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DEC 9 1985

POPE, POPE AND DRAYER

ATTORNEYS AT LAW

TEN GRANT STREET

CLARION, PENNSYLVANIA 16214

TELEPHONE 226-5700

AREA CODE 814

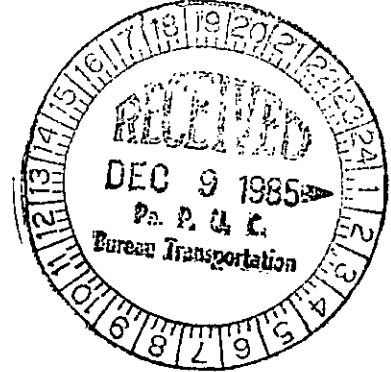
HENRY RAY POPE III
KENT S. POPE
H. JOHN DRAYER

SECRETARY'S OFFICE
Public Utility Commission
OF COUNSEL
H. RAY POPE

December 6, 1985

OUR FILE #

FILE



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

In Re: Application of Norman M. Earhart,
t/d/b/a Earhart Trucking
A-00065936, Folder 3, Am-A

Dear Mr. Rich:

Enclosed is the protest of Thomas H. Loughry in connection with the above captioned application. The protest and attachments include the name and address of the protestant, the name and address of protestant's attorney, the docket number of the common carrier's certificate of public convenience, a copy of the relevant portions of the protestant's authority upon which his protest is predicated and a statement that no amendment would result in the withdrawal of the protest of Thomas H. Loughry.

A copy of this protest has this day been forwarded to the applicant and his attorney.

Very truly yours,

KSP/et
Enclosure

CC: Norman M. Earhart, t/d/b/a Earhart Trucking
Arthur J. Diskin, Esquire
Mr. Thomas H. Loughry

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BEFORE THE

DEC 9 1985

PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE
Public Utility Commission

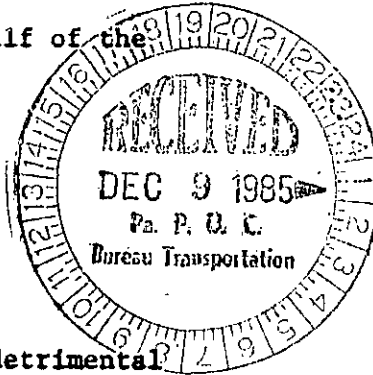
IN RE: APPLICATION OF : APPLICATION DOCKET NO.
Norman M. Earhart, t/d/b/a :
Earhart Trucking : A-00065936, Folder 3, Am-A
R. D. 1 :
New Alexandria, Pennsylvania 15670 :
(Westmoreland County)

NOTICE OF PROTEST

FILE

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Protest of the above application is hereby made, on behalf of the below named carrier(s), on the following grounds:



- (1) Name and address of carrier(s):
Thomas H. Loughry
R. D. #2, Box 54
Marion Center, Pennsylvania 15759
- (2) That the service proposed will be competitive and detrimental to the existing authorized service of the above named motor carrier(s).
- (3) There is no public need for the proposed service, nor is the approval of such proposed service necessary or proper for the service, accommodation, convenience or safety of the public.
- (4) Thomas H. Loughry holds authority at A-00105361. See copy of authority attached hereto.
- (5) No restrictive amendment would satisfy the interest of Thomas H. Loughry.

DOCUMENT FOLDER

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APPLICATION DOCKET
DEC 09 1985
ENTRY No. *12*

I hereby certify that a copy of this protest has been served by mailing to the applicant and attorney, as shown by the Pennsylvania Bulletin, Vol. 15, No. 48 Page 4317, as indicated below.

POPE, POPE AND DRAYER
BY *[Signature]*
Attorney for Protestant
10 Grant Street
Clarion, Pennsylvania 16214

CC: Norman M. Earhart, t/d/b/a
Earhart Trucking
R. D. 1
New Alexandria, Pennsylvania 15670

Arthur J. Diskin, Esquire
402 Law & Finance
Pittsburgh, Penns

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 10, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley
Frank Fischl
Bill Shane

Application of Thomas H. Loughry for approval of the transfer to him of all of the operating rights held by M & A Trucking, Inc., at A-00103873.

A-00105361

O R D E R

BY THE COMMISSION:

By application docketed March 7, 1984, Thomas H. Loughry seeks approval of the transfer to him of all the rights granted to M & A Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00103873.

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 M & A Trucking, Inc., at A-00103873 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, coal from deep mines or stripping operations in the counties of Indiana, Jefferson, Armstrong, Clearfield, Cambria, Clarion and Elk to railroad sidings and docks in the said counties, no haul to exceed a distance of twenty-five (25) miles from points of origin to point of destination.
2. To transport, as a Class D carrier, coal from deep mines or stripping operations of the Valley Coal Company at the village of Heilwood, in Pine Township, Indiana County, to the Menallen Coke Company in the city of Uniontown, Fayette County, and on return trip reject coal from the village of Tunnelton in Conemaugh Township, Indiana County, to the Valley Coal Company at the village of Heilwood in Pine Township, Indiana County.

3. To transport, as a Class D carrier, coal, bituminous mine reject materials, in dump trucks or dump trailers, from the Barnes and Tucker Mine #24 in the township of Pine, Indiana County, to P.B.S. Companies plant and siding in the township of Stonycreek, Somerset County.
4. To transport, as a Class D carrier, sand, gravel and crushed stone, from Somerset Sand and Stone in the township of Brothers Valley, Somerset County, to the Marion Center Supply Company in the borough of Marion Center, Indiana County.
5. To transport, as a Class D carrier, limestone, crushed limestone, sand and gravel, in dump trucks or dump trailers, from the borough of Torrance, Westmoreland County and the borough of Kittanning, Armstrong County, to the Marion Center Supply Company in the borough of Marion Center, Indiana County.
6. To transport, as a Class D carrier, coal, in bulk, in dump vehicles for the Leasure Coal Company from said company's Manor No. 6 mine, located at or near the village of Dilltown, Buffington and East Wheatfield Townships, Indiana County, to said company's tipples and sidings referred to as Manor No. 7, located in the village of Cloe, Bell Township, Jefferson County, and Manor No. 8, in the borough of Nanty Glo, Cambria County; and to the Penelec Power Plant, in the village of Huff, West Wheatfield Township, Indiana County.
7. To transport, as a Class D carrier, silt, in bulk, in dump vehicles for the Ray Shaw Coal Company, between points in the counties of Indiana, Jefferson, Armstrong, Clearfield, Cambria, Clarion, and Elk, no haul to exceed a distance of 75 statute miles from point of origin to point of destination;

with rights nos. 6 and 7 above subject to the following condition:

That no right, power or privilege is granted to render service to Clearfield County, except to the tipples of Benjamin Coal Company.

8. To transport, as a Class D carrier, coal and building materials in bulk in dump trucks, between points in the counties of Blair, Cambria, Somerset, Westmoreland, and Indiana, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

9. To transport, as a Class D carrier, coal from deep mines or stripping operations in the counties of Indiana, Jefferson, Armstrong, Clearfield, Cambria, Clarion and Elk, to points in the said counties, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.
10. To transport, as a Class D carrier, coal; between points in the counties of Indiana, Cambria, Armstrong and Westmoreland, within an airline distance of fifty (50) statute miles of the limits of the borough of Indiana, Indiana County, excluding transportation to, from or between points on and east of Highway Route 219;

with right no. 10 above subject to the following condition:

That no right, power or privilege is granted to transport to, from or between the facilities or operations of North American Coal Company, or for and on behalf of the North American Coal Company.

11. To transport, as a Class D carrier, coal from Five Points, Washington Township, Indiana County, to the facilities of the Pennsylvania Electric Company in Erie, Erie County.
12. To transport, as a Class D carrier, coal, for Old Home Manor, Inc., from points in the county of Indiana, to points in the county of Warren;

with all of the above rights further subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in his utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

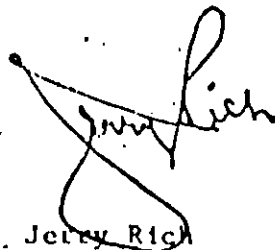
3. That the \$22,500 consideration paid by applicant for the rights and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
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.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he 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, M & A Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, at A-00103873 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 10, 1984

ORDER ENTERED: AUG 20 1984

PENNSYLVANIA PUBLIC UTILITY COMMISSION

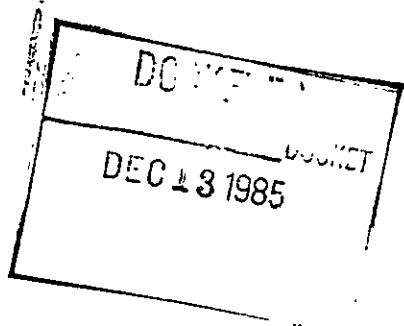


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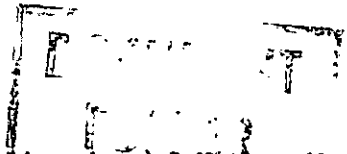
The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

Arthur J. Diskin
402 Law & Finance Bldg.
Pittsburgh, PA 15219

Date December 12, 1985



CR 117946 A



In re application of Norman M. Earhart, t/a
Earhart Trucking
A-00065936, F.3, Am-A.....\$125.00

Revenue account 01780-17601-102 (ck)

ck 2638 Checks \$125.00 Currency _____

Utility account 50:26

C. Joseph Meisinger
For Department of Revenue

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW

SUITE 700

312 BOULEVARD OF THE ALLIES

PITTSBURGH, PA. 15222

TELEPHONE (412) 471-3300

JOHN A. PILLAR
THOMAS M. MULROY
SALLY A. DAVOREN
KEVIN W. WALSH

December 20, 1985

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SECRETARIE
Public Utility Commission

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

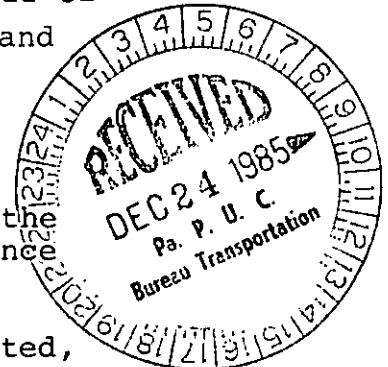
RE: Application of Norman M. Earhart, t/d/b/a
Earhart Trucking
Docket No. A-00065936, F. ³ ~~D~~, Am-A

Dear Mr. Rich:

Please find enclosed a protest filed on behalf of
Wayne W. Sell Corporation, Ritchey Trucking, Inc. and
C. L. Feather, Inc.

to the above captioned application.

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



Respectfully submitted,

PILLAR AND MULROY, P.C.

By: Thomas M. Mulroy
THOMAS M. MULROY

njm
Enclosure

cc: Arthur Diskin, Esq. (w/encl.)

**DOCUMENT
FOLDER**

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

DEC 20 1985

SECRETARY'S OFFICE
Public Utility Commission

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

PROTEST

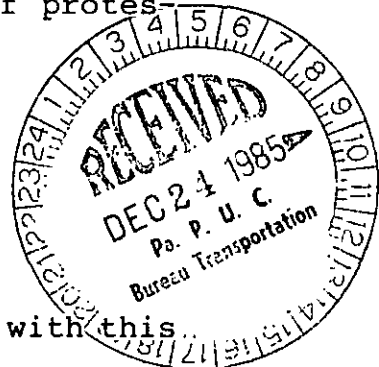
In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

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

2. The name, address and telephone number of protestant(s)' attorney:

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

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



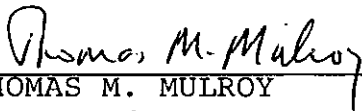
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DEC 24 1985
ENTRY No. *11*

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

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

Respectfully submitted,



THOMAS M. MULROY
Attorney for Protestant(s)

Due Date: . December 23, 1985

RE: Application of Norman M. Earhart,
t/d/b/a Earhart Trucking

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

APPENDIX A

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

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

C. L. Feather, Inc.
P. O. Box 1190
Altoona, PA 16603

Ritchey Trucking, Inc.
P. O. Box 786
Spangler, PA 15775

Wayne W. Sell Corporation holds authority from this Commission at Docket No. A-93415, F.1, Am-K, which authorizes the transportation of property, in bulk, in dump vehicles, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa, subject to certain exclusions. Sell also holds authority at Paragraph 6 of its lead certificate which authorizes the transportation of sand, gravel, lime, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken tile and used brick, in bulk, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler, and within fifty (50) miles of the limits thereof. In addition, other authority of this protestant may be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

Ritchey Trucking, Inc. has authority, at Docket No. A-96763, to transport coal, rock, mine refuse, lime, limestone, blacktop, amesite and gravel, in bulk, in dump trucks, between points in the Borough of Barnesboro, Cambria County, and within seventy-five miles of the limits of said borough. In addition, other authority of this protestant may be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

C. L. Feather, Inc. holds authority from this Commission, at Docket No. A-100747. At Feather's lead certificate, pertinent authority is found at Paragraphs 1, 3, 4, 10, 12 and 15. In addition, authority found at F.1, Am-M and F.1, Am-S are also pertinent. In addition, other authority of this protestant may be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

FOLDER 1

1. TO TRANSPORT, AS A CLASS D CARRIER, COAL OR COKE FOR DOMESTIC CONSUMPTION, BETWEEN POINTS IN THE COUNTY OF ALLEGHENY PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF FIFTEEN (15) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

2. TO TRANSPORT, AS A CLASS D CARRIER, COAL FROM MINES OR STRIPPING OPERATIONS IN THE COUNTY OF ALLEGHENY TO RAILROAD SIDINGS, COKE OVENS, DOCKS OR STOCKPILES IN THE SAID COUNTY, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

3. TO TRANSPORT, AS A CLASS D CARRIER, BUILDING MATERIALS IN BULK IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTY OF ALLEGHENY PROVIDED THAT NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

4. TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY MOVING UNDER BILLS OF LADING, WAYBILLS AND TARIFFS OF THE PENNSYLVANIA RAILROAD COMPANY WITHIN THE COLLECTION AND DELIVERY AREA DESIGNATED IN SAID COMPANY'S COLLECTION AND DELIVERY TARIFFS FOR THE STATION OF THE SAID COMPANY IN THE BOROUGH OF TARENTUM, ALLEGHENY COUNTY.

