereto a copy of the said restrictive amendment.

Very truly yours,

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

DLK:gje
cc: William A. Chesnutt
Mr. David F. McAllister

Enclosure

DOCKETED
OCT 05 1988

DOCUMENT
FOLDER

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

WILLIAM A. CHESNUTT

September 19, 1988

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9

Dear Secretary Rich:

We represent applicant Central Transport, Inc. On behalf of Central Transport, Inc. we are enclosing for you and each of the parties of record a revised description of the scope of authority sought in this application. This revision is restrictive in nature, and is expected to produce a withdrawal of protests from a number of carriers in reliance thereon.

In an earlier letter dated June 28, I had submitted a revised scope of authority sought in which the only exclusion was transportation of cement. That exclusion is preserved in the enclosed revised scope of authority sought.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By 

William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: All parties of record (w/enclosure)
W. David Fesperman (w/enclosure)
Hon. Michael C. Schnierle (w/enclosure)

A.108155

Central Transport, Inc.

REVISED SCOPE OF AUTHORITY SOUGHT

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

Provided that no right, power or privilege is granted to transport asphalt, cement, cement mill waste, dolomitic limestone and dolomitic limestone products, fly ash, limestone and limestone products, mill scale, roofing granules, salt, sand, scrap metal and stack dust.

Provided that no right, power or privilege is granted to transport aviation gasoline, butane diesel fuel, fuel oil (grades 2, 4, 5 and 6), gasoline, kerosene, motor fuel, propane and turbo fuel.

Provided that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes.

Provided that no right, power or privilege is granted to perform transportation in dump vehicles.

Docket

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

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

September 28, 1988

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

The Secretary
PaPUC
Harrisburg, PA 17120

RE: A. 108155
CENTRAL TRANSPORT INC.

Dear Sir:

The undersigned represents the following in protest of this application.

- Ray Brandt Trucking Co.
- R J Glass Inc.
- Richard C. Lamparter

Applicant has made an amendment, copy attached.

Conditioned upon its acceptance by the Commission and any grant being consistent therewith,, I am authorized to withdraw the protest(s).

I desire to remain a party of record.

Yours truly,

John Fullerton
JOHN FULLERTON

DOCUMENT
FOLDER

F/r
attach.

cc: William Chesnutt, Esq.
App Atty
Client(s)

DOCKETED
OCT 13 1988

RECEIVED
OCT 11 1988
Office of A. L. J.
Public Utility Commission

A.108155
Central Transport, Inc.

REVISED SCOPE OF AUTHORITY SOUGHT

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

Provided that no right, power or privilege is granted to transport asphalt, cement, cement mill waste, dolomitic limestone and dolomitic limestone products, fly ash, limestone and limestone products, mill scale, roofing granules, salt, sand, scrap metal and stack dust.

Provided that no right, power or privilege is granted to transport aviation gasoline, butane diesel fuel, fuel oil (grades 2, 4, 5 and 6), gasoline, kerosene, motor fuel, propane and turbo fuel.

Provided that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes.

Provided that no right, power or privilege is granted to perform transportation in dump vehicles.

9/19/88

RECEIVED
OCT 11 1988
Office of A. L. J.
Public Utility Commission

ORIGINAL

PILLAR AND MULROY, P.C.
ATTORNEYS-AT-LAW
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222
TELEPHONE (412) 471-3300

RECEIVED

OCT 3 1988

SECRETARYS OFFICE
Public Utility Commission

JOHN A. PILLAR
THOMAS M. MULROY

September 30, 1988

Re: Central Transport, Inc.
Docket No. A-00108155

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

Dear Mr. Rich:

We are in receipt of a letter from the applicant's counsel, dated September 19, 1988, which includes a revised scope of authority sought in the above case. Based on the restrictions contained in the revised application, the interest of Wayne W. Sell Corporation is satisfied. Conditioned upon the Commission's acceptance of the amendment, we are authorized to withdraw the protest of Wayne W. Sell Corporation.

Very truly yours,

John A. Pillar
JOHN A. PILLAR

SW
cc: Wayne W. Sell Corporation
William A. Chesnutt, Esq.

DOCUMENT
FOLDER

DOCKETED
OCT 05 1988

LAW OFFICES

ABRAHAMS, LOEWENSTEIN, BUSHMAN & KAUFFMAN

FOURTH FLOOR
1760 MARKET STREET
PHILADELPHIA, PA 19103-4123

(215) 561-1030
FAX (215) 587-0888

RECEIVED

OCT 11 1988

SECRETARYS OFFICE
Public Utility Commission

October 4, 1988

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P.O. Box 3265
Harrisburg, PA 17120

DOCKETED

OCT 13 1988

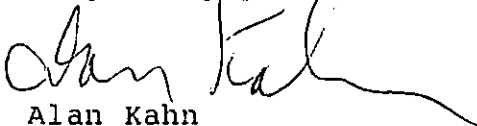
Re: Application of Central Transport, Inc.
Docket No. A.00108155

Dear Mr. Rich:

I have received from applicant's attorney under date of September 19, 1988, a copy of a restrictive amendment to the application which I understand has been submitted to the Commission and a copy of which is enclosed herewith.

In reliance upon the applicant's offering and the Commission accepting this amendment, I am authorized to withdraw the protest I have previously filed in this matter on behalf of MIT Transportation Company, Inc.

Very truly yours,


Alan Kahn

DOCUMENT
FOLDER

AK/sm

cc: William A. Chesnutt, Esquire
Mr. Don Ebert, Machise Interstate Transport Company
Honorable Michael C. Schnierle

A.108155

Central Transport, Inc.

REVISED SCOPE OF AUTHORITY SOUGHT

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

Provided that no right, power or privilege is granted to transport asphalt, cement, cement mill waste, dolomitic limestone and dolomitic limestone products, fly ash, limestone and limestone products, mill scale, roofing granules, salt, sand, scrap metal and stack dust.

Provided that no right, power or privilege is granted to transport aviation gasoline, butane diesel fuel, fuel oil (grades 2, 4, 5 and 6), gasoline, kerosene, motor fuel, propane and turbo fuel.

Provided that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes.

Provided that no right, power or privilege is granted to perform transportation in dump vehicles.

LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE

1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219-3427
(412) 765-1600

ARTHUR J. DISKIN
SENIOR COUNSEL

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

TELECOPIER
(412) 281-3783

October 11, 1988

Re: Application of Central Transport, Inc.
Docket No. A-108155
Our File 2583.501

RECEIVED

OCT 13 1988

Honorable Michael Schnierle
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

Dear Judge Schnierle:

We represent Protestant Refiners Transport and Terminal Corporation in this proceeding.

We filed Interrogatories in this proceeding to which William A. Chesnutt, Esquire, counsel for applicant responded by the attached correspondence of August 31, 1988.

Mr. Chesnutt filed a specific objection to Interrogatory No. 13 which requested that applicant supply a copy of all documents that it would seek to introduce into evidence.

After review of Mr. Chesnutt's objection, we have concluded to withdraw Interrogatory No. 13 since, as Mr. Chesnutt points out, a period of at least 4 weeks and perhaps as much as 6 weeks will elapse between the close of applicant's evidentiary presentation and the commencement of a responsive presentation by protestants.

The schedule set forth by Mr. Chesnutt in his letter of August 31st as to the circulation of responses to our Interrogatories and information as to public witness would be satisfactory to our client.

Copy of this letter with attachment is being sent to known parties of record.

Sincerely yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE

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

DOCKETED
OCT 13 1988

DOCUMENT
FOLDER

HMW/mec/1176w
Enclosure

cc: Jerry Rich, Secretary
Known Parties of Record

2583.501

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

WILLIAM A. CHESNUTT

August 31, 1988

Henry M. Wick, Jr., Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9
Your File: 2853.501


Dear Henry:

This will confirm a telephone conference we had about the Interrogatories you served on me in respect of your interest in representing Refiners Transport & Terminal Corporation as a protestant in this matter. It would be my intention to respond as fully as possible to all of those Interrogatories except No. 13, to which I herewith tender you an objection on behalf of applicant Central Transport, Inc.

The answers I intend to furnish would be mailed to you and all other counsel of record on Friday, October 21, 1988. The only exceptions would be with respect to items 3 and 4 pertaining to the name, title, business address of public witnesses, a synopsis of the content of their testimony and a description of how long the witness has been employed and held his or her position with the supporting shipper or consignee. For such public witnesses I would intend to furnish the requested information on Friday, October 21 for those witnesses intending to testify at the hearing scheduled for Harrisburg, Pennsylvania on November 1 and 2; on Friday, October 28 for those witnesses intending to testify at the hearings to be held in Philadelphia on November 9 and 10; and on Friday, November 4 for those witnesses intending to testify at the hearings to be held November 16 through 18 at Pittsburgh.

Very truly yours,

MCNEES, WALLACE & NURICK

By 
William A. Chesnutt

WAC/law

Enclosure

cc: All parties of record
W. David Fesperman

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**APPLICANT'S OBJECTION
TO INTERROGATORIES**

On August 24, counsel for applicant received Interrogatories submitted by protestant Refiners Transport & Terminal Corporation. The 13 specific Interrogatories (with subparts) are dated August 19, 1988, but transmittal thereof are covered by a letter from protestant's counsel dated August 22. These objections are directed at Interrogatory No. 13 which reads as follows: "Supply a copy of all documents that applicant will seek to introduce into evidence."

GROUND'S FOR OBJECTION

Interrogatory No. 13, quoted above, violates the limitations on the scope of discovery as stated at 52 Pa. Code §5.361, not because of its content, but rather because of its timing. The violations of 52 Pa. Code §5.361 occur because the timing of this request in relation to the scheduling of hearings in November 1988 places an unreasonable burden and expense on applicant Central Transport, Inc., and requires an unreasonable and untimely investigation.

It is obvious that counsel for protestant Refiners Transport & Terminal Corporation will be entitled to a copy of any document that appli-

cant seeks to introduce into evidence at the time such a proffer is made. It is not possible at this time for applicant and its counsel to foresee the full range of documents that it may ultimately be appropriate for them to offer, nor should they be required to do so.

