

ORIGINAL

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
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PITTSBURGH, PA. 15222

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MAR 31 1986

**SECRETARY'S OFFICE
Public Utility Commission**

JOHN A. PILLAR
THOMAS M. MULROY

March 27, 1986

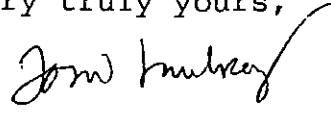
Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

RE: Application of Norman M. Earhart,
t/d/b/a Earhart Trucking
Docket No. A-00065936, F.3, Am-A

Dear Mr. Rich:

We represent Ritchey Trucking, Inc., a protestant in the above-docketed application proceeding. Upon further consideration, Ritchey Trucking, Inc. wishes to withdraw its protest to this application.

Very truly yours,



THOMAS M. MULROY

njm

cc: Ritchey Trucking, Inc.
Arthur J. Diskin, Esq.

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Docket No. A-00065936, F.3, Am-A

Dear Mr. Rich:

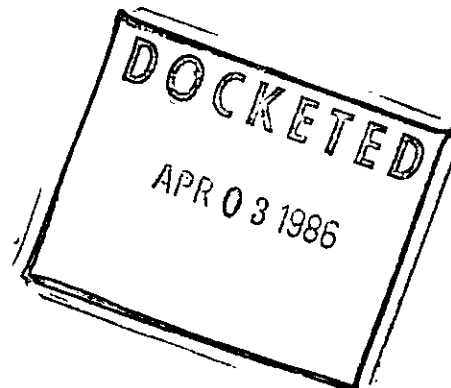
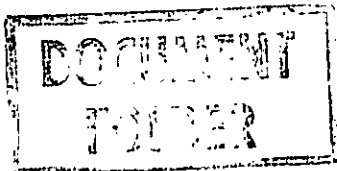
We represent C. L. Feather, Inc. and Wayne W. Sell Corporation, protestants to the above-docketed proceeding. Upon further consideration, protestants wish to withdraw their protests to this application.

Very truly yours,



THOMAS M. MULROY

njm
cc: Arthur J. Diskin, Esq.
C. L. Feather, Inc.
Wayne W. Sell Corporation



APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00065936, F003, Am-A
 CASE NAME Norman A. Earhart, t/d/b/a
Earhart Trucking
 HEARING LOCATION Pittsburgh, PA.
 HEARING DATE April 9, 1986
 ALJ Meehan

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 N/A
 RECORD CLOSED YES NO
 Date 4-9-86
 Briefs to be filed YES NO
 Date 4/10/86
 BENCH DECISION YES NO

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 FEDERAL BUREAU OF INVESTIGATION

REMARKS: **DOCKETED**
 MAY 05 1986
DOCKETED
 FEDERAL BUREAU OF INVESTIGATION

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
<i>Arthur J. Doster</i> Telephone No. ()	<i>402 Law + France Bldg</i> City: <i>Pgh</i> State: <i>Pa.</i> Zip: <i>15219</i>	<i>Opponent</i>
<i>William J. Jewell</i> Telephone No. <i>(412) 471-1800</i>	<i>2310 Grant Bldg.</i> City: <i>Pgh</i> State: <i>Pa.</i> Zip: <i>15219</i>	<i>Bulk Transportation Services, Inc.</i>
Telephone No. ()	City State Zip	

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

Jerry Heck
Reporter

Telephone No. ()	Address		
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NORTH CAMBRIA FUEL COMPANY, INC.

936 Philadelphia Street
Third Floor
P.O. Box 1138
Indiana, PA 15701-1138

Area Code 412
465-7997

April 15, 1986

Bureau of Transportation
Pa. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

IN RE: Norman M. Earhart, t/d/b/a Earhart Trucking; A. 65936

Gentlemen:

This letter is written in support of the application of Mr. Earhart for emergency temporary authority and regular temporary authority. We understand that the shipper support letter must contain certain information, which we are submitting as follows:

1. We are in the coal business and the only commodity involved in this application is coal.
2. Mr. Earhart currently has authority at A. 65936, F. 3, to transport coal (and other commodities) between points in the counties of Indiana, Westmoreland, Armstrong, and Allegheny, provided no haul shall exceed a distance of 35 miles from point of origin to point of destination.
3. We have been using this service for 12 years and are very pleased and satisfied with his service. Our payments to Mr. Earhart are approximately \$60,000 a month. We do not operate any trucks of our own and rely on him for our deliveries.
4. We have relied on Mr. Earnart for the bulk of our delivery service. We formerly had trucks of our own which we sold and disposed of about five years ago.
5. There are two locations involved, namely the Village of Hamilton in Jefferson County and the Township of Lower Yoder in Cambria County. We operate surface mines at both locations. The coal has to be transported to the Conrail yard in Burrell Township. The distance from Lower Yoder Township is 33 miles and the distance from Hamilton is 45 miles. Most common carriers have only a 25 or 30 mile authorization in their rights.
6. The coal involved in these two operations is shipped by rail to Harrisburg. We have strict time deadlines when the coal must be delivered to the rail head. There are 20 loads a day from Lower Yoder Township and 5 loads a day from Hamilton and all of the deliveries have to be coordinated so that they arrive at the rail head on time and without delay.

7. We had a hearing on the Earhart application in Pittsburgh on April 9, 1986 and the only protestant is Bulk Transportation Services, Inc. The witness for the company, Robert Rorabaugh, testified that his company requires one day's notice for pickups. We have not used this company for at least ten years and they never solicited our business until recently. Mr. Rorabaugh testified that the only reason he was interested in our business was because they are losing the big account they have in hauling for Barnes & Tucker. He put on an exhibit (Exhibit 4) showing that his company does about \$500,000 a year in business for Barnes & Tucker and these operations have been terminated. I resent the fact that it was only after he lost the Barnes & Tucker account that he came after me to obtain my business. Where has he been for the past ten years?

8. We would appreciate it if the rights were granted to Mr. Earhart to perform this service on a temporary basis until the permanent application is granted.. The docket number of the permanent case is A. 65936, F. 3, Am-A. This will authorize Mr. Earhart to transport coal between points in Cambria, Jefferson, Indiana and Clearfield Counties for us and will cover the two mining operations described above.

9. I have this to say about the service of Bulk Transportation Services, Inc.: This company has never approached us in the past ten years for our business until recently. We do not know anything about the type of service they render or the availability. Mr. Rorabaugh testified that they need at least one day's notice and we cannot live with this type of service. I stated that we can call Mr. Earhart on very short notice and get service the same day and this is the kind of service we need. I also resent the fact that, even though Bulk Transportation Services, Inc. has never earned a penny from our company in the past ten years, they are deliberately interfering with our application, which is actually an extension of territory for Mr. Earhart. There will be no impact whatsoever upon Bulk Transportation Services, Inc. if the permanent rights or the temporary rights are granted. My feeling is the fact that they have lost the Barnes & Tucker account is no justification for them to interfere with my support of Mr. Earhart. I will not use Bulk Transportation Services, Inc., under any circumstances; even if the temporary authority is not granted, due to the attitude of this company. I feel that they are maliciously interfering with my opportunity to do business with Mr. Earhart and I also feel that the Commission has a duty to provide adequate trucking service to shippers. I do not like being blackmailed by Bulk Transportation Services, Inc. in this manner.

10. There are no other protests against the permanent application. I have spoken with various carriers other than Bulk Transportation Services, Inc. and none of them can provide the type of delivery service that we need. Ritchey Trucking, Inc.; Feather, Inc.; and Wayne W. Sell Corporation are not opposing the permanent application. They have withdrawn their protests and this is a matter of record.

Bureau of Transportation
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April 15, 1986

11. We need service in transportation of 20 loads a day from Lower Yoder and 5 loads a day from Hamilton to the Blairsville rail yard in Burrell Township, and this will continue into the future. I would appreciate it therefore, if the Commission would grant both emergency temporary authority and regular temporary authority to Mr. Earhart.

Very truly yours,
NORTH CAMBRIA FUEL COMPANY, INC.

Girard G. Bloom, Vice President

Girard G. Bloom V.P.