5. TO TRANSPORT, AS A CLASS D CARRIER, SAND, GRAVEL, SOIL, LIMESTONE, COAL, CLAY IN BULK, STONE, SOOT, CINDERS, BROKEN GLASS, BROKEN CONCRETE, BROKEN TILE AND USED BRICK, IN BULK IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTIES OF ARMSTRONG, CLARION, INDIANA, WESTMORELAND, ALLEGHENY AND BUTLER, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

(CONTINUED ON NEXT PAGE)

FOR PARAGRAPH 3 PREVIOUSLY PUBLISHED ON THIS PAGE AND NOT BROUGHT FORWARD, SEE PAGE 4-A.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: JUNE 6, 1978

EFFECTIVE: JULY 7, 1978

ISSUED BY:
WAYNE W. SELL, PRESIDENT
238 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

Appendix 1

* 6. TO TRANSPORT, AS A CLASS D CARRIER, SAND, GRAVEL, L SOIL, LIMESTONE, COAL, CLAY IN BULK, STONE, SOO, CINGERS, BROK GLASS, BROKEN TILE AND USED BRICK, IN BULK, BETWEEN POINTS IN COUNTIES OF ARMSTRONG, CLARION, INDIANA, WESTMORELAND, ALLEGHE AND BUTLER AND WITHIN FIFTY (50) MILES OF THE LIMITS THEREOF.

WITH RIGHT NO. 6 ABOVE, TO BE SUBJECT TO THE FOLLOWING CONDITI

Δ THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRAN COAL, SAND, GRAVEL, CRUSHED STONE AND LIMESTONE TO, FROM OR BE POINTS IN THE COUNTY OF ALLEGHENY, EXCEPT AS AUTHORIZED AT PARAGRAPHS (1) THROUGH (5) ABOVE.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRAN COAL, SAND, GRAVEL, CRUSHED STONE AND LIMESTONE TO, FROM OR BETWEEN POINTS IN THE COUNTY OF WASHINGTON.

Δ THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENOU ANY SERVICE TO, FROM OR BETWEEN POINTS IN THE COUNTY OF BUTLER, EXCEPT AS AUTHORIZED AT PARAGRAPHS (1) THROUGH (5) ABOVE.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENOU ANY SERVICE TO, FROM OR BETWEEN POINTS IN THE COUNTIES OF BEAVER LAWRENCE AND MERCER.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENOU ANY SERVICE TO OR FROM THE PLANTS OF THE FREEPORT BRICK COMPANY IN THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, KITTANNING BRICK COMPANY IN THE VILLAGE OF REESEDALE, ARMSTRONG COUNTY, HAWS REFRACTORIES COMPANY IN THE VILLAGE OF BRIDGEBURG, ARMSTRONG COUNTY, HOWE SOUND COMPANY IN THE TOWNSHIP OF RAYBURN, ARMSTRONG COUNTY, AND ALLEGHENY BRICK COMPANY IN THE TOWNSHIP OF EAST DEE ALLEGHENY COUNTY, EXCEPT AS HEREINABOVE AUTHORIZED.

* - TEMPORARY AUTHORITY ISSUED AT FOLDER 1 AM-J IS HEREBY CANCE

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: JANUARY 9, 1979

EFFECTIVE: JANUARY 10, 1979

ISSUED ON ONE DAY'S NOTICE UNDER AUTHORITY OF TARIFF RULE 2(c) OF THE PA. PUBLIC UTILITY COMMISSIO

ISSUED BY:

WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

FOLDER 1 (CONTINUED)

7. TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY FROM THE PLANT OF MITCHELL AND WESTERMAN MANUFACTURING CONTRACTORS IN THE TOWNSHIP OF JEFFERSON, BUTLER COUNTY, TO POINTS IN PENNSYLVANIA AND VICE VERSA.

SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT LIME AND LIME PRODUCTS, LIMESTONE AND LIMESTONE PRODUCTS, CONCRETE MIX, MORTAR MIX, SAND MIX AND MASONRY CEMENT, FROM THE WARNER COMPANY IN THE TOWNSHIPS OF CHARLESTOWN, EAST WHITELAND, AND TREDYFFRIN, CHESTER COUNTY, TO THE PLANT OF MITCHELL AND WESTERMAN MANUFACTURING CONTRACTOR IN THE TOWNSHIP OF JEFFERSON, BUTLER COUNTY.

8. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, CLAY PRODUCTS, TILE, CEMENT, LIME, LUMBER, STONE, LATHS AND CONCRETE BLOCKS FROM POINTS WITHIN ONE HUNDRED (100) MILES OF THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, TO POINTS IN THE BOROUGH OF WILKINSBURG AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

9. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, CLAY PRODUCTS, TILE, STONE, CEMENT, LIME, LUMBER, LATHS AND CONCRETE BLOCKS, BETWEEN POINTS IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

10. TO TRANSPORT, AS A CLASS D CARRIER, EQUIPMENT AND BUILDING MATERIALS IN BULK IN DUMP TRUCKS BETWEEN POINTS IN THE COUNTY OF ALLEGHENY.

11. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, TILE AND OTHER CLAY PRODUCTS FROM POINTS IN THE COUNTY OF MCKEAN TO POINTS IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

(CONTINUED ON NEXT PAGE)

FOR RESTRICTIONS TO PARAGRAPH 6 PREVIOUSLY PUBLISHED ON THIS PAGE AND NOT BROUGHT FORWARD, SEE PAGE 4-A.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: JUNE 6, 1978

EFFECTIVE: JULY 7, 1978

ISSUED BY:
WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

FOLDER 1 (CONCLUDED)

12. To transport, as a CLASS D CARRIER, BRICK IN TRUCKLOAD LOTS FROM THE PLANT OF ALWINE BRICK COMPANY IN OXFORD TOWNSHIP, ADAMS COUNTY, TO JOB AND CONSTRUCTION SITES IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH. WITH THE RIGHTS AT 8, 9, 10, 11, AND 12 ABOVE TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT HOUSEHOLD GOODS OR OFFICE FURNISHINGS, IN USE.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO PICK OR DELIVER ANY PROPERTY EXCEPT CONTRACTORS' SUPPLIES AND BUILDING MATERIALS ON THE WILLIAM PENN HIGHWAY EAST OF THE ALLEGHENY COUNTY LINE.

FOLDER 1 Am-E

To transport, as a CLASS D CARRIER, FRESH AND PROCESSED MEAT IN TEMPERATURE CONTROLLED VEHICLES, FOR JIFFY FOODS CORPORATION FROM THE FACILITIES OF SAID COMPANY LOCATED IN THE BOROUGH OF NORTH EAST, ERIE COUNTY, TO POINTS IN PENNSYLVANIA, AND THE RETURN OF REFUSED, REJECTED OR DAMAGED SHIPMENTS TO THE POINT OF ORIGIN.

FOLDER 1 Am-F

To transport, as a CLASS D CARRIER, DRY SALT, IN BULK IN TANK VEHICLES, FROM THE FACILITIES OF STANDARD TERMINALS, INC., THE CITIES OF NEW KENSINGTON AND ARNOLD, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA LYING ON AND WEST OF THE EASTERN BOUNDARIES OF THE COUNTIES OF MCKEAN, CAMERON, CLEARFIELD, BLAIR AND BEDFORD, AND THE RETURN OF REFUSED, REJECTED OR DAMAGED SHIPMENTS TO THE POINT OF ORIGIN.

FOLDER 1 Am-G

To transport, as a CLASS D CARRIER, SALT, IN TANK VEHICLES, FROM THE FACILITIES OF MORTON SALT COMPANY IN THE BOROUGH OF WEST ELIZABETH, ALLEGHENY COUNTY, TO POINTS IN PENNSYLVANIA.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 18, 1975

EFFECTIVE: MARCH 20, 1975

ISSUED BY:
WAYNE W. SELL, PRESIDENT
238 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

FOLDER 1 AM-H

TO TRANSPORT, AS A CLASS D CARRIER, CALCILOX (DRY PROCESS SLAG), IN TANK VEHICLES, BETWEEN POINTS IN THE TOWNSHIP OF NEVILLE, ALLEGHENY COUNTY, AND FROM POINTS IN SAID TOWNSHIP TO POINTS IN PENNSYLVANIA.

FOLDER 1 AM-I

TO TRANSPORT, AS A CLASS D CARRIER, SALT AND SALT PRODUCTS FOR CARGILL, INC., FROM THE CITIES OF ARNOLD, NEW KENSINGTON AND LOWER BURRELL, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA.

SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT ROCK SALT AND/OR CALCIUM CHLORIDE, FOR DE-ICING PURPOSES IN BULK, TO POINTS IN PENNSYLVANIA ON AND EAST OF U.S. HIGHWAY ROUTE 15.

FOLDER 1 AM-J (NEW)

TO TRANSPORT, AS A CLASS D CARRIER, COAL BETWEEN POINTS IN BUTLER AND ALLEGHENY COUNTIES AND FROM POINTS IN SAID COUNTIES TO POINTS IN PENNSYLVANIA WITHIN A RADIUS OF 50 MILES OF THE LIMITS OF SAID COUNTIES AND VICE VERSA, FOR BETHLEHEM MINES CO., UNITED COAL AND COMMODITIES CO., AMERICAN INTERNATIONAL CO., SECHAN COAL CO., ENERGY ENGINEERING CO., KITT COAL CO., AND CLINTON FUEL AND TRANSPORT, INC.

SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS HEREBY GRANTED TO TRANSPORT COAL OR COKE FROM THE FACILITIES OF CARPENTERTOWN COAL AND COKE COMPANY AT OR NEAR TEMPLETON, ARMSTRONG COUNTY, EXCEPT AS PRESENTLY AUTHORIZED.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 23, 1979

EFFECTIVE: FEBRUARY 24, 1979

ISSUED ON ONE DAY'S NOTICE, AUTHORITY OF TITLE 52, SECTION 23.42 OF THE PENNSYLVANIA CODE

ISSUED BY:
WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

Δ FOLDER 1 AM-K

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY IN BULK IN DUMP VEHICLES, AND WHICH IS UNLOADED BY DUMPING, BETWEEN POINTS WITHIN FIFTY (50) MILES OF THE LIMITS OF THE BOROUGH OF HOMESTE ALLEGHENY COUNTY, AND FROM POINTS IN SAID TERRITORY TO POINTS IN PENNSYLVANIA, AND VICE-VERSA.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT STEEL IN SHEETS, BARS, COILS, PLATES AND RODS TO OR FROM POINTS WITHIN THIRTY-FIVE (35) MILES OF THE CITY HALL IN THE CITY OF PHILADELPHIA.

2. THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT SAND IN BULK FROM THE PENNSYLVANIA GLASS SAND CORPORATION IN THE BOROUGHS OF MAPLETON, HUNTINGDON COUNTY, AND McVEYTON IN MIFFLIN COUNTY.

3. THAT IN THE RENDITION OF THE SERVICE HEREIN AUTHORIZED THE CONTAINER TO BE USED AND EMPLOYED IN THE TRANSPORTATION OF BULK COMMODITIES SHALL BE THE VEHICLE ITSELF AND NOT A SEPARATE CONTAINER.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 12, 1980

EFFECTIVE: FEBRUARY 13, 1980

ISSUED ON ONE DAY'S NOTICE, AUTHORITY OF PD. PUBLIC UTILITY COMMISSION IN SPECIAL PERMISSIO No. 2911

ISSUED BY:

**WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PA 16055**

C. L. FEATHER, INC.

Operating Authority

Docket No. 100747

1. To transport, as a Class D carrier, coal, from mines and storage yards in the counties of Blair and Cambria to railroad sidings within twenty-five (25) miles of the point of origin.
2. ✓ To transport, as a Class D carrier, clay, limestone, and sand between points in the counties of Clearfield, Centre, Blair, and Huntingdon, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination; excluding the transportation of sand, in bulk, from the Pennsylvania Glass Sand Corporation in the Borough of Mapleton, Huntingdon County.
3. ✓ To transport, as a Class D carrier, coal between points in the counties of Clearfield, Centre, Cambria, Blair, and Huntingdon, no haul to exceed a distance of fifty (50) miles from point of origin to point of destination.
4. ✓ To transport, as a Class D carrier, coal and slag between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination and the return of refused, damaged, or returned shipments to point of origin.
5. ✓ To transport, as a Class D carrier, coal and slag from points in the County of Indiana to points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination and the return of refused, damaged, or returned shipments to point of origin.
6. To transport, as a Class D carrier, coal and slag for Cooney Brothers Coal Company between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, Somerset, Indiana, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination, and the return of refused, damaged, or returned shipments to the point of origin.

with rights 4, 5, and 6 above subject to the following condition:

That no right, power, or privilege is granted to transport coal or slag for the Benjamin Coal Company of LaJose, Clearfield County, and the Bradford Coal Company of Bigler, Clearfield County, except as presently authorized.

To transport, as a Class D carrier, rock, shale, road aggregate, crushed stone, sand, amesite, and other bituminous road surfacing materials from quarries and road material plants of New Enterprise Stone & Lime Company, Inc., and Detwiler Industries, Inc., located in the counties of Blair, Somerset, Huntingdon, Bedford, Fayette, Cambria, and Centre to points within an airline distance of seventy-five (75) statute miles of the point of origin, and the return of refused, damaged, or returned shipments to the point of origin.

3. To transport, as a Class D carrier, crushed limestone, sand, amesite, and building and construction materials from the quarries and material plants of New Enterprise Stone & Lime Company, Inc., and Detwiler Industries, Inc., located in the County of Blair, to points in Pennsylvania.