It is clear from the scheduling of this matter that a period of at least four weeks, and perhaps as much as six weeks, will elapse between the close of applicant's evidentiary presentation and the commencement of a responsive presentation by protestants. That time lapse will be more than sufficient for protestant and its counsel to react to any documents placed into evidence by applicant. Furthermore, a response to the overly broad request in Interrogatory No. 13 would serve none of the three purposes enun-
ciated at 52 Pa. Code §5.321(e).

Respectfully submitted,

McNEES, WALLACE & NURICK

By 

William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Applicant
Central Transport, Inc.

Dated: August 31, 1988

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

WILLIAM A. CHESNUTT

August 31, 1988

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:

In accordance with 52 Pa. Code §5.342(d), I am filing the required Certificate of Service.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By



William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: All parties of record
W. David Fesperman

CERTIFICATE OF SERVICE

I hereby certify that I have served on all counsel of record in this matter on the date indicated below, by first class mail, postage prepaid, an Objection to Interrogatory No. 13 of Refiners Transport & Terminal Corporation which read as follows:

"Supply a copy of all documents that applicant will seek to introduce into evidence."

Dated this 31st day of August, 1988, at Harrisburg, Pennsylvania.



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

LAW OFFICES

WICK, STREIFF, MEYER, METZ & O'BOYLE

1450 TWO CHATHAM CENTER
PITTSBURGH, PA 15219-3427
(412) 765-1600

ARTHUR J. DISKIN
SENIOR COUNSEL

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

TELECOPIER
(412) 261-3783

October 12, 1988

Re: Application of Central Transport, Inc.
Docket No. A-108155
Our File 2583.501

RECEIVED

OCT 14 1988

William A. Chesnutt, Esquire
McNees, Wallace & Nurick
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108-1166

SECRETARYS OFFICE
Public Utility Commission

Dear Bill:

I have noted some typographical errors in our Interrogatories and wish to call these to your attention prior to your filing a Response. The typographical errors appear in Interrogatories No. 11 and 12. These Interrogatories as corrected should read as follows:

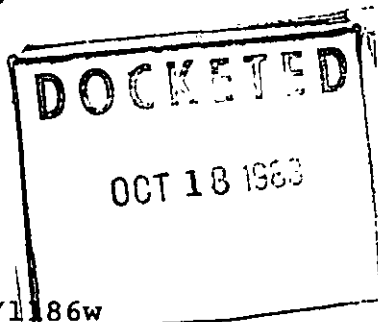
11. For each instance identified in answer to interrogatory 10 herein, identify and produce any document or documents which pertain(s) to the service provided.
12. If any formal or informal complaints have been filed against applicant during the time period set forth in interrogatory 10 herein by the Pennsylvania Public Utility Commission or any of its agents, or by any other governmental body or its agents, regarding the trucking operations of applicant, please identify the instances, give the dates, explain the subject matter, and give the ultimate result.

We appreciate your cooperation in responding to the interrogatories.

Sincerely yours,

WICK, STREIFF, MEYER,
METZ & O'BOYLE

Henry M. Wick, Jr.



HMW/mec/1186w

cc: Honorable Michael Schnierle
Jerry Rich, Secretary
Known Parties of Record

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

RECEIVED

OCT 14 1988

SECRETARYS OFFICE
Public Utility Commission

WILLIAM A. CHESNUTT

October 14, 1988

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9

Dear Secretary Rich:

In accordance with 52 Pa Code §5.342(d), I am filing the required Certificate of Service.

Respectfully submitted,

McNEES, WALLACE & NURICK

By

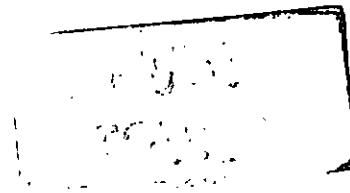


William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: All parties of record (w/enclosure)
W. David Fesperman (w/enclosure)



CERTIFICATE OF SERVICE

I hereby certify that I have served on all counsel of record in this matter on the date indicated below, by first class mail, postage prepaid, an Objection to Interrogatory Nos. 14 and 15 of Matlack, Inc. as set forth in Appendix "A".

Dated this 14th day of October, 1988, at Harrisburg, Pennsylvania.



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

FOLDER

DOCKETED
OCT 19 1988

New Jersey
Pennsylvania

Kenneth A. Olsen

Attorney at Law

P. O. Box 357

Gladstone, New Jersey 07934-0357

RECEIVED

OCT 24 1988

SECRETARYS OFFICE
Public Utility Commission
October 18, 1988

Hon. Michael C. Schnierle, ALJ
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17108-1166

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

As your records will indicate, I represent protestant Marshall Service, Inc., in the above referred to matter. Please be advised that I have an existing conflict with the scheduled hearing dates of November 1, 2 and 10, 1988 in this proceeding. I had previously informed the scheduling office of my trial assignments in New Jersey on these dates, but they had inadvertently failed to schedule these hearings around said conflicts, and they have already acknowledged the inadvertent omissions through recent telephone conversations with me. I have already advised applicant's counsel of this matter, who has represented he will do his best to accomodate my client's interest herein by witness scheduling, possible satisfactory restrictive amendment (if any), or non-opposition to my absences on the aforesaid dates.

However, please be further advised that although I may not be present on the aforesaid conflicting hearing dates, my client's interests, as protestant in this proceeding remain active until satisfied. I will represent my client's interests herein, and (to the extent possible), I will have other protestant counsel present to enter an appearance on my behalf. Therefore, in view of the above, I respectfully request my non-appearance on the aforesaid conflicting hearing dates be excused.

If you have any questions relative to any of the above, do not hesitate to contact me. Kindly acknowledge receipt on the duplicate of this letter attached. A self-addressed stamped envelope is enclosed for your convenience.

Very truly yours,

Kenneth A. Olsen

KA0:jmf
cc: Hon. Jerry Rich, Secretary ✓
All known parties of record

DOCKETED
OCT 25 1988

ROUTED TO
FOLDER

ORIGINAL

**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

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OCT 21 1988

**SECRETARYS OFFICE
Public Utility Commission**

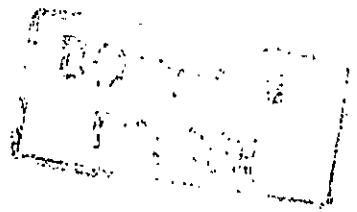
WILLIAM A. CHESNUTT

October 21, 1988

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9



Dear Secretary Rich:

In accordance with 52 Pa Code §5.342(d), I am filing the required Certificate of Service.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By 

William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: All parties of record (w/enclosure)
W. David Fesperman (w/enclosure)

CERTIFICATE OF SERVICE

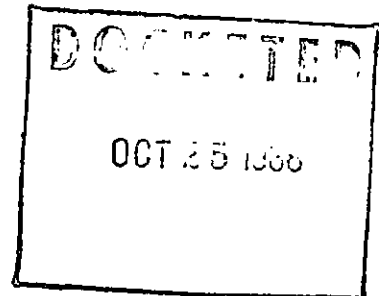
I hereby certify that I have served on all counsel of record in this matter on the date indicated below, by first class mail, postage prepaid, answers to twelve (12) enumerated interrogatories propounded by counsel for Refiners Transport and Terminal Corporation and six (6) enumerated interrogatories propounded by counsel for Seaboard Tank Lines, Inc.

Dated this 21st day of October, 1988, at Harrisburg, Pennsylvania.



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Applicant
Central Transport, Inc.



FITZPATRICK LENTZ & BUBBA

ATTORNEYS AT LAW
300 SOVEREIGN BUILDING
609 HAMILTON MALL
P. O. BOX 4520

ALLENTOWN, PA. 18105-4520

EDWARD J. LENTZ
JOSEPH A. FITZPATRICK, JR.
JOSEPH A. BUBBA
TIMOTHY D. CHARLESWORTH
ANDREW W. MARKLEY
THOMAS M. CAFFREY

TELEPHONE: (215) 432-1818

TELEFAX: (215) 770-0591

October 27, 1988

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OCT 31 1988

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OCT 28 1988

SECRETARY'S 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:

Please be advised that this firm represents Materials Transport Service, Inc., a protestant in the above-captioned matter. Conditioned upon acceptance of the restrictive amendment forwarded to the Commission on September 19, 1988, Materials Transport Service, Inc. hereby withdraws its protest to the present application. We desire to remain a party of record for purpose of receiving pertinent pleading and Commission documentation. Thank you.

Very truly yours,

Joseph A. Bubba

cc: The Honorable Michael C. Schnierle
William A. Chesnutt, Esquire
Louis A. Chiesa

**DOCUMENT
FOLDER**

RUBIN QUINN MOSS & HEANEY

ATTORNEYS AT LAW

1800 PENN MUTUAL TOWER

510 WALNUT STREET

PHILADELPHIA, PA 19106-3619

(215) 925-8300

DIRECT DIAL NUMBER

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KING OF PRUSSIA OFFICE
216 GODDARD BOULEVARD
GENERAL WASHINGTON BUILDING
KING OF PRUSSIA, PA 19406
(215) 337-4080

JENKINTOWN OFFICE
SUITE 421
BENJAMIN FOX PAVILION
JENKINTOWN, PA 19046
(215) 884-4600

NEW JERSEY OFFICE
321 SENTRY OFFICE PLAZA
216 HADDON AVENUE
WESTMONT, NJ 08108
(609) 858-5370

OF COUNSEL
ROBERT B. EINHORN

GOFF & RUBIN

October 24, 1988

ALEXANDER N. RUBIN, JR.
JERROLD V. MOSS
JAMES W. PATTERSON
DENIS JAMES LAWLER
G. BRADLEY RAINER
ROBERT LAPOWSKY
JOHN R. KENNEL II
MARY ELLEN O'LAUGHLIN
JOSEPH F. MESSINA
PETER C. CILIO
CHARLES A. DIFAZIO
VICKIE E. LEDUC
JAMES E. O'NEILL III

WILLIAM P. QUINN
TERENCE K. HEANEY
MALCOLM L. LAZIN
ROBERT P. STYLE
ROBERT SZWAJKOS
DON P. FOSTER
ERIC M. HOCKY
EDWARD L. CIEMNIECKI
MICHAEL O. BUTLER
DAVID J. SCHILLER
ANNA HOM
CATHERINE PANCHOU
JOHN A. RODA

* ALSO ADMITTED TO NJ BAR

Honorable Michael Schnierle
Pennsylvania Public Utility Commission
P. O. Box 3265
North Office Building
Harrisburg, PA 17120

RECEIVED

OCT 27 1988

SECRETARY'S OFFICE

Public Utility Commission

Re: Application of Central Transport, Inc.
Docket No. A-108155

Dear Judge Schnierle:

Enclosed please find the original and two copies of the Reply to Objections to Interrogatories filed by Matlack, Inc. in the above-captioned matter.