9. To transport, as a Class D carrier, scrap iron and scrap metals, in dump vehicles, from the facilities of Mueller's Auto Salvage, Altoona, Blair County; Jim Nagle's Rebuilt Truck Parts, Duncansville, Blair County, Yarwood Iron and Metals, Duncansville, Blair County, and Christopher & Sons, Hollidaysburg, Blair County, between points in the City of Altoona, Blair County, and from points in the said city and within an airline distance of twenty-five (25) statute miles of the limits of said city, to points in Pennsylvania.

with rights 8 and 9 above subject to the following condition:

That no right, power, or privilege is granted to render service to the Borough of Lewistown or the Townships of Decatur or Derry, Mifflin County.

10. To transport, as a Class D carrier, coal from points in the counties of Blair and Cambria to points in Pennsylvania, and vice versa; excluding service to points in the county of Indiana except as hereinafter authorized.

11. To transport, as a Class D carrier, coal for Apple Coal Company, Westvaco Corporation, Khristian and Johnson Coal Company, and Rhodes Coal Company, from points in the county of Clearfield to points in Pennsylvania, and vice versa.

12. To transport, as a Class D carrier, coal from points in the County of Indiana to points in Pennsylvania, and from points in Pennsylvania to points in the County of Indiana for the Black Gold Coal Company, McIntyre Coal Company, and M & M Coal Company.

with rights 10, 11, and 12 subject to the following condition:

No right, power, or privilege is granted to render service to the facilities of Bethlehem Steel Corporation in the County of Cambria.

13. To transport, as a Class D carrier, coal for the Benjamin Coal Company, from its operations and facilities located in the counties of Clearfield and Jefferson to points in the counties of Snyder, Montour, Berks, Northumberland, Dauphin, York, Northampton, Lehigh, Luzerne, Fayette, Indiana, Lycoming, and Jefferson, and vice versa.
14. To transport, as a Class D carrier, sand and quarry products from quarries and sand banks in the counties of Blair, Bedford, Huntingdon, Centre, and Clearfield, to points within seventy-five (75) miles, by the usually traveled highways of the limits of said quarries and sand banks.
15. To transport, as a Class D carrier, coal from mines and stripping operations in the counties of Cambria, Clearfield, and Indiana to railroad sidings in said area.
16. To transport, as a Class D carrier, coal for McIntyre Coal Company, M & M Coal Company, Kitt Coal Company, and Shaw Coal Company between points in Armstrong County and from points in said county to points in Pennsylvania, and vice versa;

with right 16 above subject to the following conditions:

No right, power, or privilege is granted to render service from Armstrong County to points in the counties of Allegheny and Erie.

No right, power, or privilege is granted to render service from points within five (5) miles of the Borough of Freeport, Armstrong County, to points in the counties of Armstrong, Butler, Indiana, and Westmoreland, or vice versa, except as presently authorized.

17. To transport, as a Class D carrier, wrecked or disabled vehicles, trailers, or buses and replacement vehicles, trailers, or buses; when the origin or destination point is other than the scene of an accident or breakdown; with the use of flatbed and lowboy trailers; between points in the Borough of Hollidaysburg, Blair County, and within an airline distance of one hundred fifty (150) statute miles of the limits of said borough.
18. To transport, as a Class D carrier, used and repossessed vehicles, with the use of flatbed and lowboy trailers, between points in the Borough of Hollidaysburg, Blair County, and within an airline distance of one hundred fifty (150) statute miles of the limits of said borough.

with rights 17 and 18 above subject to the following condition:

No right, power, or privilege is granted to transport mobile homes, house trailers, office trailers, and recreation trailers.

19. To transport, as a Class D carrier, sand, in bulk, from the quarries of J. A. Eck and Sons in Montoursville, Lycoming County, and Lycoming Silica Sand Company in Fairfield Township, Lycoming County, to processing plants located in Taylor Township, Blair County, Snake Spring Township, Bedford County, and Smithfield and Walker Townships, Huntingdon County.
20. To transport, as a Class D carrier, sand, slag, stone, rock shale, road aggregate, limestone, lime, amesite, and other bituminous road surfacing materials, for Detwiler's Industries, Inc., and New Enterprise Stone and Lime Company, Inc., between points in the Borough of Woodbury, Bedford County, and within an airline distance of fifty (50) statute miles of the limits of said borough;

with right 20 above subject to the following conditions:

FIRST: That no right, power, or privilege is granted to transport limestone and limestone products from points in the counties of Bedford and Somerset to points in the counties of Westmoreland and Cambria.

SECOND: That no right, power, or privilege is granted to transport limestone and limestone products from points in the County of Centre to points in the counties of Bedford, Somerset, and Cambria.

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

FOURTH: That no right, power, or privilege is granted to provide service to or from Union Mining Company and Bogнар and Company.

Folder 1, Am-A

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from the facilities of Stott Coal Company in the County of Centre, to points in Falls Township, Bucks County.

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from points in the County of Somerset and points in the County of Fayette on and east of U.S. Hwy. 119 to points in Centre County.

To transport, as a Class D carrier, clay, in bulk, in dump vehicles, from points in the County of Cambria to the facilities of Garfield Refractories, in the County of Westmoreland.

Folder 1, Am-B

To transport, as a Class D carrier, salt, in bulk, in dump vehicles, from the Borough of Tyrone, Blair County, and within an airline distance of ten (10) statute miles of said borough, to points in the counties of Clearfield, Centre, Snyder, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, Fulton, Bedford, Somerset, Cambria, Blair and Huntingdon.

Folder 1, Am-C

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, for Tased Coal Sales, Inc., from points in the counties of Armstrong and Westmoreland, to the facilities of Jones & Laughlin Steel Corporation in the County of Allegheny.

Folder 1, Am-D

To transport, as a Class D carrier, salt, in bulk, in dump vehicles, from points in the County of Erie to points in the Counties of Allegheny, Bedford, Cambria, Fulton, Blair, Huntingdon, Centre, Somerset, Mifflin, Juniata, and Beaver.

Folder 1, Am-E

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from points in the County of Somerset, to the facilities of United States Steel Corporation in the Township of Falls, Bucks County.

Folder 1, Am-F

To transport, as a Class D carrier, scrap paper and scrap metal, in bulk, in dump vehicles, from points within an airline distance of thirty (30) statute miles of the City of Altoona, Blair County, to points in Pennsylvania and vice versa; subject to the following conditions:

- (1) That no right, power or privilege is granted to provide service to points in Allegheny and Beaver Counties.
- (2) That no right, power or privilege is granted to provide service from points in the Borough of Stroudsburg, Monroe County, and points within twenty-five (25) miles of the limits thereof, except for Rhodes Coal Company, Calandra & Sons, Inc., Charles Caracciolo Steel and Metal Yard and Joe Krentzman & Son, Inc.

- (3) That no right, power or privilege is granted to provide service for Hodes Industries, Inc. to or from its facilities in Centre County, the City of Lock Haven, Clinton County and the Borough of Tyrone, Blair County.

Folder 1, Am-G

To transport, coal, in bulk, in dump vehicles, for Sugar Hill Limestone Company from points in the County of Jefferson to the facilities of General Electric Company in the City of Erie, Erie County. ✓

Folder 1, Am-H

To transport, as a Class D carrier, limestone, pulverized limestone, coal, sand, and cement between points in the Township of Warriors Mark, Huntingdon County, and from points in the said township to points within one hundred (100) miles by the usually traveled highways of the limits of the said township.

Folder 1, Am-I

To transport, as a Class D carrier, coal, in bulk, from points in Centre County to the mills and facilities of United States Steel Corporation located within an airline distance of fifteen (15) statute miles of the limits of the City of Clairton, Allegheny County;

subject to the following conditions:

- (1) That no right, power or privilege is granted to render service from the facilities of Johnson & Morgan, located in Snow Shoe Township, Centre County.
- (2) That no right, power, or privilege is granted to render service from the facilities of R. S. Carlin, Inc., located in Snow Shoe and Burnside Townships, Centre County.

Folder 1, Am-J

To transport, as a Class D carrier, building construction materials, in bulk, in dump vehicles, for New Enterprise Stone & Lime Co., Detwiler Industries, Inc., and Narehood Limestone, Inc., from points in the Borough of Montoursville, Lycoming County, to points in the County of Blair.

Folder 1, Am-K

1. To transport, as a Class D carrier, evergreen trees from points in the counties of Indiana and Armstrong to points in Pennsylvania.
2. To transport, as a Class D carrier, lumber for Cydoc Lumber Corporation, from points in the counties of Cambria, Clearfield and Bedford to points in the counties of Clearfield and Columbia.

subject to the following conditions:

- (1) That no right, power or privilege is granted to provide transportation to or from points in Clearfield County within an airline distance of thirty-five (35) statute miles of the limits of Lock Haven, Clinton County.
 - (2) That no right, power or privilege is granted to provide transportation to points in Columbia County within twenty-five miles of the limits of the city of Williamsport, Lycoming County.
 - (3) That no right, power or privilege is granted to provide transportation to points in Columbia County within twenty-five (25) miles of the limits of Selinsgrove, Snyder County.
3. To transport, as a Class D carrier, clay, gravel, stone, sand, lime and limestone, rip-rap, reddog and anti-skid material, between points in the county of Blair and points in the counties of McKean, Elk, Clearfield, Cambria, Bedford, Somerset, Westmoreland, Indiana, Jefferson, Forest, Warren, Allegheny and Fayette which are within an airline distance of seventy-five (75) statute miles of the limits of Blair County.

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport sand to or from points in Clearfield County.

- (2) That no right, power or privilege is granted to transport clay from points in Clearfield County.
 - (3) That no right, power or privilege is granted to provide service to or from steel mills, fabricating plants or foundries in Allegheny County.
 - (4) That no right, power or privilege is granted to transport refractory materials or products for Bognar, Inc. or United Mining Corporation in the counties of Somerset and Westmoreland.
4. To transport, as a Class D carrier, sand, stone, rip-rap, and fill for D. P. Herk Zimmerman, Jr., Inc. and New Enterprise Stone & Lime Company, between points in the counties of Fulton, Franklin, Cumberland, and Perry and those points in the counties of Dauphin, York and Adams, within seventy-five (75) miles of the limits of Blair County.

subject to the following condition:

That no right, power or privilege is granted to transport limestone, limestone products or sand between points in the counties of Fulton and Franklin except to railroad facilities.

5. To transport, as a Class D carrier, salt between points in Pennsylvania within seventy-five (75) statute miles of the limits of Blair County.

subject to the following conditions:

- (1) That no right, power or privilege is granted to provide transportation to or from points in the county of Butler within seventy-five (75) miles of the limits of Blair County.
- (2) That no right, power or privilege is granted to provide transportation to or from steel mills, fabricating plants or foundries in Allegheny County within seventy-five (75) miles of the limits of Blair County.

Folder 1, Am-L

To transport, as a Class D carrier, coal, for Don H. Richards Coal Co., from points in the counties of Armstrong, Butler,

Cambria, Centre, Clarion, Clearfield, Jefferson, Elk, Somerset, and Westmoreland, to points in the counties of Berks, Erie, Lehigh, Monroe, Montour, Northampton, Northumberland, Philadelphia, Snyder and York.

subject to the following condition:

That no right, power or privilege is granted to transport coal from points in the county of Centre to points within fifty-five miles of the limits of the borough of Howard, Centre County.

Folder 1, Am-M

To transport, as a Class D carrier, coal, in dump vehicles, from points in the counties of Clearfield, Elk, Jefferson and Armstrong to power stations in the counties of Berks, Erie, Warren and Indiana.

the above right subject to the following conditions:

- (1) That no right, power or privilege is granted to transport coal for Helena Coal Company and King Coal Sales from points in the county of Clearfield.
- (2) That no right, power or privilege is granted to transport coal from the facilities of C & K Coal Company, Champion Coal Company, Blue Line Coal Company and Mineral Resources in the county of Jefferson.
- (3) That no right, power or privilege is granted to transport coal for Riverhill Coal Company, the Teeter Estate, Halfway Coal Company, A. P. Coal Company, Bradford Coal Company and Johnson & Morgan from points in the county of Clearfield.
- (4) That no right, power or privilege is granted to transport coal for Bethlehem Mines, Cerro-Marmon Coal, Barnes & Tucker, Berwind Corporation, North American Coal Corp., Dunkard Creek Coal and Penn Pocahontas Coal, from points within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County, to points in Indiana County within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County except as otherwise authorized.

(5) That no right, power or privilege is granted to transport coal for Coal Hill Mining Company, Inc., H. N. Hartwell & Co., Inc., Hall's Coal Co., Inc., and Seaview Fuels, Inc., from points in the counties of Clearfield, Elk and Jefferson to points in the county of Berks.

(6) That no right, power or privilege is granted to transport coal, for Riverhill Coal Company, from points in the townships of Karthaus, Covington, Cooper, and Graham, Clearfield County, to points in the county of Berks.

To transport, as a Class D carrier, coal, in dump vehicles, for Rhodes Coal Company, King Coal Co., D & F Coal Co., Wendell Construction, William Penn Coal Co., White Enterprises, Don H. Richards Coal Co., Kenlin Coal Co., Keystone Minerals, Inc. and Ringgold Coal Mining Co., from points in the county of Somerset to power stations in the counties of Berks, Erie, Warren and Indiana.

Folder 1, Am-N

To transport coal from mines and stripping operations in the townships of Stonycreek, Shade, Quemahoning, Somerset and Brothersvalley, Somerset County, to railroad sidings, coal docks, loading platforms, industrial plants, mercantile establishments and private dwellings in the said townships and within twenty-five (25) miles of the limits of said townships.

Folder 1, Am-O

To transport, as a Class D carrier, coal, from points in the county of Elk, to points in the county of Clearfield. ✓

Folder 1, Am-P

To transport, as a Class D carrier, property, in bulk and/or which requires the use of special equipment, from the facilities of New Enterprise Stone & Lime Co., to points in Pennsylvania, and vice versa.

Folder 1, Am-Q

To transport, as a Class D carrier, property for C. L. Feather, Inc.; Rhodes Coal Co.; and C. R. Black Oil Co.; between points in Pennsylvania.

Subject to the following conditions:

- (1) No right, power or privilege is granted to render service between points in the counties of Allegheny, Beaver, Butler, Lawrence and Mercer.
- (2) No right, power or privilege is granted to transport limestone and limestone products from York County.
- (3) No right, power or privilege is granted to render service to or from the facilities of Pennsylvania Glass Sand Company located in Fairfield Township, Lycoming County.
- (4) No right, power or privilege is granted to transport property, except in bulk, to or from the facilities of Brockway Glass Co., Inc.

Folder 1, Am-S

To transport, as a Class D carrier, coal, in bulk, from points in the Counties of Clearfield and Centre, to points in the Counties of Allegheny, Butler, Armstrong, Venango, Lawrence, Crawford, Indiana and Erie.

with the above right subject to the following conditions:

- (1) That no right, power or privilege is granted to render service to points in the Counties of Armstrong and Indiana, except for T.G. Hickson, directly from strip mining locations
- (2) That no right, power or privilege is granted to transport coal from the Bradford Coal Company, Inc.

Folder 1, Am-T

1. To transport, as a Class D carrier, property, in bulk, for National Gypsum Company, from points in Maiden Creek Township, Berks County, to points located west of the eastern boundary lines of the counties of Potter, Clinton, Centre, Blair and Bedford.

2. To transport, as a Class D carrier, liquids and liquid chemicals, in bulk, in tank vehicles, between points in and west of the counties of Potter, Clinton, Centre, Blair and Bedford, and from points in said territory, to points in the cities of Reading, Berks County; Harrisburg, Dauphin County; Philadelphia, Philadelphia County; Scranton, Lackawanna County; Williamsport, Lycoming County; and Allentown, Lehigh County; the boroughs of Milton, Northumberland County; Bristol, Bucks County; Hummelstown, Dauphin County; Huntingdon, Huntingdon County; and the village of Hesston, Penn Township, Huntingdon County, and the township of Juniata, Huntingdon County, and vice versa; and

(Folder 1, Am-T continued)

3. To transport, as a Class D carrier, liquids and liquid chemicals, in bulk in tank vehicles, for Martin Oil Co. and Jehu, Inc., between points in and west of the counties of Potter, Clinton, Centre, Blair and Bedford, and from points in said territory to points in Pennsylvania, and vice versa;

with both of the above rights subject to the following conditions:

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

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

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

Folder 1, Am-U

To transport, as a Class D carrier, property, in bulk and/or which requires the use of special equipment, for Valley Quarries, Inc., from its facilities in the townships of Guilford, Peters, Greene and Green Castle and the borough of Waynesboro, Franklin County; the township of Southampton, Cumberland County, the boroughs of Fairfield and Gettysburg, Adams County, and the borough of Shippensburg, in the counties of Franklin and Cumberland, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property in bulk, and/or which requires the use of special equipment, for Martin Limestone, Inc., from its facilities in the townships of Salisbury, East Earl and Ephrata, and the boroughs of Ephrata and New Holland, Lancaster County, to points in Pennsylvania, and vice versa.

Folder 1, Am-V

To transport, as a Class D carrier, graphite, scrap artificial graphite, coke and coke breeze from the facilities of Asbury Graphite Mills, Inc., in the city of Bethlehem, Lehigh County and from the facilities of Anthracite Industries, Inc., in the city of Sunbury, Northumberland County, to points in Pennsylvania, and vice versa.

Folder 1, Am-X

To transport, as a Class D carrier, property, for McKesson Chemical Co., between points in Pennsylvania.

subject to the following conditions:

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

That no right, power or privilege is granted to transport any single shipment weighing less than 30,000 pounds, unless transported in a vehicle assigned exclusively to a single consignee or consignor

Folder 1, Am-Y

To transport, as a Class D carrier, property from the facilities of National Gypsum Company, in the township of Maiden Creek, Berks County, to points in Pennsylvania, and vice versa.

subject to the following condition:

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

Folder 1, Am-Z

To transport, as a Class D carrier, property for Mid-State Chemicals, a division of United Chemicals, Inc. between points in Pennsylvania

subject to the following condition:

That no right, power or privilege is granted to transport any single shipment weighing less than 30,000 pounds, except in bulk, unless transported in a vehicle assigned exclusively to a single consignee or consignor.

Folder 1, Am-AA

To transport, as a Class D carrier, electrical light fixtures and accessories, from the facilities of Lumax Industries, Inc., in the city of Altoona, Blair County, to points in Pennsylvania.

subject to the following condition:

That no right, power or privilege is granted to transport any single shipment, weighing less than 10,000 pounds, unless transported in a vehicle assigned exclusively to a single consignee or consignor.

RITCHEY TRUCKING, INC.

Operating Authority

DOCKET NO. A.96763

To transport, as a Class D carrier, bituminous coal, rock, mine refuse, lime, limestone, blacktop, amesite, and gravel, in bulk, in dump trucks, between points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of said borough.

To transport, as a Class D carrier, slag, in bulk, in dump trucks, from points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of said borough to points in the said borough and within an airline distance of twenty (20) statute miles of the limits of the said borough.

To transport, as a Class D carrier, sand, in bulk, in dump trucks, from points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of the said borough to points in the said borough and within an airline distance of ten (10) statute miles of the limits of the said borough, and to the plant sites of New Enterprise Stone and Lime Company, Inc., located within an airline distance of seventy-five (75) statute miles of the limits of said borough.

To transport, as a Class D carrier, clay, in bulk, in dump trucks, from points in the Borough of Barnesboro, Cambria County, and within an airline distance of twenty (20) statute miles of the limits of said borough to points within an airline distance of thirty (30) statute miles of the limits of said borough, excluding the transportation of clay to, from, or between points in the City of Johnstown, Cambria County.

with the above rights being subject to the following conditions:

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

That no right, power, or privilege is granted to transport rock, lime, limestone, and gravel from points in the Borough of Bellefonte and the Townships of Spring and Benner, Centre County, and from points in the Borough of Tyrone, Blair County, and within an airline distance of five (5) statute miles of the limits of said borough.

That no right, power, or privilege is granted to transport lime and limestone from points in the County of Clinton.

To transport, as a Class D carrier, used and rebuilt equipment that is used in the deep mining of coal, including long-wall equipment, shuttle cars, coal moles, belt structures, transit pipe, transformers, and other related equipment, for the Barnes and Tucker Company, from points in the counties of Cambria and Indiana to points within an airline distance of seventy-five (75) statute miles of the limits of the Borough of Barnesboro, Cambria County, and vice versa.

F.1, Am-A

To transport, as a Class D carrier, manufactured concrete products, including pipe, pre-cast building materials, pre-cast concrete man-holes, concrete prestressed beams, concrete cribbing, conducts, and other related products for the New Enterprise Stone and Lime Co., Inc., from points in the County of Blair to points in Pennsylvania.

To transport, as a Class D carrier, sand in bulk in dump trucks for the New Enterprise Stone and Lime Company, Inc., from points in Blair County to points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of said borough, and vice versa.

To transport, as a Class D carrier, new, used, and rebuilt machinery, equipment, supplies, and parts between the mines of the Greenwich Collieries Co. located in the counties of Indiana, Clearfield, and Cambria.

To transport, as a Class D carrier, new, used, and rebuilt machinery, equipment, supplies, and parts for Greenwich Collieries Co. from the plant site of the Joy Manufacturing Co. located in the City of Franklin, Venango County, and from points in Pennsylvania east of the eastern boundaries of the counties of McKean, Cameron, Clearfield, Indiana, and Bedford, to its mines located in the counties of Indiana, Clearfield, and Cambria.

subject to the following condition:

That no right, power, or privilege is granted to render service to or from points in the counties of Berks, Lancaster, and Montgomery.

F.1, Am-C

To transport, as a Class D carrier, clay, in bulk, in dump vehicles, from points in Cambria County, to points located within an airline distance of fifty (50) statute miles of the limits of the borough of Barnesboro, Cambria County.

OPERATING AUTHORITY

Certificate No. A-96763

F.1, Am-D

To transport, as a Class D carrier, mining and construction machinery, and related equipment, between points in the counties of Cambria and Indiana, and from points in said counties to points within an airline distance of seventy-five (75) statute miles of the limits of the borough of Barnesboro, Cambria County, and vice versa;

subject to the following condition:

No right, power or privilege shall be granted to provide service to or from the facilities of United States Steel Corporation or Berwind Corporation, except as presently authorized.

RE: Application of Norman M. Earhart,
t/d/b/a Earhart Trucking

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

APPENDIX C

Proposed Restrictive Amendment

Protestants know of no restrictive amendment which would satisfy their interests in this proceeding at this time.

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW

SUITE 700

912 BOULEVARD OF THE ALLIES

PITTSBURGH, PA. 15222

TELEPHONE (412) 471-3300

JOHN A. PILLAR
THOMAS M. MULROY
SALLY A. DAVOREN
KEVIN W. WALSH

December 20, 1985

RECEIVED

DEC 20 1985

SECRETARY
Public Utility Commission

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

(Temporary Authority Application)

Dear Mr. Rich:

Please find enclosed a protest filed on behalf of
Wayne W. Sell Corporation, Ritchey Trucking, Inc. and
C. L. Feather, Inc.

to the above captioned application.

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

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: Thomas M. Mulroy
THOMAS M. MULROY

njm

Enclosure

cc: Arthur J. Diskin, Esq. (w/encl.)



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: APPLICATION OF)
)
Norman M. Earhart, t/d/b/a) (Temporary Authority
Earhart Trucking) (Application)
)
)

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

(Temporary Authority
Application)

RECEIVED

DEC 20 1985

PROTEST

SECRETARY
Public Utility Commission

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

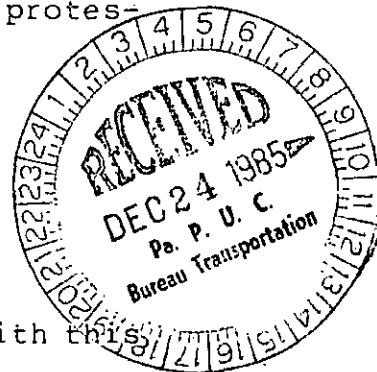
1. The name, address and telephone number of protestant(s) are set forth in Appendix A attached hereto.

2. The name, address and telephone number of protestant(s)' attorney:

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

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

4. Protestant(s) now provide(s) substantial service within the scope of this application, and protestant(s) can and



**DOCUMENT
FOLDER**

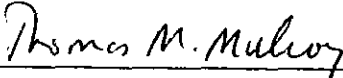
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ENTRY No.

will continue to provide the proposed service.

5. Protestant(s) deny/denies that there is an immediate need for the proposed service within the application area.

6. Protestant(s) deny/denies that there is any situation within the application area which requires new carrier service before an application for permanent authority can be filed and processed, because there are other carriers capable of rendering the proposed service and there is no substantial benefit to be derived from the initiation of a competitive service.

Respectfully submitted,



Attorney for Protestant(s)

Due Date: December 23, 1985

Re: Application of Norman M. Earhart,
t/d/b/a Earhart Trucking
Docket No. A-00065936, F.3, Am-A.
(Temporary Authority
Application)

APPENDIX A

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

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

Ritchey Trucking, Inc.
P. O. Box 786
Spangler, PA 15775

C. L. Feather, Inc.
P. O. Box 1190
Altoona, PA 16603

Wayne W. Sell Corporation holds authority from this Commission at Docket No. A-93415, F.1, Am-K, which authorizes the transportation of property, in bulk, in dump vehicles, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa, subject to certain exclusions. Sell also holds authority at Paragraph 6 of its lead certificate which authorizes the transportation of sand, gravel, lime, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken tile and used brick, in bulk, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler, and within fifty (50) miles of the limits thereof. In addition, other authority of this protestant may be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

Ritchey Trucking, Inc. has authority, at Docket No. A-96763, to transport coal, rock, mine refuse, lime, limestone, blacktop, amesite and gravel, in bulk, in dump trucks, between points in the Borough of Barnesboro, Cambria County, and within seventy-five miles of the limits of said borough. In addition, other authority of this protestant may be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

C. L. Feather, Inc. holds authority from this Commission, at Docket No. A-100747. At Feather's lead certificate, pertinent authority is found at Paragraphs 1, 3, 4, 10, 12 and 15. In addition, authority found at F.1, Am-M and F.1, Am-S are also pertinent. In addition, other authority of this protestant may be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

RITCHEY TRUCKING, INC.

Operating Authority

DOCKET NO. A.96763

To transport, as a Class D carrier, bituminous coal, rock, mine refuse, lime, limestone, blacktop, amesite, and gravel, in bulk, in dump trucks, between points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of said borough.

To transport, as a Class D carrier, slag, in bulk, in dump trucks, from points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of said borough to points in the said borough and within an airline distance of twenty (20) statute miles of the limits of the said borough.

To transport, as a Class D carrier, sand, in bulk, in dump trucks, from points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of the said borough to points in the said borough and within an airline distance of ten (10) statute miles of the limits of the said borough, and to the plant sites of New Enterprise Stone and Lime Company, Inc., located within an airline distance of seventy-five (75) statute miles of the limits of said borough.

To transport, as a Class D carrier, clay, in bulk, in dump trucks, from points in the Borough of Barnesboro, Cambria County, and within an airline distance of twenty (20) statute miles of the limits of said borough to points within an airline distance of thirty (30) statute miles of the limits of said borough, excluding the transportation of clay to, from, or between points in the City of Johnstown, Cambria County.

with the above rights being subject to the following conditions:

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

That no right, power, or privilege is granted to transport rock, lime, limestone, and gravel from points in the Borough of Bellefonte and the Townships of Spring and Benner, Centre County, and from points in the Borough of Tyrone, Blair County, and within an airline distance of five (5) statute miles of the limits of said borough.

That no right, power, or privilege is granted to transport lime and limestone from points in the County of Clinton.

To transport, as a Class D carrier, used and rebuilt equipment that is used in the deep mining of coal, including long-wall equipment, shuttle cars, coal moles, belt structures, transit pipe, transformers, and other related equipment, for the Barnes and Tucker Company, from points in the counties of Cambria and Indiana to points within an airline distance of seventy-five (75) statute miles of the limits of the Borough of Barnesboro, Cambria County, and vice versa.