Copies of the enclosed are being served on all known parties of record.

Very truly yours,

James W. Patterson
JAMES W. PATTERSON

JWP:jal

- cc: William A. Chesnutt, Esquire
- Peter G. Loftus, Esquire
- Christian Graf, Esquire
- John Fullerton, Esquire
- John A. Pillar, Esquire
- Joseph A. Bubba, Esquire
- Henry M. Wick, Jr., Esquire
- Kenneth Olson, Esquire
- Dwight L. Koerber, Esquire
- Ronald Malin, Esquire
- Raymond Thistle, Esquire
- Louis J. Carter, Esquire
- Alan Kahn, Esquire
- William Lavelle, Esquire
- Paul Gausch, Director-Traffic Service
- Martin C. Hynes, Vice President-Marketing

RECEIVED

OCT 27 1988

Office of A. L. J.
Harrisburg

DOCUMENT
FOLDER

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF : DOCKET NO.
CENTRAL TRANSPORT, INC. : A-108 155

RECEIVED
OCT 27 1988

REPLY OF MATLACK, INC. TO SECRETARY'S OFFICE
OBJECTIONS TO INTERROGATORIES Public Utility Commission
OF CENTRAL TRANSPORT, INC.

COMES NOW, Matlack, Inc. ("Matlack" or "Protestant"), by its
attorneys and files this Reply to the Objections to Interrogatories filed by Central
Transport, Inc. ("Central" or "Applicant") in the above-captioned matter

DOCKETED
OCT 31 1988

ARGUMENT IN REPLY TO OBJECTIONS

Central asserts that it is "unreasonable" for Applicant to respond concerning a time period beginning January 1, 1983." (Objections, p.1). Central suggests, instead, that any responses to Interrogatories 14 and 15 be limited to the time period from January 1, 1986 to the present, thereby reducing the period in question by three (3) years.

Matlack agrees to Central's proposal that the time period covered by Interrogatories 14 and 15 begin January 1, 1986 and run to the date the Interrogatories are answered.

Matlack strenuously objects to Central's attempt to limit the governmental agencies with respect to whose complaints, warnings, claims, etc., it will respond pursuant to Interrogatories 14 and 15. By its objections Central seeks to limit its response to claims, etc. issued by only three (3) agencies -

DOCUMENT
FOLDER

Pennsylvania Public Utility Commission, the United States Department of Transportation or the North Carolina Utilities Commission.

In its Interrogatories Matlack seeks to discover that same data with respect to the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, the Federal Bureau of Investigation, the North Carolina Division of Environmental Management and other governmental agencies. Central objects to producing documents from these agencies on the basis that the material is not "relevant to the subject matter involved in the pending action" and because the requested materials may be protected by the attorney-client privilege.

Complaints, warnings, Notices of Claim or citations issued to Central by any of the agencies listed in Interrogatory 14 are clearly relevant to this proceeding. One of the principal issues to be addressed in this matter is Central's fitness, including its ability to operate safely and legally. 52 Pa. Code §41.14(b). The requested information goes precisely to this issue. If Central has been guilty of certain infractions, those infractions reflect upon Central's fitness to obtain the requested authority and Matlack, as a party, is entitled to that data through the discovery process. If Central is a frequent and serious violator of the law - whether environmental or otherwise - that fact is a critical element in the Commission's determination of this matter. Central's endeavor to limit the inquiry to three (3) agencies of its own choosing should be rejected.

Whether the requested documentation contains information subject to the attorney/client privilege cannot be determined by a general objection which suggests that some of the information and documents sought "may relate" to privileged matters. To the extent Central chooses to assert attorney/client privilege there are procedures available to do so. See 52 Pa. Code §5.362. Indeed, upon a claim of privilege, with some identification of what is regarded by Central

as privileged, counsel may agree to limitations on discovery which are sufficient to protect the privileged information. That cannot be done on the basis of a general claim that some information may be privileged.

WHEREFORE, Matlack, Inc. requests issuance of an Order dismissing the Objections of Central Transport, Inc. and directing Applicant to produce the requested information and documentation, subject of course, to appropriately raised objections on the basis of privilege.

Respectfully submitted,



JAMES W. PATTERSON
EDWARD L. CIEMNIECKI
ATTORNEYS FOR MATLACK, INC.

Of Counsel:
RUBIN, QUINN & MOSS
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, Pennsylvania 19106
(215) 925-8300

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the foregoing document upon all parties of record in this proceeding by postage prepaid, properly addressed, first-class mail.

Dated at Philadelphia, Pennsylvania, this 24th day of October, 1988.



EDWARD L. CIEMNIECKI

Of Counsel:

RUBIN QUINN MOSS & HEANEY
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, Pennsylvania 19106
(215) 925-8300

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

RECEIVED

OCT 31 1988

SECRETARYS OFFICE
Public Utility Commission

WILLIAM A. CHESNUTT

October 27, 1988

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

DOCS
FILED

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9

Dear Secretary Rich:

In accordance with 52 Pa Code §5.342(d), I am filing the required Certificate of Service.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By



William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: All parties of record (w/enclosure)
W. David Fesperman (w/enclosure)

CERTIFICATE OF SERVICE

I hereby certify that I have served on all counsel of record in this matter on the date indicated below, by first class mail, postage prepaid, answers to fifteen (15) enumerated interrogatories propounded by counsel for Matlack, Inc.

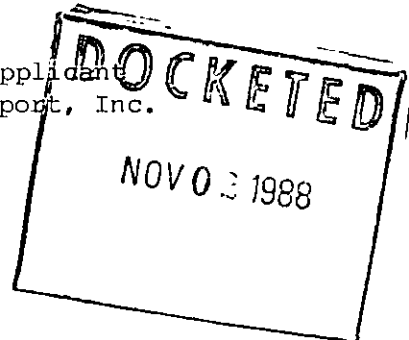
Dated this 27th day of October, 1988, at Harrisburg, Pennsylvania.



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000



Counsel for Applicant
Central Transport, Inc.



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

WILLIAM A. CHESNUTT

October 29, 1988

Peter G. Loftus, Esquire
240 Penn Avenue, Suite 300
Scranton, PA 18503

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9

Dear Mr. Loftus:

As you and I discussed by telephone on Friday, and as I later confirmed to your secretary, my client Central Transport, Inc. is willing to add dry litharge to the list of commodities **excluded** from the generic description "commodities in bulk" which it is seeking in this application. Enclosed is a copy of the revised scope of authority as it would read with the dry litharge incorporated into the restriction. Please give me a call on Monday, assuming you receive this letter, and if not, by no later than 9:00 A. M. Tuesday morning, and I will submit the revised restriction (incorporating the reference to litharge) at the opening of the hearing scheduled for Tuesday, November 1.

Very truly yours,

MCNEES, WALLACE & NURICK

By *Bill (law)*
William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: W. David Fesperman

A.108155
Central Transport, Inc.

REVISED SCOPE OF AUTHORITY SOUGHT

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

Provided that no right, power or privilege is granted to transport asphalt, cement, cement mill waste, dolomitic limestone and dolomitic limestone products, dry litharge, fly ash, limestone and limestone products, mill scale, roofing granules, salt, sand, scrap metal and stack dust.

Provided that no right, power or privilege is granted to transport aviation gasoline, butane diesel fuel, fuel oil (grades 2, 4, 5 and 6), gasoline, kerosene, motor fuel, propane and turbo fuel.

Provided that no right, power or privilege is granted to transport corn syrup and blends of corn syrup, flour, honey, milk and milk products, molasses, sugar and sugar substitutes.

Provided that no right, power or privilege is granted to perform transportation in dump vehicles.

APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108155
 CASE NAME Central Transport, Inc.
 HEARING LOCATION Harrisburg, PA.
 HEARING DATE Nov. 1 & 2, 1988
 ALJ Schnierle

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
 Testimony taken YES NO
 Hearing concluded YES NO
 Further hearing needed YES NO
 Estimated add'l days No estimate yet.
 RECORD CLOSED YES NO
 Briefs to be filed YES NO
 BENCH DECISION YES NO

RECEIVED

NOV 02 1988

Office of A. L. J.
 Public Utility Commission

DOCKET FOLDER

REMARKS: Hearings are already scheduled for 11/2-11/8, will need to schedule more for protestants.

DOCKETED
NOV 14 1988

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
 PLEASE PRINT CLEARLY
 INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

| NAME and TELEPHONE NUMBER | ADDRESS | APPEARING FOR |
|---|--|--------------------------------------|
| McNEES, WARRACE & NURICK by William J. Chesnut Telephone No. (717) 232-8000 | P.O. Box 1166 City HBG State PA Zip 17108-1166 | APPLICANT Central Transport, Inc. |
| DAVID H. RADCHIFF CHRISTIAN V. GAAF Telephone No. (717) 236-9318 | 407 N. FRONT ST. City HBG State PA Zip 17101 | O.I. Tank Lines Inc |
| Kenneth A. Olson by DAVID H. RADCHIFF CHRISTIAN V. GAAF Telephone No. (201) 274-0301 | P.O. Box 357 City Gladstone State NJ Zip 07934-0357 | MARSHALL SERVICE, INC. |

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Tracy P. Thompson
 Reporter

William J. Lavelle ✓

Address

2310 Grant Bldg.

Dart Trucking Company, Inc.

City

Pittsburgh

State

Pa.

Zip

15219

Telephone No. (412) 471-800

Address

214 State St.

Samuel Coraluzzi Co., Inc.

CRAIG A. DOLL

City

Harrisburg

State

PA

Zip

17101

Telephone No. (717) 238-1424

Address

KEY BANK BUILDING 4TH FLOOR

CROSSETT, INC.

RONALD W MALIN ✓

City

JAMESTOWN

State

N.Y.

Zip

14701

Telephone No. (716) 664-5210

Address

1450 Two CHATHAM CTR.

REFINERS TRANSPORT & TERMINAL CORP

HENRY M WICK 11 ✓

City

PITTSBURGH

State

PA

Zip

15219

Telephone No. (412) 765-1600

CHEMICAL LUBRICANT TANK LINES

Dwight L. Koerber Jr ✓

Address 110 NORTH SECOND
PO BOX 1320

Quality Carriers

City

Clearfield

State

PA

Zip

16830

Telephone No. (814) 765-9611

Address

1800 Penn Metal Trw.

McHale, Inc.

Alvin W. Patterson ✓

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Phila

State

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Zip

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Telephone No. (215) 825-8300

Address

102 Pickering Way

Chemical Leam
Tonk. Lewis, Inc.

William J. O'Kane ✓

City

Exton

State

PA

Zip

19341

Telephone No. ()

Address

City

State

Zip

Telephone No. ()

Address

City

State

Zip

Telephone No. ()

Address

City

State

Zip

Telephone No. ()

LAW OFFICES
PETER G. LOFTUS, P.C.
240 PENN AVENUE-SUITE 300
SCRANTON, PENNSYLVANIA 18503

PETER G. LOFTUS

AREA CODE 717
347-1453

RECEIVED

NOV 4 1988

SECRETARYS OFFICE
Public Utility Commission

November 3, 1988

The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Re: Application of Central Transport, Inc.
A-00108155

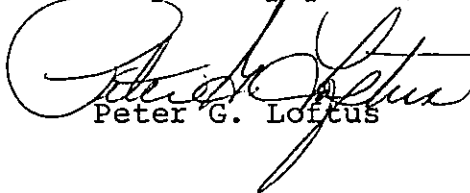
Dear Secretary Rich:

We are in receipt of a Restrictive Amendment
in the above-referenced application from William A.
Chestnutt, Esquire.

Based upon the Restrictive Amendment, Seaboard
Tank Lines, Inc., withdraws its protest contingent upon
acceptance of said amendment by the Commission.

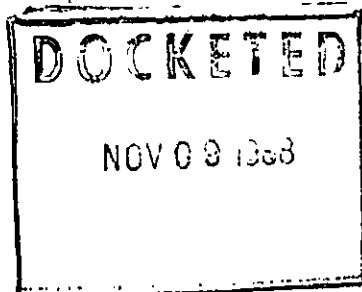
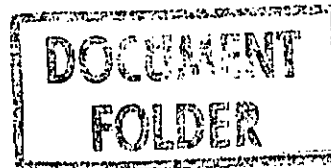
Please continue to carry us on the mailing list
for all future notices, orders, opinions, etc.

Very truly yours,


Peter G. Loftus

PGL/rm
Enclosure

cc: Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.



APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108155

CASE NAME Central Transport, Inc.

HEARING LOCATION Philadelphia, PA.

HEARING DATE November 9 & 10, 1988

ALJ Schnierle

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES X NO

Testimony taken YES X NO

Hearing concluded YES NO X

Further hearing needed YES X NO

Estimated add'l days No estimate yet

RECORD CLOSED YES NO X
Date

Briefs to be filed YES NO
Date

BENCH DECISION YES NO

REMARKS: Cancel hearings set for
11/16 + 11/17/88 in P.I.L. Do not cancel
11/18 in P.I.L. Still need to
schedule protestants' case.

RECEIVED

NOV 10 1988

Office of A. L. J.
Public Utility Commission

DOCUMENT
FOLDER

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY

INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NCV 7

| NAME and TELEPHONE NUMBER | ADDRESS | | | APPEARING FOR |
|--|--|--|--|--|
| McNEES, WARRANCE & MURPHY William A. Chesnut Telephone No. 215 232-8000 | P.O. Box 1166 City: <u>HB6</u> State: <u>PA</u> Zip: <u>17108-1166</u> | | | APPLICANT Central Transport, Inc. |
| James W. Patterson Telephone No. (215) 925-8300 | 1800 Penn Metal Tower City: <u>Phila</u> State: <u>PA</u> Zip: <u>19106</u> | | | WATLACK, Inc (Protestant) |
| HENRY M WICK JR Telephone No. (412) 765 1600 | 1450 TWO CHATHAM CTR City: <u>PITTSBURGH</u> State: <u>PA</u> Zip: <u>15219</u> | | | REFINERS TRANSFER & TERMINAL CORP PROTESTANT |

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Schnierle
Reporter

KENNETH A. OLSEN

Address

P. O. BOX 357

PROTESTANT:

MARSHALL SERVICE
INC

City

State

Zip

GLADSTONE

NJ

07934

Telephone No. (201) 234-0701

WILLIAM J. O'KANE

Address

102 PICKERING WAY

CHEMICAL LEASING
TANK LINES, INC.

City

State

Zip

EXTON

PA

19341

Telephone No. (215) 363-4422

DAVID H. RADCLIFFE

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407 N. FRONT ST

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State

Zip

H.B.G.

PA

17101

Telephone No. (717) 2369318

RONALD W. MALIN

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CROSSETT, INC.

City

State

Zip

JAMESTOWN

N.Y.

14701

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Telephone No. ()

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Address

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State

Zip

Telephone No. ()

RUBIN QUINN MOSS & HEANEY

ATTORNEYS AT LAW

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(215) 925-8300

DIRECT DIAL NUMBER

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GENERAL WASHINGTON BUILDING
KING OF PRUSSIA, PA 19406
(215) 337-4080

JENKINTOWN OFFICE
SUITE 421
BENJAMIN FOX PAVILION
JENKINTOWN, PA 19046
(215) 884-4600

OF COUNSEL
ROBERT B. EINHORN
GOFF & RUBIN

November 10, 1988

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NOV 15 1988

SECRETARY'S OFFICE
Public Utility Commission

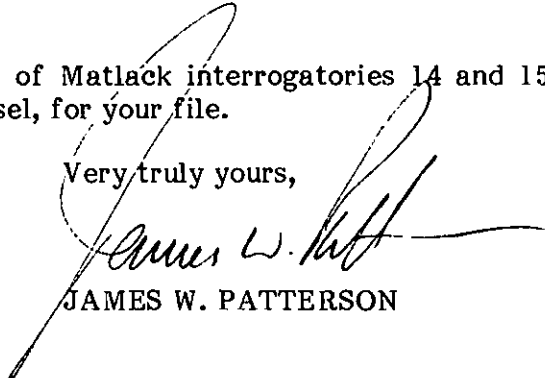
All Parties of Record

**RE: Application of Central Transport, Inc.
Docket No. A-108155**

Gentlemen:

Enclosed herewith please find a copy of Matlack interrogatories 14 and 15 revised in accordance with an agreement of counsel, for your file.

Very truly yours,



JAMES W. PATTERSON

JWP/tal
Enclosure

- cc: Honorable Michael C. Schnierle, Administrative Law Judge
- Martin C. Hynes, Jr., Vice President-Marketing
- William A. Chesnutt, Esquire
- Henry M. Wick, Jr. Esquire
- David H. Radcliff, Esquire
- Ronald Malin, Esquire
- William J. O'Kane, Esquire, Secretary and General Counsel
- Kenneth Olsen, Esquire

EXHIBIT
FOLDER

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NOV 14 1988

Office of A. L. J.
Harrisburg

11/03/88

APPLICATION OF CENTRAL TRANSPORT, INC

REVISED MATLACK, INC. INTERROGATORIES 14. AND 15.

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NOV 15 1988

SECRETARY'S OFFICE
Public Utility Commission

14. Since January 1, 1986, has Applicant received any complaints, warnings or Notices of Claim from or been cited by the Pennsylvania Public Utility Commission, the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, the United States Department of Transportation, the Federal Bureau of Investigation, the North Carolina Division of Environmental Management or other federal governmental agencies or governmental agencies in the states of North Carolina and Pennsylvania in connection with alleged violations involving or affecting transportation. */ If so, give the following information for each instance:

(a.) Date of alleged violation.

(b.) Origin(s) and destination(s) of service being rendered or location of violation.

(c.) Commodity or commodities being transported, or nature of service being rendered.

EXHIBIT
FOLDER

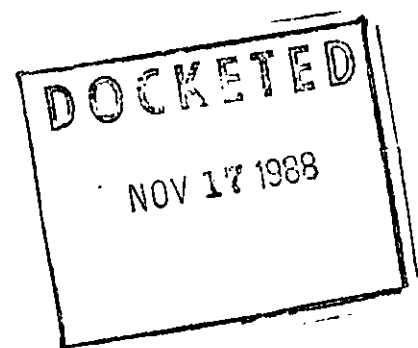
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NOV 17 1988

*/ Upon stipulation of Matlack, Inc. and Central Transport, Inc. the term "involving or affecting transportation" for the purposes of this interrogatory shall be interpreted to mean: Incidents and occurrences i/ during the operation of vehicles on the public highways, ii/ at or adjacent to terminals and iii/ during the process of repair or cleaning of vehicles.

(d.) Type of vehicle utilized, if any.

(e.) Nature of the incident or problem which formed the basis for the complaint, warning, Notice of Claim, etc.

15. For each instance identified in response to Interrogatory 14, identify and produce any document(s) which pertain(s) to the incident including any document(s) issued by any of the agencies listed in said Interrogatory.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
November 14, 1988

In Re: A-00108155

(See letter dated 8/8/88)

Application of Central Transport, Inc.