F.1, Am-A

To transport, as a Class D carrier, manufactured concrete products, including pipe, pre-cast building materials, pre-cast concrete man-holes, concrete prestressed beams, concrete cribbing, conducts, and other related products for the New Enterprise Stone and Lime Co., Inc., from points in the County of Blair to points in Pennsylvania.

To transport, as a Class D carrier, sand in bulk in dump trucks for the New Enterprise Stone and Lime Company, Inc., from points in Blair County to points in the Borough of Barnesboro, Cambria County, and within an airline distance of seventy-five (75) statute miles of the limits of said borough, and vice versa.

To transport, as a Class D carrier, new, used, and rebuilt machinery, equipment, supplies, and parts between the mines of the Greenwich Collieries Co. located in the counties of Indiana, Clearfield, and Cambria.

To transport, as a Class D carrier, new, used, and rebuilt machinery, equipment, supplies, and parts for Greenwich Collieries Co. from the plant site of the Joy Manufacturing Co. located in the City of Franklin, Venango County, and from points in Pennsylvania east of the eastern boundaries of the counties of McKean, Cameron, Clearfield, Indiana, and Bedford, to its mines located in the counties of Indiana, Clearfield, and Cambria.

subject to the following condition:

That no right, power, or privilege is granted to render service to or from points in the counties of Berks, Lancaster, and Montgomery.

F.1, Am-C

To transport, as a Class D carrier, clay, in bulk, in dump vehicles, from points in Cambria County, to points located within an airline distance of fifty (50) statute miles of the limits of the borough of Barnesboro, Cambria County.

OPERATING AUTHORITY

Certificate No. A-96763

F.1, Am-D

To transport, as a Class D carrier, mining and construction machinery, and related equipment, between points in the counties of Cambria and Indiana, and from points in said counties to points within an airline distance of seventy-five (75) statute miles of the limits of the borough of Barnesboro, Cambria County, and vice versa;

subject to the following condition:

No right, power or privilege shall be granted to provide service to or from the facilities of United States Steel Corporation or Berwind Corporation, except as presently authorized.

C. L. FEATHER, INC.

Operating Authority

Docket No. 100747

1. To transport, as a Class D carrier, coal, from mines and storage yards in the counties of Blair and Cambria to railroad sidings within twenty-five (25) miles of the point of origin.
2. / To transport, as a Class D carrier, clay, limestone, and sand between points in the counties of Clearfield, Centre, Blair, and Huntingdon, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination; excluding the transportation of sand, in bulk, from the Pennsylvania Glass Sand Corporation in the Borough of Mapleton, Huntingdon County.
3. ✓ To transport, as a Class D carrier, coal between points in the counties of Clearfield, Centre, Cambria, Blair, and Huntingdon, no haul to exceed a distance of fifty (50) miles from point of origin to point of destination.
4. / To transport, as a Class D carrier, coal and slag between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination and the return of refused, damaged, or returned shipments to point of origin.
5. ✓ To transport, as a Class D carrier, coal and slag from points in the County of Indiana to points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination and the return of refused, damaged, or returned shipments to point of origin.
6. To transport, as a Class D carrier, coal and slag for Cooney Brothers Coal Company between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, Somerset, Indiana, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination, and the return of refused, damaged, or returned shipments to the point of origin.

with rights 4, 5, and 6 above subject to the following condition:

That no right, power, or privilege is granted to transport coal or slag for the Benjamin Coal Company of LaJose, Clearfield County, and the Bradford Coal Company of Bigler, Clearfield County, except as presently authorized.

To transport, as a Class D carrier, rock, shale, road aggregate, crushed stone, sand, amesite, and other bituminous road surfacing materials from quarries and road material plants of New Enterprise Stone & Lime Company, Inc., and Detwiler Industries, Inc., located in the counties of Blair, Somerset, Huntingdon, Bedford, Fayette, Cambria, and Centre to points within an airline distance of seventy-five (75) statute miles of the point of origin, and the return of refused, damaged, or returned shipments to the point of origin.

3. To transport, as a Class D carrier, crushed limestone, sand, amesite, and building and construction materials from the quarries and material plants of New Enterprise Stone & Lime Company, Inc., and Detwiler Industries, Inc., located in the County of Blair, to points in Pennsylvania.

4. To transport, as a Class D carrier, scrap iron and scrap metals, in dump vehicles, from the facilities of Mueller's Auto Salvage, Altoona, Blair County; Jim Nagle's Rebuilt Truck Parts, Duncansville, Blair County; Yarwood Iron and Metals, Duncansville, Blair County, and Christopher & Sons, Hollidaysburg, Blair County, between points in the City of Altoona, Blair County, and from points in the said city and within an airline distance of twenty-five (25) statute miles of the limits of said city, to points in Pennsylvania.

with rights 8 and 9 above subject to the following condition:

That no right, power, or privilege is granted to render service to the Borough of Lewistown or the Townships of Decatur or Derry, Mifflin County.

10. To transport, as a Class D carrier, coal from points in the counties of Blair and Cambria to points in Pennsylvania, and vice versa; excluding service to points in the county of Indiana except as hereinafter authorized.

11. To transport, as a Class D carrier, coal for Apple Coal Company, Westvaco Corporation, Khristian and Johnson Coal Company, and Rhodes Coal Company, from points in the county of Clearfield to points in Pennsylvania, and vice versa.

12. To transport, as a Class D carrier, coal from points in the County of Indiana to points in Pennsylvania, and from points in Pennsylvania to points in the County of Indiana for the Black Gold Coal Company, McIntyre Coal Company, and M & M Coal Company.

with rights 10, 11, and 12 subject to the following condition:

No right, power, or privilege is granted to render service to the facilities of Bethlehem Steel Corporation in the County of Cambria.

13. To transport, as a Class D carrier, coal for the Benjamin Coal Company, from its operations and facilities located in the counties of Clearfield and Jefferson to points in the counties of Snyder, Montour, Berks, Northumberland, Dauphin, York, Northampton, Lehigh, Luzerne, Fayette, Indiana, Lycoming, and Jefferson, and vice versa.
14. To transport, as a Class D carrier, sand and quarry products from quarries and sand banks in the counties of Blair, Bedford, Huntingdon, Centre, and Clearfield, to points within seventy-five (75) miles, by the usually traveled highways of the limits of said quarries and sand banks.
15. To transport, as a Class D carrier, coal from mines and stripping operations in the counties of Cambria, Clearfield, and Indiana to railroad sidings in said area.
16. To transport, as a Class D carrier, coal for McIntyre Coal Company, M & M Coal Company, Kitt Coal Company, and Shaw Coal Company between points in Armstrong County and from points in said county to points in Pennsylvania, and vice versa;

with right 16 above subject to the following conditions:

No right, power, or privilege is granted to render service from Armstrong County to points in the counties of Allegheny and Erie.

No right, power, or privilege is granted to render service from points within five (5) miles of the Borough of Freeport, Armstrong County, to points in the counties of Armstrong, Butler, Indiana, and Westmoreland, or vice versa, except as presently authorized.

17. To transport, as a Class D carrier, wrecked or disabled vehicles, trailers, or buses and replacement vehicles, trailers, or buses; when the origin or destination point is other than the scene of an accident or breakdown; with the use of flatbed and lowboy trailers; between points in the Borough of Hollidaysburg, Blair County, and within an airline distance of one hundred fifty (150) statute miles of the limits of said borough.
18. To transport, as a Class D carrier, used and repossessed vehicles, with the use of flatbed and lowboy trailers, between points in the Borough of Hollidaysburg, Blair County, and within an airline distance of one hundred fifty (150) statute miles of the limits of said borough.

with rights 17 and 18 above subject to the following condition:

No right, power, or privilege is granted to transport mobile homes, house trailers, office trailers, and recreation trailers.

19. To transport, as a Class D carrier, sand, in bulk, from the quarries of J. A. Eck and Sons in Montoursville, Lycoming County, and Lycoming Silica Sand Company in Fairfield Township, Lycoming County, to processing plants located in Taylor Township, Blair County, Snake Spring Township, Bedford County, and Smithfield and Walker Townships, Huntingdon County.
20. To transport, as a Class D carrier, sand, slag, stone, rock shale, road aggregate, limestone, lime, amesite, and other bituminous road surfacing materials, for Detwiler's Industries, Inc., and New Enterprise Stone and Lime Company, Inc., between points in the Borough of Woodbury, Bedford County, and within an airline distance of fifty (50) statute miles of the limits of said borough;

with right 20 above subject to the following conditions:

FIRST: That no right, power, or privilege is granted to transport limestone and limestone products from points in the counties of Bedford and Somerset to points in the counties of Westmoreland and Cambria.

SECOND: That no right, power, or privilege is granted to transport limestone and limestone products from points in the County of Centre to points in the counties of Bedford, Somerset, and Cambria.

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

FOURTH: That no right, power, or privilege is granted to provide service to or from Union Mining Company and Bogner and Company.

Folder 1, Am-A

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from the facilities of Stott Coal Company in the County of Centre, to points in Falls Township, Bucks County.

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from points in the County of Somerset and points in the County of Fayette on and east of U.S. Hwy. 119 to points in Centre County.

To transport, as a Class D carrier, clay, in bulk, in dump vehicles, from points in the County of Cambria to the facilities of Garfield Refractories, in the County of Westmoreland.

Folder 1, Am-B

To transport, as a Class D carrier, salt, in bulk, in dump vehicles, from the Borough of Tyrone, Blair County, and within an airline distance of ten (10) statute miles of said borough, to points in the counties of Clearfield, Centre, Snyder, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, Fulton, Bedford, Somerset, Cambria, Blair and Huntingdon.

Folder 1, Am-C

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, for Tased Coal Sales, Inc., from points in the counties of Armstrong and Westmoreland, to the facilities of Jones & Laughlin Steel Corporation in the County of Allegheny.

Folder 1, Am-D

To transport, as a Class D carrier, salt, in bulk, in dump vehicles, from points in the County of Erie to points in the Counties of Allegheny, Bedford, Cambria, Fulton, Blair, Huntingdon, Centre, Somerset, Mifflin, Juniata, and Beaver.

Folder 1, Am-E

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from points in the County of Somerset, to the facilities of United States Steel Corporation in the Township of Falls, Bucks County.

Folder 1, Am-F

To transport, as a Class D carrier, scrap paper and scrap metal, in bulk, in dump vehicles, from points within an airline distance of thirty (30) statute miles of the City of Altoona, Blair County, to points in Pennsylvania and vice versa; subject to the following conditions:

- (1) That no right, power or privilege is granted to provide service to points in Allegheny and Beaver Counties.
- (2) That no right, power or privilege is granted to provide service from points in the Borough of Stroudsburg, Monroe County, and points within twenty-five (25) miles of the limits thereof, except for Rhodes Coal Company, Calandra & Sons, Inc., Charles Caracciolo Steel and Metal Yard and Joe Krentzman & Son, Inc.

- (3) That no right, power or privilege is granted to provide service for Hodes Industries, Inc. to or from its facilities in Centre County, the City of Lock Haven, Clinton County and the Borough of Tyrone, Blair County.

Folder 1, Am-G

To transport, coal, in bulk, in dump vehicles, for Sugar Hill Limestone Company from points in the County of Jefferson to the facilities of General Electric Company in the City of Erie, Erie County. ✓

Folder 1, Am-H

To transport, as a Class D carrier, limestone, pulverized limestone, coal, sand, and cement between points in the Township of Warriors Mark, Huntingdon County, and from points in the said township to points within one hundred (100) miles by the usually traveled highways of the limits of the said township.

Folder 1, Am-I

To transport, as a Class D carrier, coal, in bulk, from points in Centre County to the mills and facilities of United States Steel Corporation located within an airline distance of fifteen (15) statute miles of the limits of the City of Clairton, Allegheny County;

subject to the following conditions:

- (1) That no right, power or privilege is granted to render service from the facilities of Johnson & Morgan, located in Snow Shoe Township, Centre County.
- (2) That no right, power, or privilege is granted to render service from the facilities of R. S. Carlin, Inc., located in Snow Shoe and Burnside Townships, Centre County.

Folder 1, Am-J

To transport, as a Class D carrier, building construction materials, in bulk, in dump vehicles, for New Enterprise Stone & Lime Co., Detwiler Industries, Inc., and Narehood Limestone, Inc., from points in the Borough of Montoursville, Lycoming County, to points in the County of Blair.

Folder 1, Am-K

1. To transport, as a Class D carrier, evergreen trees from points in the counties of Indiana and Armstrong to points in Pennsylvania.
2. To transport, as a Class D carrier, lumber for Cydoc Lumber Corporation, from points in the counties of Cambria, Clearfield and Bedford to points in the counties of Clearfield and Columbia.

subject to the following conditions:

- (1) That no right, power or privilege is granted to provide transportation to or from points in Clearfield County within an airline distance of thirty-five (35) statute miles of the limits of Lock Haven, Clinton County.
 - (2) That no right, power or privilege is granted to provide transportation to points in Columbia County within twenty-five miles of the limits of the city of Williamsport, Lycoming County.
 - (3) That no right, power or privilege is granted to provide transportation to points in Columbia County within twenty-five (25) miles of the limits of Selinsgrove, Snyder County.
3. To transport, as a Class D carrier, clay, gravel, stone, sand, lime and limestone, rip-rap, reddog and anti-skid material, between points in the county of Blair and points in the counties of McKean, Elk, Clearfield, Cambria, Bedford, Somerset, Westmoreland, Indiana, Jefferson, Forest, Warren, Allegheny and Fayette which are within an airline distance of seventy-five (75) statute miles of the limits of Blair County.

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport sand to or from points in Clearfield County.