A Corporation of the State of North Carolina, for the right to transport, as a common carrier, property, in bulk, in tank and hopper-type vehicles, between points in Pennsylvania.

NOTICE

As announced at the hearing Wednesday, November 9, 1988 further hearing dates of Wednesday and Thursday, November 16 and 17, in Pittsburgh have been cancelled. The one hearing day of Friday, November 18, 1988, remains as scheduled, in Pittsburgh.

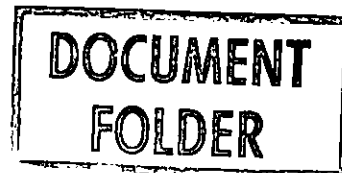
Additionally, hearings for Tuesday, Wednesday and Thursday, February 7, 8 and 9, 1989 have now been scheduled in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

Please change your records accordingly.

cc: Judge Schnierle
Mrs. Pappas
Mrs. Howell
Mr. Bramson
File Room

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NOV 18 1988



APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108155

CHECK THOSE BLOCKS WHICH APPLY:

CASE NAME Application of
Central Transport, Inc.

Hearing held YES NO

Testimony taken YES NO

Hearing concluded YES NO

HEARING LOCATION Pittsburgh, PA

Further hearing needed YES NO

HEARING DATE November 18, 1988

Estimated add'l days 4 days

ALJ Schnierle

RECORD CLOSED YES NO

Date _____

Briefs to be filed YES NO

Date _____

BENCH DECISION YES NO

RECEIVED DOCKETED

NOV 21 1988

DEC 0 1 1988

Office of A. L. J.
Public Utility Commission

REMARKS: We have already scheduled
hearings for 2/7 and 2/8 and 2/9/89
in Phila. Schedule hearing for 2/15/89
in Pitt.

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

| NAME and TELEPHONE NUMBER | ADDRESS | | | APPEARING FOR | |
|---|--------------------------|--------------------------|--------------------|---------------------|--|
| <u>McNEES, WALLACE & MURICK</u> <u>William A. Chesnut</u> Telephone No. <u>(717) 232-8400</u> | <u>P.O. Box 1166</u> | City <u>HRB</u> | State <u>PA</u> | Zip <u>17108</u> | <u>APPLICANT</u> <u>Central</u> <u>Transport, Inc.</u> |
| <u>KENNETH A. OLSEN</u> Telephone No. <u>(201) 234-0301</u> | <u>P.O. Box 357</u> | City <u>GLADSTONE</u> | State <u>NJ</u> | Zip <u>07934</u> | <u>PROTESTANT</u> <u>MARSHALL SERVICE,</u> <u>INC.</u> |
| <u>WILLIAM J. O'KANE</u> Telephone No. <u>(715) 363 4444</u> | <u>104 PICKERING WAY</u> | City <u>EXTON</u> | State <u>PA</u> | Zip <u>19341</u> | <u>CHEMICAL LEAMAN</u> <u>TANK LINES, INC.</u> |

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Lisa J. Berkey
Reporter

Henry M. Wick

Address 1450 Two Chatham Ctr.

Refiners Tra
& Terminal Co
Protestant

Telephone No. (412) 765-1600
City Pittsburgh State PA Zip 15219

Edward L. Cierniecki
Rubin, Quinn Moss & Heagy

Address 1800 Penn Mutual Tower
510 Walnut St.
City Phila. State PA Zip 19106

MATLACK, INC.

Telephone No. (215) 925-8340

RONALD W. MALIN

Address KEY BANK BLOC - 4TH FLOOR
City JAMESTOWN State N.Y. Zip 14701

CROSSETT INC

PROTESTANT

Telephone No. (716) 664-5310

Telephone No. ()
Address
City State Zip

Telephone No. ()
Address
City State Zip

Telephone No. ()
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City State Zip

Telephone No. ()
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City State Zip

Telephone No. ()
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City State Zip

Telephone No. ()
Address
City State Zip

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

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NOV 29 1988

SECRETARYS OFFICE
Public Utility Commission

WILLIAM A. CHESNUTT

November 28, 1988

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:

In accordance with 52 Pa Code §5.342(d), I am filing the required Certificate of Service.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By 

William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: All parties of record (w/enclosure)
W. David Fesperman (w/enclosure)
Hon. Michael C. Schnierle (w/enclosure)

CERTIFICATE OF SERVICE

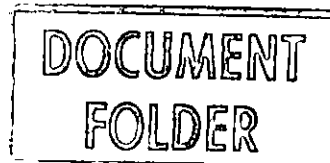
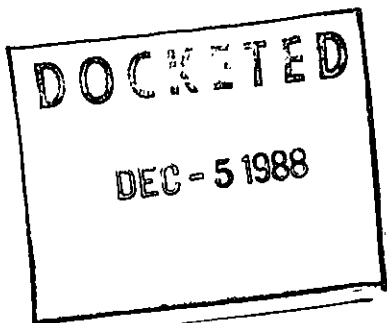
I hereby certify that I have served on all counsel of record in this matter on the date indicated below, by first class mail, postage prepaid, answers to Revised Interrogatories No. 14 and 15 propounded by counsel for Matlack, Inc.

Dated this 28th day of November, 1988, at Harrisburg, Pennsylvania.



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Applicant
Central Transport, Inc.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
November 22, 1988

In Re: A-00108155

(See letter dated 11/14/88)

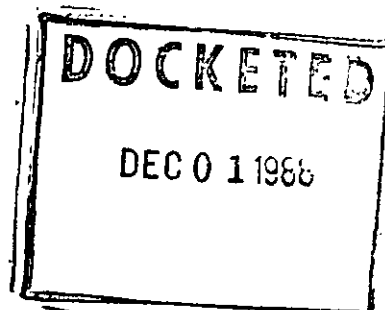
Application of Central Transport, Inc.

A Corporation of the State of North Carolina, for the right to transport, as a common carrier, property, in bulk, in tank and hopper-type vehicles, between points in Pennsylvania.

NOTICE

Referring to our notice of November 14, 1988, adding Tuesday, Wednesday and Thursday, February 7, 8 and 9, 1989, for further hearings in Philadelphia, in the above captioned case, please add the one day of hearing, Wednesday, February 15, 1989, in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.

cc: Judge Schnierle
Mrs. Pappas
Mrs. Howell
Mr. Bramson
File Room



ORIGINAL

RUBIN QUINN MOSS & HEANEY

ATTORNEYS AT LAW

1800 PENN MUTUAL TOWER

510 WALNUT STREET

PHILADELPHIA, PA 19106-3619

(215) 925-8300

DIRECT DIAL NUMBER

(215) 931-0692

ALEXANDER N. RUBIN, JR.
JERROLD V. MOSS
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(215) 884-4600

OF COUNSEL
ROBERT B. EINHORN
GOFF & RUBIN

December 6, 1988

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DEC 8 1988

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

SECRETARY'S OFFICE

RE: Application of Central Transport, Inc. Public Utility Commission
Docket No. A-108155

Dear Secretary Rich:

Enclosed please find the Certificate of Service required by 52 Pa. Code 5.342(d).

Very truly yours,


JAMES W. PATTERSON

JWP/tal
Enclosure

16
17

CERTIFICATE OF SERVICE

ORIGINAL

I hereby certify that I have, this day, served on all counsel of record in this matter, properly addressed, by postage prepaid first-class mail, objections to six of the twenty-one enumerated Interrogatories propounded by applicant.

Dated this 6th day of December, 1988, at Philadelphia, Pennsylvania.

A108155
James W. Patterson

JAMES W. PATTERSON
Counsel for Protestant, Matlack, Inc.

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SECRETARY'S OFFICE
Public Utility Commission

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DEC 12 1988

FOR

RUBIN QUINN MOSS & HEANEY

ATTORNEYS AT LAW
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OF COUNSEL
ROBERT B. EINHORN
GOFF & RUBIN

December 6, 1988

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DEC 9 1988

Honorable Michael C. Schnierle
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

SECRETARY'S OFFICE
Public Utility Commission

RE: Application of Central Transport, Inc.
Docket No. A-108155

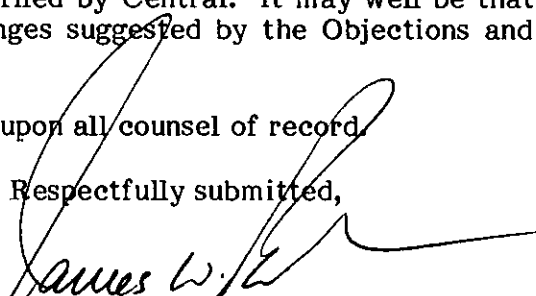
Dear Judge Schnierle:

Enclosed please find the original of the Objections of Protestant, Matlack, Inc., to several of the Interrogatories propounded by Central Transport, Inc. in the above-captioned matter.

It is my understanding that no ruling is necessary on the Objections unless a Motion to Dismiss the Objections or any of them is filed by Central. It may well be that Central will accede to the compromises and changes suggested by the Objections and that no action from Your Honor will be necessary.

Copies of the Objections have been served upon all counsel of record.

Respectfully submitted,


JAMES W. PATTERSON

JWP/tal
Enclosure

DOCUMENT
FOLDER

RECEIVED

DEC 10 1988

Office

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served on all counsel of record in this matter, properly addressed, by postage prepaid first-class mail, objections to six of the twenty-one enumerated Interrogatories propounded by applicant.

Dated this 6th day of December, 1988, at Philadelphia, Pennsylvania.



JAMES W. PATTERSON
Counsel for Protestant, Matlack, Inc.

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF _____ : DOCKET NO.
CENTRAL TRANSPORT, INC. : A-108155

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DEC 9 1988

**OBJECTIONS OF PROTESTANT, MATLACK, INC.
TO INTERROGATORIES**

SECRETARY'S OFFICE
Public Utility Commission

**DOCUMENT
FOLDER**

On November 25, 1988, Central Transport, Inc. ("Central") served twenty-one (21) Interrogatories on counsel for protestant, Matlack, Inc. ("Matlack").

Pursuant to 52 Pa. Code §5.342, Matlack objects to portions of Interrogatories 6. and 15., all of Interrogatories 19. and 20. and (in the nature of an objection) Matlack seeks the same accommodation with respect to Interrogatories 17. and 18. as was accorded Central in connection with Matlack's virtually identical Interrogatories to Central.

Finally, Matlack requires additional time in which to fully answer the Interrogatories propounded by applicant. In view of the fact that the next hearings in the matter are scheduled for February 7, 8 and 9, it would seem appropriate and not prejudicial to Central to allow Matlack until the end of the first week of January (January 6, 1989) in which to supply its answers.

The full text of Central Interrogatories 6., 15., 17., 18., 19. and 20. is set forth at Appendix 1 hereto.

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DEC 13 1988

OBJECTIONS

A. Central Interrogatory 6.

Matlack objects to providing the unusually detailed information required by Interrogatory 6.(b) (partial), (c) (partial) and (d) (partial). Compiling the detailed

information sought, including copies of variations of lease agreements, model, year, make and in-service date of all equipment and the terminal where all such equipment is stationed is an onerous task and of largely little relevance to this Pennsylvania matter. Matlack operates in excess of 4,400 pieces of equipment, spread throughout the United States and Canada. It operates more than 86 terminal facilities nationwide. The task of producing all of the information requested by those portions of Interrogatory 6. mentioned above would be unreasonably burdensome and expensive and, on balance, of little value to applicant and the Administrative Law Judge. Matlack will provide the information sought by Central Interrogatory 6. with respect to the Matlack terminals which provide service to Pennsylvania, except with respect to the in-service date (the date the equipment was put in service by Matlack).

B. Central Interrogatory 15.

Matlack objects to providing copies of its Balance Sheet as of June 30, 1988 for the reason that no Balance Sheet as of that date is available. An Income Statement through June 30, 1988 is available and will be supplied. However, it would be unduly burdensome to require Matlack to go to the expense and burden of compiling and producing a June 30, 1988 Balance Sheet.

C. Central Interrogatories 17. and 18.

Matlack objects to Interrogatory 17. on the basis that it is too wide-spread and detailed. The same objection is raised to Interrogatory 18. Interrogatories 17. and 18. are virtually identical to Interrogatories 14. and 15., propounded by Matlack to Central earlier in this proceeding and dealt with in detail by counsel and the Administrative Law Judge during several days of hearing, culminating in the form of Interrogatories set forth at 17. and 18., but accompanied by an understanding of counsel that ordinary traffic violations, warnings, parking tickets and the like would not be included in Central's response. Matlack is entitled, we believe, to the same accommodation and, subject to that accommodation, Matlack will respond fully to Interrogatories 17. and 18.

D. Central Interrogatories 19. and 20.

Matlack objects to Interrogatories 19. and 20. Interrogatory 19. seeks information regarding any intrastate operations by Matlack during a three (3) year period in Pennsylvania beyond its Pennsylvania Public Utility Commission operating authority. Matlack's regulatory fitness is not at issue in this proceeding. Although information regarding Matlack's safety practices, environmental problems and the like are certainly relevant, whether or not it has operated beyond the scope of its Pennsylvania Public Utility Commission operating authority is not at issue here.

As a reasonable compromise, Matlack will respond to Interrogatories 19. and 20. with respect to traffic within the scope of the Central application. Whether or not Matlack in some manner operated in excess of its P.U.C. authority in a field of service not addressed by the Central application is of no moment to this proceeding.

E. Additional Time in Which to Respond

Matlack, in order to collect the needed information and place it in the form necessary to respond to the Interrogatories of applicant, Central Transport, will require additional time in which to respond. In view of the fact that further hearings in this matter do not resume until Tuesday, February 7, 1989, Matlack will respond by Friday, January 6, 1989.

WHEREFORE, protestant, Matlack, Inc., objects as aforesaid and, in the absence of agreement with Central, seeks an Order i/ permitting Matlack until Friday, January 6, 1989 to respond to the Interrogatories propounded by Central Transport, Inc.; ii/ sustaining Matlack's objections as above set forth; and iii/ permitting the alterations and compromises suggested by the foregoing objections to govern Matlack's response.

Respectfully submitted,



JAMES W. PATTERSON
Attorney for Matlack, Inc.

4. State how long each witness named in answers 2 and 3 above has been employed by his or her company, how long each witness has held his or her present position, and the duties and responsibilities of that position.

5. State the following with regard to Protestant and each affiliated, parent or subsidiary corporation:

(a) names and titles of all officers;

(b) names of all directors;

6. With regard to vehicular equipment:

(a) List the type of equipment and number of each type that Protestant owns;

(b) List the type of equipment and number of each type of equipment that Protestant leases and furnish a copy of each variation of lease agreement covering such equipment.

(c) With respect to each unit of power equipment identified in response to 6(a) and (b), supply the following information:

(i) Model year and make;

(ii) In-service date with Protestant;

(iii) Terminal where unit is stationed.

(d) With respect to each unit of trailer equipment identified in response to 6(a) and (b), supply the following information:

(i) Model year and make;

(ii) In-service date with Protestant;

12. Describe in detail Protestant's training program relative to hazardous materials transportation.

13. For calendar year 1987, identify the number of shipments handled and revenue derived therefrom by Protestant with respect to shipments:

(a) having a Pennsylvania origin and an out-of-state destination:

(b) having a Pennsylvania destination and an out-of-state origin:

(c) having both a Pennsylvania origin and a Pennsylvania destination.

14. Provide the same information requested in interrogatory 13 for the period January 1 to June 30, 1988.

15. Provide copies of the Balance Sheet of Protestant as of (a) December 31, 1986, (b) December 31, 1987 and (c) June 30, 1988.

16. Provide copies of the Income Statement of Protestant for the periods ending (a) December 31, 1986, (b) December 31, 1987 and (c) June 30, 1988.

17. Since January 1, 1986, has Protestant received any complaints, warnings, Notices of Claim or citations from the Pennsylvania Public Utility Commission, the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, the United States Department of Transportation, the Federal Bureau of Investigation, or any other governmental agencies of the Commonwealth of Pennsylvania or of the state (other than Pennsylvania), in or through which Protestant's vehicles operated the

most miles during 1986 and 1987, in connection with alleged violations involving or affecting transportation.* If so, give the following information for each instance:

(a) Date of alleged violation.

(b) Origin(s) and destination(s) of service being rendered or location of violation.

(c) Commodity or commodities being transported, or nature of service being rendered.

(d) Type of vehicle utilized, if any.

(e) Nature of the incident or problem which formed the basis for the complaint, warning, Notice of Claim, etc.

18. For each instance identified in response to Interrogatory 14, identify and produce all document(s) which pertain(s) to the incident including all document(s) issued by any of the agencies listed in said Interrogatory.

19. Were there any instances during 1986, 1987 and 1988 (through September 30), in which protestant transported traffic between points in Pennsylvania, in which the moves were subject to the jurisdiction of the Pennsylvania Public Utility Commission, but were not authorized by certificates of public convenience issued to Protestant by the Pennsylvania Public

*-----
* The term "involving or affecting transportation" for the purposes of this interrogatory shall mean incidents or occurrences (i) during the operation of vehicles on the public highways, (ii) at or adjacent to terminals or cleaning facilities and (iii) during the process of repair or cleaning of vehicles.

Utility Commission? If so, give the following information for each instance:

- (a) Date of trip;
- (b) Origin of trip;
- (c) Destination point or points;
- (d) Commodity or commodities transported;
- (e) Number and type of vehicles used;
- (f) Name of entity utilizing applicant's service.

20. For each instance identified in answer to interrogatory 19 herein, identify and produce all documents which pertain to the service performed.

21. Please furnish drivers logs, manifest sheets or any other documentation that would show the whereabouts and all activity of Matlack tractor unit 543 and trailer unit 1017 during the period November 15 through November 17, 1988.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the foregoing document upon all parties of record in this proceeding, by postage prepaid, properly addressed, first-class mail.

Dated at Philadelphia, Pennsylvania, this 6th day of December, 1988.



JAMES W. PATTERSON

Of Counsel:

RUBIN QUINN MOSS & HEANEY
1800 Penn Mutual Tower
510 Walnut Street
Philadelphia, Pennsylvania 19106
(215) 925-8300

RUBIN QUINN MOSS & HEANEY

ATTORNEYS AT LAW

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MICHAEL D. BUTLER
DAVID J. SCHILLER
ANNA HOM
CATHERINE PANCHOU
JOHN A. RODA

December 16, 1988

* ALSO ADMITTED TO NJ BAR

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

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DEC 19 1988

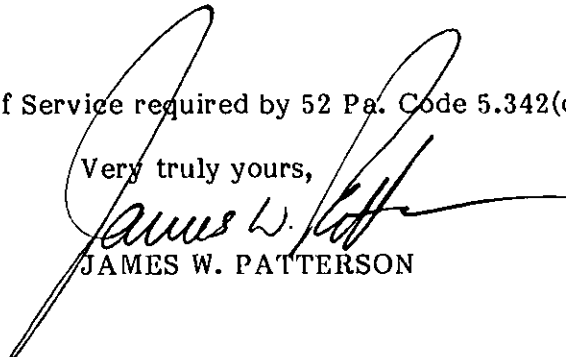
Re: Application of Central Transport, Inc.
Docket No. A-108155

SECRETARYS OFFICE
Public Utility Commission

Dear Secretary Rich:

Enclosed please find the Certificate of Service required by 52 Pa. Code 5.342(d).

Very truly yours,



JAMES W. PATTERSON

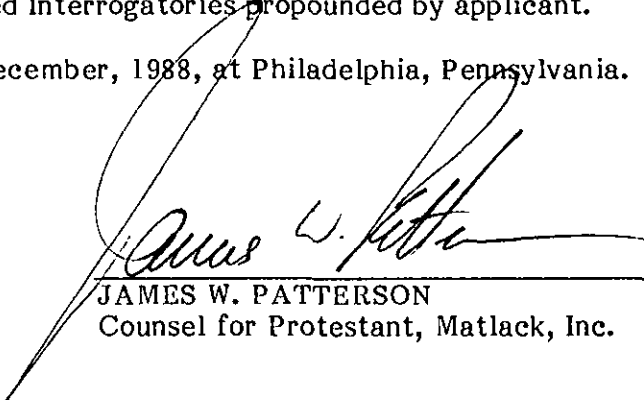
JWP:jal

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CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served on all counsel of record in this matter, properly addressed, by postage prepaid first-class mail, supplemental objections to four of the twenty-one enumerated Interrogatories propounded by applicant.