- (2) That no right, power or privilege is granted to transport clay from points in Clearfield County.
 - (3) That no right, power or privilege is granted to provide service to or from steel mills, fabricating plants or foundries in Allegheny County.
 - (4) That no right, power or privilege is granted to transport refractory materials or products for Bognar, Inc. or United Mining Corporation in the counties of Somerset and Westmoreland.
4. To transport, as a Class D carrier, sand, stone, rip-rap, and fill for D. P. Herk Zimmerman, Jr., Inc. and New Enterprise Stone & Lime Company, between points in the counties of Fulton, Franklin, Cumberland, and Perry and those points in the counties of Dauphin, York and Adams, within seventy-five (75) miles of the limits of Blair County.

subject to the following condition:

That no right, power or privilege is granted to transport limestone, limestone products or or sand between points in the counties of Fulton and Franklin except to railroad facilities.

5. To transport, as a Class D carrier, salt between points in Pennsylvania within seventy-five (75) statute miles of the limits of Blair County.

subject to the following conditions:

- (1) That no right, power or privilege is granted to provide transportation to or from points in the county of Butler within seventy-five (75) miles of the limits of Blair County.
- (2) That no right, power or privilege is granted to provide transportation to or from steel mills, fabricating plants or foundries in Allegheny County within seventy-five (75) miles of the limits of Blair County.

Folder 1, Am-L

To transport, as a Class D carrier, coal, for Don H. Richards Coal Co., from points in the counties of Armstrong, Butler,

Cambria, Centre, Clarion, Clearfield, Jefferson, Elk, Somerset, and Westmoreland, to points in the counties of Berks, Erie, Lehigh, Monroe, Montour, Northampton, Northumberland, Philadelphia, Snyder and York. ✓

subject to the following condition:

That no right, power or privilege is granted to transport coal from points in the county of Centre to points within fifty-five miles of the limits of the borough of Howard, Centre County.

Folder 1, Am-M

To transport, as a Class D carrier, coal, in dump vehicles, from points in the counties of Clearfield, Elk, Jefferson and Armstrong to power stations in the counties of Berks, Erie, Warren and Indiana. ✓

the above right subject to the following conditions:

- (1) That no right, power or privilege is granted to transport coal for Helena Coal Company and King Coal Sales from points in the county of Clearfield.
- (2) That no right, power or privilege is granted to transport coal from the facilities of C & K Coal Company, Champion Coal Company, Blue Line Coal Company and Mineral Resources in the county of Jefferson.
- (3) That no right, power or privilege is granted to transport coal for Riverhill Coal Company, the Teeter Estate, Halfway Coal Company, A. P. Coal Company, Bradford Coal Company and Johnson & Morgan from points in the county of Clearfield.
- (4) That no right, power or privilege is granted to transport coal for Bethlehem Mines, Cerro-Marmon Coal, Barnes & Tucker, Berwind Corporation, North American Coal Corp., Dunkard Creek Coal and Penn Pocahontas Coal, from points within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County, to points in Indiana County within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County except as otherwise authorized.

- (5) That no right, power or privilege is granted to transport coal for Coal Hill Mining Company, Inc., H. N. Hartwell & Co., Inc., Hall's Coal Co., Inc., and Seaview Fuels, Inc., from points in the counties of Clearfield, Elk and Jefferson to points in the county of Berks.

- (6) That no right, power or privilege is granted to transport coal, for Riverhill Coal Company, from points in the townships of Karthaus, Covington, Cooper, and Graham, Clearfield County, to points in the county of Berks.

To transport, as a Class D carrier, coal, in dump vehicles, for Rhodes Coal Company, King Coal Co., D & F Coal Co., Wendell Construction, William Penn Coal Co., White Enterprises, Don H. Richards Coal Co., Kenlin Coal Co., Keystone Minerals, Inc. and Ringgold Coal Mining Co., from points in the county of Somerset to power stations in the counties of Berks, Erie, Warren and Indiana.

Folder 1, Am-N

To transport coal from mines and stripping operations in the townships of Stonycreek, Shade, Quemahoning, Somerset and Brothersvalley, Somerset County, to railroad sidings, coal docks, loading platforms, industrial plants, mercantile establishments and private dwellings in the said townships and within twenty-five (25) miles of the limits of said townships.

Folder 1, Am-O

To transport, as a Class D carrier, coal, from points in the county of Elk, to points in the county of Clearfield. ✓

Folder 1, Am-P

To transport, as a Class D carrier, property, in bulk and/or which requires the use of special equipment, from the facilities of New Enterprise Stone & Lime Co., to points in Pennsylvania, and vice versa.

Folder 1, Am-Q

To transport, as a Class D carrier, property for C. L. Feather, Inc.; Rhodes Coal Co.; and C. R. Black Oil Co.; between points in Pennsylvania.

Subject to the following conditions:

- (1) No right, power or privilege is granted to render service between points in the counties of Allegheny, Beaver, Butler, Lawrence and Mercer.
- (2) No right, power or privilege is granted to transport limestone and limestone products from York County.
- (3) No right, power or privilege is granted to render service to or from the facilities of Pennsylvania Glass Sand Company located in Fairfield Township, Lycoming County.
- (4) No right, power or privilege is granted to transport property, except in bulk, to or from the facilities of Brockway Glass Co., Inc.

Folder 1, Am-S

To transport, as a Class D carrier, coal, in bulk, from points in the Counties of Clearfield and Centre, to points in the Counties of Allegheny, Butler, Armstrong, Venango, Lawrence, Crawford, Indiana and Erie.

with the above right subject to the following conditions:

- (1) That no right, power or privilege is granted to render service to points in the Counties of Armstrong and Indiana, except for T.G. Hickson, directly from strip mining locations
- (2) That no right, power or privilege is granted to transport coal from the Bradford Coal Company, Inc.

Folder 1, Am-T

1. To transport, as a Class D carrier, property, in bulk, for National Gypsum Company, from points in Maiden Creek Township, Berks County, to points located west of the eastern boundary lines of the counties of Potter, Clinton, Centre, Blair and Bedford.

2. To transport, as a Class D carrier, liquids and liquid chemicals, in bulk, in tank vehicles, between points in and west of the counties of Potter, Clinton, Centre, Blair and Bedford, and from points in said territory, to points in the cities of Reading, Berks County; Harrisburg, Dauphin County; Philadelphia, Philadelphia County; Scranton, Lackawanna County; Williamsport, Lycoming County; and Allentown, Lehigh County; the boroughs of Milton, Northumberland County; Bristol, Bucks County; Hummelstown, Dauphin County; Huntingdon, Huntingdon County; and the village of Hesston, Penn Township, Huntingdon County, and the township of Juniata, Huntingdon County, and vice versa; and

(Folder 1, Am-T continued)

3. To transport, as a Class D carrier, liquids and liquid chemicals, in bulk in tank vehicles, for Martin Oil Co. and Jehu, Inc., between points in and west of the counties of Potter, Clinton, Centre, Blair and Bedford, and from points in said territory to points in Pennsylvania, and vice versa;

with both of the above rights subject to the following conditions:

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

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

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

Folder 1, Am-U

To transport, as a Class D carrier, property, in bulk and/or which requires the use of special equipment, for Valley Quarries, Inc., from its facilities in the townships of Guilford, Peters, Greene and Green Castle and the borough of Waynesboro, Franklin County; the township of Southampton, Cumberland County, the boroughs of Fairfield and Gettysburg, Adams County, and the borough of Shippensburg, in the counties of Franklin and Cumberland, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property in bulk, and/or which requires the use of special equipment, for Martin Limestone, Inc., from its facilities in the townships of Salisbury, East Earl and Ephrata, and the boroughs of Ephrata and New Holland, Lancaster County, to points in Pennsylvania, and vice versa.

Folder 1, Am-V

To transport, as a Class D carrier, graphite, scrap artificial graphite, coke and coke breeze from the facilities of Asbury Graphite Mills, Inc., in the city of Bethlehem, Lehigh County and from the facilities of Anthracite Industries, Inc., in the city of Sunbury, Northumberland County, to points in Pennsylvania, and vice versa.

Folder 1, Am-X

To transport, as a Class D carrier, property, for McKesson Chemical Co., between points in Pennsylvania.

subject to the following conditions:

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

That no right, power or privilege is granted to transport any single shipment weighing less than 30,000 pounds, unless transported in a vehicle assigned exclusively to a single consignee or consignor

Folder 1, Am-Y

To transport, as a Class D carrier, property from the facilities of National Gypsum Company, in the township of Maiden Creek, Berks County, to points in Pennsylvania, and vice versa.

subject to the following condition:

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

Folder 1, Am-Z

To transport, as a Class D carrier, property for Mid-State Chemicals, a division of United Chemicals, Inc. between points in Pennsylvania

subject to the following condition:

That no right, power or privilege is granted to transport any single shipment weighing less than 30,000 pounds, except in bulk, unless transported in a vehicle assigned exclusively to a single consignee or consignor.

Folder 1, Am-AA

To transport, as a Class D carrier, electrical light fixtures and accessories, from the facilities of Lumax Industries, Inc., in the city of Altoona, Blair County, to points in Pennsylvania.

subject to the following condition:

That no right, power or privilege is granted to transport any single shipment, weighing less than 10,000 pounds, unless transported in a vehicle assigned exclusively to a single consignee or consignor.

FOLDER 1

1. TO TRANSPORT, AS A CLASS D CARRIER, COAL OR COKE FOR DOMESTIC CONSUMPTION, BETWEEN POINTS IN THE COUNTY OF ALLEGHENY PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF FIFTEEN (15) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

2. TO TRANSPORT, AS A CLASS D CARRIER, COAL FROM MINES OR STRIPPING OPERATIONS IN THE COUNTY OF ALLEGHENY TO RAILROAD SIDINGS, COKE OVENS, DOCKS OR STOCKPILES IN THE SAID COUNTY, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

3. TO TRANSPORT, AS A CLASS D CARRIER, BUILDING MATERIALS IN BULK IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTY OF ALLEGHE PROVIDED THAT NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (2) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

4. TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY MOVING UN BILLS OF LADING, WAYBILLS AND TARIFFS OF THE PENNSYLVANIA RAILROAD COMPANY WITHIN THE COLLECTION AND DELIVERY AREA DESIGNATED IN SAID COMPANY'S COLLECTION AND DELIVERY TARIFFS FOR THE STATION OF THE SAID COMPANY IN THE BOROUGH OF TARENTUM, ALLEGHE COUNTY.

5. TO TRANSPORT, AS A CLASS D CARRIER, SAND, GRAVEL, SOIL LIMESTONE, COAL, CLAY IN BULK, STONE, SOO, CINDERS, BROKEN GLAS BROKEN CONCRETE, BROKEN TILE AND USED BRICK, IN BULK IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTIES OF ARMSTRONG, CLARION, INDIANA, WESTMORELAND, ALLEGHENY AND BUTLER, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

(CONTINUED ON NEXT PAGE)

FOR PARAGRAPH 3 PREVIOUSLY PUBLISHED ON THIS PAGE AND NOT BROUG FORWARD, SEE PAGE 4-A.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: JUNE 6, 1978

EFFECTIVE: JULY 7, 1978

ISSUED BY:
WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

Appendix 1

FOLDER 1 (CONTINUED)

* 8. TO TRANSPORT, AS A CLASS D CARRIER, SAND, GRAVEL, LOAM, SOIL, LIMESTONE, COAL, CLAY IN BULK, STONE, SOO, CINDERS, BROK GLASS, BROKEN TILE AND USED BRICK, IN BULK, BETWEEN POINTS IN COUNTIES OF ARMSTRONG, CLARION, INDIANA, WESTMORELAND, ALLEGHE AND BUTLER AND WITHIN FIFTY (50) MILES OF THE LIMITS THEREOF.

WITH RIGHT NO. 8 ABOVE, TO BE SUBJECT TO THE FOLLOWING CONDITI

Δ THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRAN COAL, SAND, GRAVEL, CRUSHED STONE AND LIMESTONE TO, FROM OR BE POINTS IN THE COUNTY OF ALLEGHENY, EXCEPT AS AUTHORIZED AT PARAGRAPHS (1) THROUGH (5) ABOVE.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRAN COAL, SAND, GRAVEL, CRUSHED STONE AND LIMESTONE TO, FROM OR BETWEEN POINTS IN THE COUNTY OF WASHINGTON.

Δ THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDE ANY SERVICE TO, FROM OR BETWEEN POINTS IN THE COUNTY OF BUTLER, EXCEPT AS AUTHORIZED AT PARAGRAPHS (1) THROUGH (5) ABOVE.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDE ANY SERVICE TO, FROM OR BETWEEN POINTS IN THE COUNTIES OF BEAVER LAWRENCE AND MERCER.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDE ANY SERVICE TO OR FROM THE PLANTS OF THE FREEPORT BRICK COMPANY IN THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, KITTANNING BRICK COMPANY IN THE VILLAGE OF REESEDALE, ARMSTRONG COUNTY, HAWS REFRACTORIES COMPANY IN THE VILLAGE OF BRIDGEBURG, ARMSTRONG COUNTY, HOWE SOUND COMPANY IN THE TOWNSHIP OF RAYBURN, ARMSTRONG COUNTY, AND ALLEGHENY BRICK COMPANY IN THE TOWNSHIP OF EAST DEE ALLEGHENY COUNTY, EXCEPT AS HEREINABOVE AUTHORIZED.

* - TEMPORARY AUTHORITY ISSUED AT FOLDER 1 AM-J IS HEREBY CANCE

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: JANUARY 9, 1979

EFFECTIVE: JANUARY 10, 1979

ISSUED ON ONE DAY'S NOTICE UNDER AUTHORITY OF TARIFF RULE 2(C) OF THE P. PUBLIC UTILITY COMMISSIO

ISSUED BY:

WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

CERTIFICATE NO. 00110
FOLDER 1 (CONTINUED)

7. TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY FROM THE PLANT OF MITCHELL AND WESTERMAN MANUFACTURING CONTRACTORS IN THE TOWNSHIP OF JEFFERSON, BUTLER COUNTY, TO POINTS IN PENNSYLVANIA AND VICE VERSA.

SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT LIME AND LIME PRODUCTS, LIMESTONE AND LIMESTONE PRODUCTS, CONCRETE MIX, MORTAR MIX, SAND MIX AND MASONRY CEMENT, FROM THE WARNER COMPANY IN THE TOWNSHIPS OF CHARLESTOWN, EAST WHITELAND, AND TROYFFRIN, CHESTER COUNTY, TO THE PLANT OF MITCHELL AND WESTERMAN MANUFACTURING CONTRACTOR IN THE TOWNSHIP OF JEFFERSON, BUTLER COUNTY.

8. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, CLAY PRODUCT TILE, CEMENT, LIME, LUMBER, STONE, LATHS AND CONCRETE BLOCKS FROM POINTS WITHIN ONE HUNDRED (100) MILES OF THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, TO POINTS IN THE BOROUGH OF WILKINSBURG AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

9. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, CLAY PRODUCT TILE, STONE, CEMENT, LIME, LUMBER, LATHS AND CONCRETE BLOCKS, BETWEEN POINTS IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

10. TO TRANSPORT, AS A CLASS D CARRIER, EQUIPMENT AND BUILDING MATERIALS IN BULK IN DUMP TRUCKS BETWEEN POINTS IN THE COUNTY OF ALLEGHENY.

11. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, TILE AND OTHER CLAY PRODUCTS FROM POINTS IN THE COUNTY OF MCKEAN TO POINT IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

(CONTINUED ON NEXT PAGE)

FOR RESTRICTIONS TO PARAGRAPH 6 PREVIOUSLY PUBLISHED ON THIS PAGE AND NOT BROUGHT FORWARD, SEE PAGE 4-A.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: JUNE 6, 1978

EFFECTIVE: JULY 7, 1978

ISSUED BY:
WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16056

FOLDER 1 (CONCLUDED)

12. TO TRANSPORT, AS A CLASS D CARRIER, BRICK IN TRUCKLOAD LOTS FROM THE PLANT OF ALWINE BRICK COMPANY IN OXFORD TOWNSHIP, ADAMS COUNTY, TO JOB AND CONSTRUCTION SITES IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH. WITH THE RIGHTS AT 8, 9, 10, 11, AND 12 ABOVE TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT HOUSEHOLD GOODS OR OFFICE FURNISHINGS, IN USE.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO PICK OR DELIVER ANY PROPERTY EXCEPT CONTRACTORS' SUPPLIES AND BUILDING MATERIALS ON THE WILLIAM PENN HIGHWAY EAST OF THE ALLEGHENY COUNTY LINE.

FOLDER 1 Am-E

TO TRANSPORT, AS A CLASS D CARRIER, FRESH AND PROCESSED MEAT IN TEMPERATURE CONTROLLED VEHICLES, FOR JIFFY FOODS CORPORATION FROM THE FACILITIES OF SAID COMPANY LOCATED IN THE BOROUGH OF NORTH EAST, ERIE COUNTY, TO POINTS IN PENNSYLVANIA, AND THE RETURN OF REFUSED, REJECTED OR DAMAGED SHIPMENTS TO THE POINT OF ORIGIN.

FOLDER 1 Am-F

TO TRANSPORT, AS A CLASS D CARRIER, DRY SALT, IN BULK IN TANK VEHICLES, FROM THE FACILITIES OF STANDARD TERMINALS, INC., THE CITIES OF NEW KENSINGTON AND ARNOLD, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA LYING ON AND WEST OF THE EASTERN BOUNDARIES OF THE COUNTIES OF MCKEAN, CAMERON, CLEARFIELD, BLAIR AND BEDFORD, AND THE RETURN OF REFUSED, REJECTED OR DAMAGED SHIPMENTS TO THE POINT OF ORIGIN.

FOLDER 1 Am-G

TO TRANSPORT, AS A CLASS D CARRIER, SALT, IN TANK VEHICLES, FROM THE FACILITIES OF MORTON SALT COMPANY IN THE BOROUGH OF WEST ELIZABETH, ALLEGHENY COUNTY, TO POINTS IN PENNSYLVANIA.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 18, 1975

EFFECTIVE: MARCH 20, 1975

ISSUED BY:
WAYNE W. SELL, PRESIDENT
238 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

FOLDER 1 AM-H

TO TRANSPORT, AS A CLASS D CARRIER, CALCILOX (DRY PROCESS SLAG), IN TANK VEHICLES, BETWEEN POINTS IN THE TOWNSHIP OF NEVILLE, ALLEGHENY COUNTY, AND FROM POINTS IN SAID TOWNSHIP TO POINTS IN PENNSYLVANIA.

FOLDER 1 AM-I

TO TRANSPORT, AS A CLASS D CARRIER, SALT AND SALT PRODUCTS FOR CARGILL, INC., FROM THE CITIES OF ARNOLD, NEW KENSINGTON AND LOWER BURRELL, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT ROCK SALT AND/OR CALCIUM CHLORIDE, FOR DE-ICING PURPOSE IN BULK, TO POINTS IN PENNSYLVANIA ON AND EAST OF U.S. HIGHWAY ROUTE 15.

FOLDER 1 AM-J (NEW)

TO TRANSPORT, AS A CLASS D CARRIER, COAL BETWEEN POINTS IN BUTLER AND ALLEGHENY COUNTIES AND FROM POINTS IN SAID COUNTIES TO POINTS IN PENNSYLVANIA WITHIN A RADIUS OF 50 MILES OF THE LIMITS OF SAID COUNTIES AND VICE VERSA, FOR BETHLEHEM MINES CO., UNITED COAL AND COMMODITIES CO., AMERICAN INTERNATIONAL CO., SECHAN COAL CO., ENERGY ENGINEERING CO., KITT COAL CO., AND CLINTON FUEL AND TRANSPORT, INC.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS HEREBY GRANTED TO TRANSPORT COAL OR COKE FROM THE FACILITIES OF CARPENTERTOWN COAL AND COKE COMPANY AT OR NEAR TEMPLETON, ARMSTRONG COUNTY, EXCEPT AS PRESENTLY AUTHORIZED.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS; SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 23, 1979

EFFECTIVE: FEBRUARY 24, 1979

ISSUED ON ONE DAY'S NOTICE, AUTHORITY OF TITLE 52, SECTION 23.42 OF THE PENNSYLVANIA CODE

ISSUED BY:
WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

Δ FOLDER 1 Am-K

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY IN BULK IN DUMP VEHICLES, AND WHICH IS UNLOADED BY DUMPING, BETWEEN POINTS WITHIN FIFTY (50) MILES OF THE LIMITS OF THE BOROUGH OF HOMESTE ALLEGHENY COUNTY, AND FROM POINTS IN SAID TERRITORY TO POINTS IN PENNSYLVANIA, AND VICE-VERSA.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT STEEL IN SHEETS, BARS, COILS, PLATES AND RODS TO OR FROM POINTS WITHIN THIRTY-FIVE (35) MILES OF THE CITY HALL IN THE CITY OF PHILADELPHIA.

2. THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT SAND IN BULK FROM THE PENNSYLVANIA GLASS SAND CORPORATION IN THE BOROUGHS OF MAPLETON, HUNTINGDON COUNTY, AND McVEYTON MIFFLIN COUNTY.

3. THAT IN THE RENDITION OF THE SERVICE HEREIN AUTHORIZED THE CONTAINER TO BE USED AND EMPLOYED IN THE TRANSPORTATION OF BULK COMMODITIES SHALL BE THE VEHICLE ITSELF AND NOT A SEPARATE CONTAINER.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 12, 1980

EFFECTIVE: FEBRUARY 13, 1980

ISSUED ON ONE DAY'S NOTICE, AUTHORITY OF PA. PUBLIC UTILITY COMMISSION IN SPECIAL PERMISSION No. 29110

ISSUED BY:

WAYNE W. SELL, PRESIDENT
238 WINFIELD ROAD
SARVER, PA 16055

Re: Application of Norman M. Earhart,
t/d/b/a Earhart Trucking

Docket No. A-00065936, F.3, Am-A
(Temporary Authority
Application)

APPENDIX C

Proposed Restrictive Amendment

Protestants know of no restrictive amendment which would
satisfy their interest in this proceeding at this time.

POPE, POPE AND DRAYER

ATTORNEYS AT LAW

TEN GRANT STREET

CLARION, PENNSYLVANIA 16214

TELEPHONE 226-5700
AREA CODE 814

HENRY RAY POPE III
KENT S. POPE
H. JOHN DRAYER

OF COUNSEL
H. RAY POPE

January 6, 1986

OUR FILE #

FILE

RECEIVED

JAN 9 1986

SECRETARY'S OFFICE
Public Utility Commission

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

In Re: Application of Norman M. Earhart,
t/d/b/a Earhart Trucking
A-00065936, Folder 3, Am-A

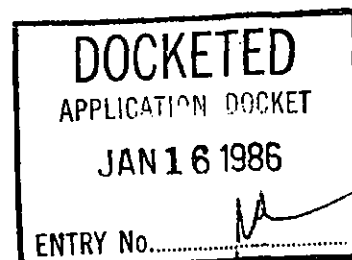
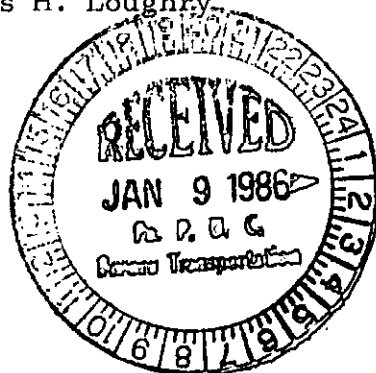
Dear Mr. Rich:

My client, Thomas H. Loughry, has authorized me to withdraw his protest in connection with the above application; and, in line with these instructions, the protest of the said carrier is withdrawn; however, I desire to remain a party of record for the purpose of obtaining any Commission orders.

Very truly yours,

KSP/et
Enclosures

CC: Arthur J. Diskin, Esquire
Mr. Thomas H. Loughry



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NORMAN W. EARHART, t/d/b/a
EARHART TRUCKING

DOCKET NO. A. 00065936, F. 3, Am-A

RECEIVED

DEC 23 1985

SECRETARY
Public Utility C

PROTEST AND REQUEST
FOR ORAL HEARING

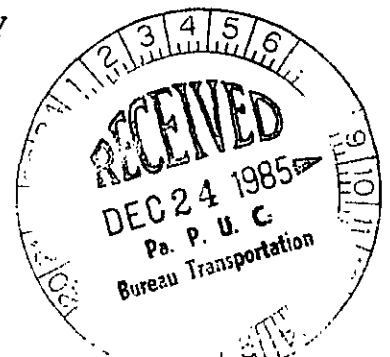
The motor carrier (s) shown on Appendix A hereof (herein called protestant(s)) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

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(s) hold 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(s) 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 (s).

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 24 1985
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(s) presently hold authority to provide service in the area affected by the application, (b) protestant(s) 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(s) 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(s) request 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(s) will appear and present evidence of protestant(s) own operations and particular interest(s) unless this application is amended so as to eliminate those interest(s) as set forth in this protest.

WHEREFORE, protestant(s) request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestant(s) 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,

BULK TRANSPORTATION SERVICES, 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: December 20, 1985

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 20th day of December, 1985.

William J. Lavelle
William J. Lavelle

Re: Norman W. Earhart, t/d/b/a Earhart Trucking
Docket No. A. 00065936, F. 3, Am-A

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on November 30, 1985 applicant seeks authority to operate as a common carrier, transporting:

Coal, for North Cambria Fuel, Inc., from its mines and tipples,, in the counties of Cambria, Jefferson, Indiana and Clearfield, to other points in said counties.

INTEREST OF PROTESTANT:

Bulk Transportation Services, Inc., R. D. #1, Box 88A, Mineral Point, PA 15942 (814-322-1713) holds authority at Docket No. A. 101351. Under its lead certificate it is authorized to transport coal between points in Cambria County. By order entered September 3, 1985 Bulk Transportation was granted temporary authority at Docket No. A. 00101351, Folder 1, Am-A (TA) to operate all of the rights granted to Charles J. Merlo, Inc. at Docket No. A. 00085811, Folder 2. The pertinent authority is contained in Merlo's certificates at Folder 2 (paragraphs 1 and 2), Folder 2, Am-A.

Copies of the operating authority of Bulk Transportation, the order granting temporary authority and a summary of Merlo's operating authority are attached to the protest.

The Folder 2, Am-A certificate authorizes the transportation of coal between some or all points in the counties of Cambria, Jefferson, Indiana and Clearfield.

OPERATING AUTHORITY

CERTIFICATE NO. A-00101351

BULK TRANSPORTATION SERVICES, INC.

To transport, as a Class D carrier, coal, cinders, reddog, sludge, coke, coke ashes, boiler ashes, flyash, sand and gravel, in dump trucks, between points in the counties of Fayette, Westmoreland, Somerset, Washington, Cambria and Allegheny; excluding the transportation of commodities in hopper-type vehicles.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 28, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
James H. Cawley
Frank Fischl
Bill Shane

Bulk Transportation Services, Inc. A-00101351, F. 600 (ETA)
Emergency Temporary Authority Application A-00101351, F. 1, Am-A (TA)
and Temporary Authority Application for
approval to operate all the rights granted
under the certificate at A-00085811, F. 2,
held by Charles J. Merlo, Inc.

O R D E R

BY THE COMMISSION:

The above applications were filed January 14, 1985, wherein the above applicant sought temporary authority to operate all the trucking rights held by Charles J. Merlo, Inc. at A-00085811, F. 2.

Transferor, Charles J. Merlo, Inc., is presently certificated, in summary, to transport building materials in bulk, coal from strip mines, and scrap metals in Cambria and Blair Counties.

The averred reason for the ETA and TA requests is that transferor in addition to being certificated with PUC rights, is also engaged in the building construction business, primarily in state and federal projects, and as a result transferor is required to post performance bonds in the amount of 100% of the contract price. The bonding companies require a financially stable company, unencumbered with other businesses. Therefore, in order to preserve its bonding status transferor desires to transfer its PUC rights to the applicant which is a commonly controlled company.

It is further averred that the transferee, Bulk Transportation Services, Inc., will be a commonly controlled company and will be prepared to operate immediately upon Commission approval thereby creating no lapse in service.