Dated this 16th day of December, 1988, at Philadelphia, Pennsylvania.



JAMES W. PATTERSON
Counsel for Protestant, Matlack, Inc.

DEC 17 1988
COURT

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DEC 20 1988

Of Counsel:

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1800 Penn Mutual Tower
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RUBIN QUINN MOSS & HEANEY

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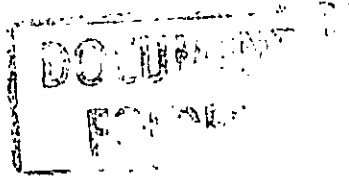
OF COUNSEL
ROBERT B. CINHORN
GOFF & RUBIN

December 16, 1988

| | |
|-------------------------|-----------------------|
| ALEXANDER N. RUBIN, JR. | WILLIAM P. QUINN |
| JERROLD V. MOSS | TERENCE K. HEANEY |
| JAMES W. PATTERSON | MALCOLM L. LAZIN |
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| JAMES E. O'NEILL III | JOHN A. RODA |

* ALSO ADMITTED TO NJ BAR

Honorable Michael C. Schnierle
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265, North Office Building
Harrisburg, PA 17120



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DEC 20 1988

Re: Application of Central Transport, Inc.
Docket No. A-108155

SECRETARY'S OFFICE
Public Utility Commission

Dear Judge Schnierle:

Enclosed please find the original of the Supplemental Objections of Protestant, Matlack, Inc., to four (4) of the Interrogatories propounded by Central Transport, Inc. in the above-captioned matter.

Copies of the objections have been served upon all counsel of record.

Very truly yours,

JAMES W. PATTERSON

ELC/jal

cc: Martin C. Hynes, Jr., Vice President-Marketing

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DEC 21 1988

Before The

ORIGINAL

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF : DOCKET NO.
CENTRAL TRANSPORT, INC. : A-108155

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DEC 20 1988

SUPPLEMENTAL OBJECTIONS OF PROTESTANT, SECRETARY'S OFFICE
MATLACK, INC. TO INTERROGATORIES Public Utility Commission

DOCKETED

COMES NOW, Matlack, Inc. ("Matlack") by its attorneys and files these Supplemental Objections to the Interrogatories served upon it by Applicant, Central Transport, Inc. ("Central") in the above-captioned matter. These Supplemental Objections amend the objections filed by Matlack on December 6, 1988 and are directed solely to Central Interrogatories 17-20.

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DEC 20 1988

No reply to Matlack's initial Objections has been filed by Central.

SUPPLEMENTAL OBJECTIONS

Central Interrogatories 17. and 18. request data regarding complaints, warnings, Notices of Claim or citations issued by several enumerated agencies, including this Commission, and received by Matlack since January 1, 1986. Interrogatories 19. and 20. seek information and documentation relating to intrastate service rendered by Matlack during the past three (3) years beyond the scope of its Pennsylvania Public Utility Commission operating authority.

In its initial objections to these interrogatories, Matlack agreed to fully respond to Interrogatories 17. and 18. except to the extent that they sought data relating to ordinary traffic violations, warnings, parking tickets and the like. Matlack's objection to Interrogatories 19. and 20. stated that, while Matlack's safety practices and environmental problems are relevant to this proceeding, its regulatory fitness is not at issue. Matlack did, however, propose a compromise whereby it would supply information regarding evidence of unlawful

service rendered by it within the scope of Central's application.

With an opportunity to fully consider Central's Interrogatories 17. - 20., the implications of supplying the requested information and prevailing Commission practice and evidentiary criteria, Matlack has reconsidered its position relative to supplying the information requested in Interrogatories 17.- 20.

Although Matlack stated in its Objections to Interrogatories 19. and 20. that its safety practices and environmental problems are relevant to this proceeding, upon further consideration of the legal issues to be addressed in this matter it is evident that Matlack's fitness is not an issue to be considered in evaluating the evidence in support of a grant or denial of Central's request for intrastate operating authority. The evidentiary criteria to be utilized in motor common carrier applications are set forth in 52 Pa. Code §41.14; namely, evidence regarding: 1. public need for the proposed service; 2. the applicant's technical, financial and regulatory fitness; and 3. the adverse effect that approval of the application will have upon a protestant. A protestant's fitness is irrelevant to the issues involved.

The scope of permissible discovery is set forth in 52 Pa. Code §5.321(b) in the following manner:

Scope generally. Subject to this subchapter, a participant may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code §5.321(b)(emphasis added).

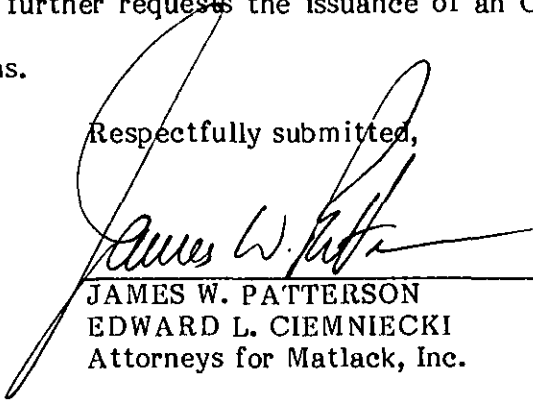
Information regarding complaints, warnings, etc., issued by governmental agencies to Matlack and evidence of unlawful intrastate service that Matlack may have rendered is clearly not relevant to the subject matter of

this action.

The requested information is not useful or relevant in resolving the issues in this proceeding. The information sought will not and cannot be utilized because it is wholly irrelevant to the issues to be decided herein, will be inadmissible at hearing on the basis of irrelevancy and will not lead to the discovery of admissible evidence. The information requested in Interrogatories 17. to 20. is beyond the scope of permissible discovery and Matlack, Inc. objects to supplying it.

WHEREFORE, Matlack, Inc. seeks the relief set forth in its earlier-filed Objections to Interrogatories and further requests the issuance of an Order sustaining these Supplemental Objections.

Respectfully submitted,



JAMES W. PATTERSON
EDWARD L. CIEMNIECKI
Attorneys for Matlack, Inc.

LAW OFFICES

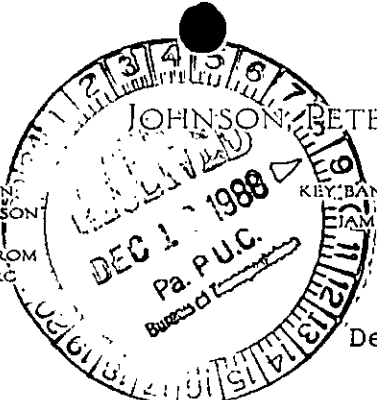
JOHNSON, PETERSON, TENER & ANDERSON

KENNETH T. JOHNSON
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RONALD W. MALIN
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AREA CODE 716
TELEPHONE 664-5210

December 15, 1988



file

CABLE ADDRESS
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ALBERT J. TENER (OF COUNSEL)
JOHN A. PETERSON (1919-1971)
WILLIAM C. ARRISON (1925-1978)
CHARLES I. PHILLIPS (1919-1980)

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Bureau of Transportation
North Office Building
P.O. Box #3265
Harrisburg, Pennsylvania 17120

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DEC 21 1988

Office of A. L. J.
Public Utility Commission

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

Dear Mr. Rich:

Enclosed herewith please find Certificate of Service evidencing service of Response of Protestant, Crossett, Inc., to Interrogatories propounded by counsel for the Applicant, Central Transport, Inc..

Respectfully submitted,

Ronald W Malin

RONALD W. MALIN

RWM:knw

Enclosures

C/C TO: William A. Chestnutt, Esq.
McNess, Wallace & Nurrick
100 Pine Street
P.O. Box #1166
Harrisburg, Pennsylvania 17108-1166

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

12/21/88



BEFORE THE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

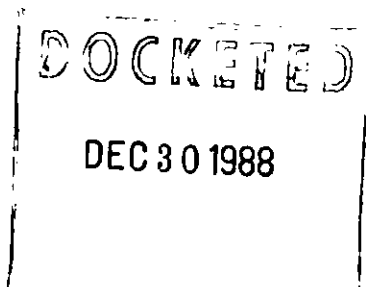
RESPONSE TO WRITTEN INTERROGATORIES OF APPLICANT
BY PROTESTANT, CROSSETT, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have served Response of Protestant, Crossett, Inc., to twenty (20) Interrogatories propounded by counsel for the Applicant, Central Transport, Inc., upon counsel for Applicant in this proceeding by forwarding a copy thereof by first-class mail, postage pre-paid, on the date indicated below to:

William A. Chestnutt, Esq.
McNess, Wallace & Nurrick
100 Pine Street
P.O. Box #1166
Harrisburg, Pennsylvania 17108-1166

Dated this 15th day of December, 1988,
at Jamestown, New York.



Ronald W Malin

RONALD W. MALIN, ESQ.
Counsel for Protestant
Johnson, Peterson, Tener & Anderson
Key Bank Building - P.O. Box #1379
Jamestown, New York 14702-1379
Telephone: (716) 664-5210

PROTESTANT
FOLDER

ORIGINAL

Admitted To Practice In:
New Jersey
Pennsylvania

Kenneth A. Olsen

Attorney at Law

P. O. Box 357

Gladstone, New Jersey 07934-0357

December 30, 1988

RECEIVED

DEC 30 1988

**SECRETARYS OFFICE
Public Utility Commission**

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

Dear Sir:

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

In accordance with 52 Pa Code §5.342(d), I am filing the required Certificate of Service.

Kindly acknowledge receipt on the duplicate of this letter attached. A self-addressed stamped envelope is enclosed for your convenience.

Very truly yours,



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

KAO:jnw

Enc.

cc with enc.: All parties of record
Everett E. Marshall, III, VP
Marshall Service, Inc.

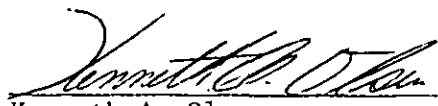
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF:
CENTRAL TRANSPORT, INC.
NUMBER A-00108155
CERTIFICATE OF SERVICE

I hereby certify that I have served on Applicant's counsel of record herein, by Express Mail, Return Receipt Requested, and all other counsel of record in this matter, on the date indicated below, by first class mail, postage prepaid, Responses of Marshall Service, Inc. to the Interrogatories of Applicant, Central Transport, Inc.

Dated this 30th day of December, 1988, at Gladstone, New Jersey..


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

100
FORM

JAN 1988

ORIGINAL

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

WILLIAM A. CHESNUTT

January 4, 1989

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

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JAN 1 1989

SECRETARYS OFFICE
Public Utility Commission

Re: Application of Central Transport, Inc.
PA PUC Docket No. A.00108155
Our File: 12558-001-9

Dear Secretary Rich:

Enclosed for filing with the Commission are an original and two (2) copies of a Motion To Dismiss An Objection And To Direct Answering of Interrogatories on behalf of Applicant Central Transport, Inc. in the above-captioned proceeding.

Copies of this document have also been served on all parties of record as indicated by the attached Certificate of Service. Please date stamp the attached duplicate of this letter of transmittal for return to my office verifying your receipt of this document.

Respectfully submitted,

MCNEES, WALLACE & NURICK



By

William A. Chesnutt
William A. Chesnutt
Counsel for Applicant
Central Transport, Inc.

WAC/law

Enclosure

cc: Attached Certificate of Service
W. David Fesperman (w/enclosure)

DOCKETED

JAN 06 1989

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

MOTION TO DISMISS AN OBJECTION
AND TO DIRECT ANSWERING OF INTERROGATORIES

To The Honorable Michael Schnierle
Administrative Law Judge

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SECRETARYS OFFICE
Public Utility Commission

Pursuant to 52 Pa. Code §5.342(e), Applicant Central Transport, Inc., by its attorneys McNees, Wallace & Nurick, respectfully moves the Presiding Officer to dismiss Objections filed by Protestant Matlack, Inc. to Interrogatories numbered 17, 18, 19 and 20, and to direct that those interrogatories be answered in full. The disputed interrogatories are reproduced in Appendix "A" attached to this Motion.

ARGUMENT SUPPORTING
THE MOTION FOR DISMISSAL

DOCUMENT
FOLDER

In Supplemental Objections dated December 16, 1988, Matlack declines to provide any response to Interrogatories 17 through 20. No reliance is placed by Matlack on the provisions of 52 Pa. Code §5.361 which state the limitations on the scope of discovery. There is no reliance placed on those provisions by Matlack because the discovery sought by Central clearly does not violate any of the proscriptions stated in that regulation. Accordingly, the only basis for Matlack's objection is that the information sought is not "relevant" to an issue in this proceeding.

Matlack does acknowledge, however, that in initial partial objections to these interrogatories, Matlack stated that its "safety practices and environmental problems" were relevant to this proceeding. It is only "upon further consideration" that Matlack has discovered the irrelevancy of these issues, although perhaps the greater concern for Matlack is the unexplained concern over the "implications of supplying the requested information" (See Matlack's Supplemental Objections, p. 2).

The Presiding Officer has already ruled that questions "involving the violation of the environmental laws or transportation laws as to hazardous substances transportation are relevant" (See Transcript, p. 19). Counsel for Applicant argued strenuously to the contrary. Counsel for Matlack introduced the issue into the case. Now that the tables have been turned on Matlack, the issue suddenly becomes "upon further consideration" irrelevant. This is nonsense.

The issues concerning an applicant's fitness cannot be evaluated in a vacuum. The question is not simply whether an applicant carrier has received "complaints, warnings, notices of claim or citations" from agencies regulating environmental and hazardous transportation areas, but whether the frequency or seriousness of those complaints, warnings, notices of claim or citations deviate significantly from industry experience in that area.

Despite the stated misgivings of counsel for Applicant that the Commission should be embarking into an examination of an applicant's conduct in areas that the Commission is not empowered to regulate, the Administrative Law Judge has concluded to allow protestants to pursue that foray. It would

be both unfair and a denial of due process to foreclose Applicant from pursuing a similar foray with respect to the conduct of protestant carriers in these same areas.

No protestant, other than Matlack, has objected to Applicant's Interrogatories Nos. 17-20. In order for the Administrative Law Judge and the Commission to have any basis of comparison against which to measure conduct of Applicant, it is necessary that Applicant be afforded the opportunity of developing a record concerning complaints, warnings, notices of claim and citations received by protestant carriers from the Pennsylvania Public Utility Commission, the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, the United States Department of Transportation, etc.

WHEREFORE, Applicant prays the this Motion to Dismiss the Objection of Matlack be granted and that Matlack be directed to answer Interrogatories Nos. 17-20.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By 

William A. Chesnutt
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Applicant
Central Transport, Inc.

Dated: January 4, 1989

17. Since January 1, 1986, has Protestant received any complaints, warnings, Notices of Claim or citations from the Pennsylvania Public Utility Commission, the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, the United States Department of Transportation, the Federal Bureau of Investigation, or any other governmental agencies of the Commonwealth of Pennsylvania or of the state (other than Pennsylvania), in or through which Protestant's vehicles operated the most miles during 1986 and 1987, in connection with alleged violations involving or affecting transportation.* If so, give the following information for each instance:

(a) Date of alleged violation.

(b) Origin(s) and destination(s) of service being rendered or location of violation.

(c) Commodity or commodities being transported, or nature of service being rendered.

(d) Type of vehicle utilized, if any.

(e) Nature of the incident or problem which formed the basis for the complaint, warning, Notice of Claim, etc.

18. For each instance identified in response to Interrogatory 14, identify and produce all document(s) which pertain(s) to the incident

* The term "involving or affecting transportation" for the purposes of this interrogatory shall mean incidents or occurrences (i) during the operation of vehicles on the public highways, (ii) at or adjacent to terminals or cleaning facilities and (iii) during the process of repair or cleaning of vehicles.

including all document(s) issued by any of the agencies listed in said Interrogatory.

19. Were there any instances during 1986, 1987 and 1988 (through September 30), in which protestant transported traffic between points in Pennsylvania, in which the moves were subject to the jurisdiction of the Pennsylvania Public Utility Commission, but were not authorized by certificates of public convenience issued to Protestant by the Pennsylvania Public Utility Commission? If so, give the following information for each instance:

- (a) Date of trip;
- (b) Origin of trip;
- (c) Destination point or points;
- (d) Commodity or commodities transported;
- (e) Number and type of vehicles used;
- (f) Name of entity utilizing applicant's service.

20. For each instance identified in answer to interrogatory 19 herein, identify and produce all documents which pertain to the service performed.

CERTIFICATE OF SERVICE

I hereby certify that I have served on all parties of record in this matter on the date indicated below, by first class mail, postage prepaid, unless otherwise indicated, the foregoing document on behalf of Central Transport, Inc.

Ronald W. Malin, Esquire
Key Bank Building Fourth Floor
Jamestown, NY 14701

Henry M. Wick, Jr., Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

Kenneth A. Olsen, Esquire
P. O. Box 357
Gladstone, NJ 07934-0357

David Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

Christian V. Graf, Esquire
407 North Front Street
Harrisburg, PA 17101

William J. O'Kane, Esquire
102 Pickering Way
Exton, PA 19341-0200

Honorable Michael C. Schnierle**
Administrative Law Judge
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dated this 4th day of January, 1989, at Harrisburg, Pennsylvania.



William A. Chesnutt
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Applicant
Central Transport, Inc.

**Indicates Hand Delivery

RUBIN QUINN MOSS & HEANEY

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ORIGINAL

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ROBERT P. STYLE
ROBERT SZWAJKOS
JOHN R. KENNEL, II
MARY ELLEN O'LAUGHLIN
JOSEPH F. MESSINA
PETER C. CILIO
ANNA HOM
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(215) 884-4600

OF COUNSEL
ROBERT S. EINHORN

GOFF & RUBIN

January 10, 1989

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

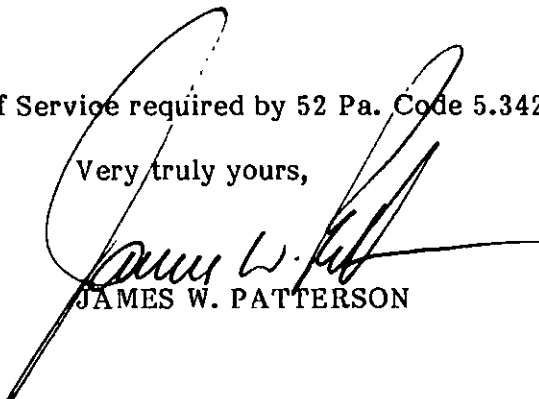
Re: Application of Central Transport, Inc.
Docket No. A-108155

REC-111111
JAN 13 1989
SECRETARY'S OFFICE
Public Utility Commission

Dear Secretary Rich:

Enclosed please find the Certificate of Service required by 52 Pa. Code 5.342(d).

Very truly yours,



JAMES W. PATTERSON

JWP/jal

enclosure

SEARCHED
SERIALIZED
INDEXED
FILED

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Answers of Matlack, Inc. to Written Interrogatories upon the participants listed below in accordance with the requirements of 52 Pa. Code §5.342(d):

William A. Chesnutt, Esquire
100 Pine Street, P.O. Box 1166
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Henry Wick, Jr., Esquire
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Gladstone, NJ 07934

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Harrisburg, PA 17101

William O'Kane, Esquire
102 Pickering Way
Exton, PA 19341-0200

Dated this 10th day of January, 1989.



JAMES W. PATTERSON
Attorney for Matlack, Inc.

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