Discussion

The Commission denied, by tentative order, the instant ETA and T/A applications in Public Meeting March 29, 1985 based on timely protests to the applications by James Craig Baily, t/d/b/a Baily Trucking, certificated by this Commission at A-00103715, and by United Mine Workers of America (UMWA or Union).

James Craig Baily, t/d/b/a Baily Trucking subsequently withdrew its protest.

UMWA averred that it represents Merlo's 18 coal hauling employees. The most recent collective bargaining agreement between Merlo and the UMWA expired on November 15, 1984. Since that time the UMWA and Merlo have met for the purpose of negotiating a new collective bargaining agreement. However, before an agreement could be reached, Merlo notified the Union that it decided to terminate its coal hauling operations, effective January 2, 1985. On that date, Merlo informed all of its employees that they were permanently laid off and that Merlo was no longer in the coal hauling business. Instead, Merlo stated that it intended to utilize independent brokers to haul coal under its PUC rights. Merlo has operated in this manner since January 2, 1985.

UMWA further averred that on January 18, 1985 the UMWA filed unfair labor practice charges with the National Labor Relations Board. These charges alleged that Merlo failed to bargain in good faith with the UMWA concerning its decision to terminate its coal hauling operations; that it failed to bargain over the effects of this decision when it terminated health coverage for its employees; and that it improperly recognized another union without following proper procedures. These charges were under investigation by the NLRB. The UMWA authorized a strike against Merlo as a result of its unfair labor practices.

It is the UMWA's position that Merlo's application to transfer his PUC rights to Bulk Transportation is part and parcel of an attempt to escape the obligations under the National Labor Relations Act.

On April 25, 1985, UMWA's appeal to the NLRB from the refusal to issue a complaint was denied. The denial letter indicated that Transferor's "disbanding of its fleet represented not just a change in the method of securing drivers but a decision to reallocate substantial capital resources from the hauling branch of the business into the construction branch". The NLRB found that Transferor had no obligation to bargain with respect to such an entrepreneurial decision.

By Initial Decision served on July 24, 1985 in the proceeding, Administrative Law Judge Larry Gesoff concluded that there is present no genuine issue as to a material fact, the UMWA has adequate protections and procedures available to it through the NLRB, and that "it is an improper use of the Commission's processes to protest a transfer application merely for purposes of delay in order to obtain a supposed advantage in a matter which is under the jurisdiction of the NLRB".

ALJ Gesoff found:

1. That the exceptions, treated as a motion for judgment on the pleadings, is granted.
2. That the protest of the United Mine Workers of America is stricken.

3. That this application be referred to the Commission's Bureau of Transportation for processing under modified procedure.

Therefore, the Bureau of Transportation finds that due to the action of the NLRB and the findings of the Commission's Office of the ALJ, and upon consideration of the matters in the herein application, that the application will serve the public interest; THEREFORE,

IT IS ORDERED: That the above application for temporary authority be and is hereby approved.

IT IS FURTHER ORDERED: That the application for ETA be and is hereby dismissed as moot.

IT IS FURTHER ORDERED: That the applicant will file evidence of insurance prior to the initiation of any service granted herein.

IT IS FURTHER ORDERED: That the applicant will, within ten (10) days of entry of this order, file a tariff adopting the transferor's rates, in accordance with the provisions of Pa. Code Title 52, Chapter 23.

IT IS FURTHER ORDERED: That the authority granted herein will be effective pending disposition of the permanent application.

IT IS FURTHER ORDERED: That the authority granted herein will have no bearing on any application for permanent authority.

BY THE COMMISSION



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 28, 1985

ORDER ENTERED:

SEP 03 1985

CHARLES J. MERLO, INC.

Docket No. A. 85811

Summary Of Operating Authority Issued By
The Pennsylvania Public Utility Commission

DOCKET NO. A. 85811, FOLDER 2

- (1) Building materials in bulk in dump trucks, coal, sand, bricks and mine supplies,

Between points in the Borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits thereof, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

- (2) Coal from stripping operations, sand, gravel, reddog, soil, and brick,

From points in the Borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits of the said borough to points in the said territory.

Subject to the following condition:

That no right, power or privilege is granted to transport coal for domestic consumption from the mines of Bethlehem Collieries Corporation located in the Borough of Nanty Glo, Cambria County, said mine being known as No. 31, formerly Heisley Mine, except as presently authorized.

- (3) Scrap metals,

Between points in the Borough of Nanty Glo, Cambria County, and within 25 miles of the limits of said borough, excluding service from the City of Altoona, Blair County.

DOCKET NO. A. 85811, FOLDER 2, AM-A

Coal,

Between points within an airline distance of forty-five (45) statute miles of the limits of the Borough of Nanty Glo, Cambria County.

Subject to the following condition:

That no right, power or privilege is granted to transport coal to the steel plants of the Bethlehem Steel Corporation in the County of Cambria, except as presently authorized.

DOCKET NO. A. 85811, FOLDER 2, AM-C

Scrap metal and scrap iron, in bulk, in dump vehicles,

From points in Pennsylvania to the facilities of Bethlehem Steel Corporation located in the counties of Cambria and Dauphin.

subject to the following conditions:

1. That no right, power or privilege is granted to render service from Avis, Clinton County, and points within five (5) miles of the limits of Avis.
2. That no right, power or privilege is granted to render service from the Mountain City Junk Company or Charles Caracciola Steel and Metal Yard.
3. That no right, power or privilege is granted to render service from Hodes Industries from its facilities in Centre County, the City of Lock Haven, Clinton County, or the city of Tyrone, Blair County.

DOCKET NO. A. 85811, FOLDER 2, AM-E

Coal, in bulk, in dump vehicles,

For Bethlehem Mines Corporation, from its mines and facilities located in the counties of Butler, Cambria and Washington, to points in that part of Pennsylvania on and west of U. S. Highway Route 15.

subject to the following conditions:

1. That no right, power or privilege is granted to provide service to or from the Bethlehem Mines Corporation Fawn No. 91 Mine located in Saxonburg, Butler County.
2. That no right, power or privilege is granted to transport coal for Bethlehem Mines Corporation, from its mines and facilities located in the county of Washington, to points in the counties of Allegheny, Fayette, Greene, Washington and Westmoreland.

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NORMAN W. EARHART, t/d/b/a
EARHART TRUCKING

DOCKET NO. A. 00065936, F. 3, Am-A (TA)

RECEIVED

DEC 23 1985

SECRETARY
Public Utility

PROTEST TO TEMPORARY AUTHORITY
APPLICATION AND REQUEST
FOR ORAL HEARING

Bulk Transportation Services, Inc. (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 on November 30, 1985, applicant seeks the following temporary authority:

Coal, for North Cambria Fuel, Inc., from its mines and tipples, in the counties of Cambria, Jefferson, Indiana and Clearfield, to other points in said counties.

2. Protestant holds authority from this Commission which is duplicated by the temporary authority application. The interests of the protestant are as follows:

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 24 1985
ENTRY No. *111*

RECEIVED
DEC 24 1985
Pa. P. U. C.
Bureau Transportation

Bulk Transportation Services, Inc., R. D. #1, Box 88A, Mineral Point, PA 15942 (814-322-1713) holds authority at Docket No. A. 101351. Under its lead certificate it is authorized to transport coal between points in Cambria County. By order entered September 3, 1985 Bulk Transportation was granted temporary authority at Docket No. A. 00101351, Folder 1, Am-A (TA) to operate all of the rights granted to Charles J. Merlo, Inc. at Docket No. A. 00085811, Folder 2. The pertinent authority is contained in Merlo's certificates at Folder 2 (paragraphs 1 and 2), Folder 2, Am-A.

Copies of the operating authority of Bulk Transportation, the order granting temporary authority and a summary of Merlo's operating authority are attached to the protest.

The Folder 2, Am-A certificate authorizes the transportation of coal between some or all points in the counties of Cambria, Jefferson, Indiana and Clearfield.

3. There is no immediate and urgent need for the proposed service in view of the transportation service already available to the shipper. Protestant is ready, willing and able to provide service in the transportation of coal within its authorized geographical area. It is located in the immediate vicinity of the shipper, specializes in the transportation of coal, has surplus equipment designed specifically to transport coal, and holds its service out on a daily basis to the general shipping public including the supporting shipper.

4. Protestant denies that any situation exists which requires the service of the applicant prior to the processing of the related application for permanent which has been also been protested.

5. 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 any oral hearing is held, Protestant will appear and present evidence of its own operations and interests unless this application is amended so as to eliminate those interests 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 that 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,

BULK TRANSPORTATION
SERVICES, INC.

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

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

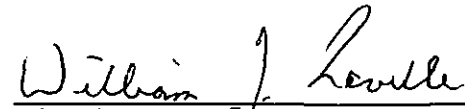
Of Counsel

Dated: December 20, 1985

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest to temporary authority application 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 20th day of December, 1985.



William J. Lavelle

OPERATING AUTHORITY

CERTIFICATE NO. A-00101351

BULK TRANSPORTATION SERVICES, INC.

To transport, as a Class D carrier, coal, cinders, reddog, sludge, coke, coke ashes, boiler ashes, flyash, sand and gravel, in dump trucks, between points in the counties of Fayette, Westmoreland, Somerset, Washington, Cambria and Allegheny; excluding the transportation of commodities in hopper-type vehicles,

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 28, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
James H. Cawley
Frank Fischl
Bill Shane

Bulk Transportation Services, Inc. A-00101351, F. 600 (ETA)
Emergency Temporary Authority Application A-00101351, F. 1, Am-A (TA)
and Temporary Authority Application for
approval to operate all the rights granted
under the certificate at A-00085811, F. 2,
held by Charles J. Merlo, Inc.

O R D E R

BY THE COMMISSION:

The above applications were filed January 14, 1985, wherein the above applicant sought temporary authority to operate all the trucking rights held by Charles J. Merlo, Inc. at A-00085811, F. 2.

Transferor, Charles J. Merlo, Inc., is presently certificated, in summary, to transport building materials in bulk, coal from strip mines, and scrap metals in Cambria and Blair Counties.

The averred reason for the ETA and TA requests is that transferor in addition to being certificated with PUC rights, is also engaged in the building construction business, primarily in state and federal projects, and as a result transferor is required to post performance bonds in the amount of 100% of the contract price. The bonding companies require a financially stable company, unencumbered with other businesses. Therefore, in order to preserve its bonding status transferor desires to transfer its PUC rights to the applicant which is a commonly controlled company.

It is further averred that the transferee, Bulk Transportation Services, Inc., will be a commonly controlled company and will be prepared to operate immediately upon Commission approval thereby creating no lapse in service.

Discussion

The Commission denied, by tentative order, the instant ETA and T/A applications in Public Meeting March 29, 1985 based on timely protests to the applications by James Craig Baily, t/d/b/a Baily Trucking, certificated by this Commission at A-00103715, and by United Mine Workers of America (UMWA or Union).

James Craig Baily, t/d/b/a Baily Trucking subsequently withdrew its protest.

UMWA averred that it represents Merlo's 18 coal hauling employees. The most recent collective bargaining agreement between Merlo and the UMWA expired on November 15, 1984. Since that time the UMWA and Merlo have met for the purpose of negotiating a new collective bargaining agreement. However, before an agreement could be reached, Merlo notified the Union that it decided to terminate its coal hauling operations, effective January 2, 1985. On that date, Merlo informed all of its employees that they were permanently laid off and that Merlo was no longer in the coal hauling business. Instead, Merlo stated that it intended to utilize independent brokers to haul coal under its PUC rights. Merlo has operated in this manner since January 2, 1985.

UMWA further averred that on January 18, 1985 the UMWA filed unfair labor practice charges with the National Labor Relations Board. These charges alleged that Merlo failed to bargain in good faith with the UMWA concerning its decision to terminate its coal hauling operations; that it failed to bargain over the effects of this decision when it terminated health coverage for its employees; and that it improperly recognized another union without following proper procedures. These charges were under investigation by the NLRB. The UMWA authorized a strike against Merlo as a result of its unfair labor practices.

It is the UMWA's position that Merlo's application to transfer his PUC rights to Bulk Transportation is part and parcel of an attempt to escape the obligations under the National Labor Relations Act.

On April 25, 1985, UMWA's appeal to the NLRB from the refusal to issue a complaint was denied. The denial letter indicated that Transferor's "disbanding of its fleet represented not just a change in the method of securing drivers but a decision to reallocate substantial capital resources from the hauling branch of the business into the construction branch". The NLRB found that Transferor had no obligation to bargain with respect to such an entrepreneurial decision.

By Initial Decision served on July 24, 1985 in the proceeding, Administrative Law Judge Larry Gesoff concluded that there is present no genuine issue as to a material fact, the UMWA has adequate protections and procedures available to it through the NLRB, and that "it is an improper use of the Commission's processes to protest a transfer application merely for purposes of delay in order to obtain a supposed advantage in a matter which is under the jurisdiction of the NLRB".

ALJ Gesoff found:

1. That the exceptions, treated as a motion for judgment on the pleadings, is granted.
2. That the protest of the United Mine Workers of America is stricken.

3. That this application be referred to the Commission's Bureau of Transportation for processing under modified procedure.

Therefore, the Bureau of Transportation finds that due to the action of the NLRB and the findings of the Commission's Office of the ALJ, and upon consideration of the matters in the herein application, that the application will serve the public interest; THEREFORE,

IT IS ORDERED: That the above application for temporary authority be and is hereby approved.

IT IS FURTHER ORDERED: That the application for ETA be and is hereby dismissed as moot.

IT IS FURTHER ORDERED: That the applicant will file evidence of insurance prior to the initiation of any service granted herein.

IT IS FURTHER ORDERED: That the applicant will, within ten (10) days of entry of this order, file a tariff adopting the transferor's rates, in accordance with the provisions of Pa. Code Title 52, Chapter 23.

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IT IS FURTHER ORDERED: That the authority granted herein will have no bearing on any application for permanent authority.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 28, 1985

ORDER ENTERED:

SEP 03 1985

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1. That no right, power or privilege is granted to provide service to or from the Bethlehem Mines Corporation Fawn No. 91 Mine located in Saxonburg, Butler County.
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