

A-00065936, F. 3

PARTS OF CASE PREVIOUSLY MICROFILMED @

REEL 3662, BLIP 37

A-00065936 F3

APPLICATION

F3 AMA

ARTHUR J. DISKIN
ATTORNEY AT LAW
A PROFESSIONAL CORPORATION
402 LAW & FINANCE BUILDING
PITTSBURGH, PA. 15219
TELEPHONE (412) 281-9494

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NOV 04 1985

Non-Rail Transportation
Public Utility Comm.

November 1, 1985

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NOV - 4 1985
SECRETARY'S OFFICE
Public Utility Commission

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

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

F.3 AMA

Gentlemen:

Enclosed are the original and two copies of an application for an additional certificate for Norman M. Earhart, t/d/b/a Earhart Trucking, at Docket A. 65936.

My check for the \$125 filing fee is attached. Kindly acknowledge receipt of the enclosed.

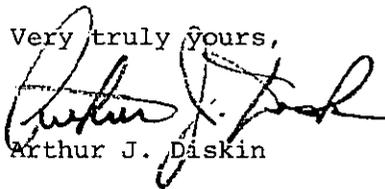
In addition, there is attached hereto the following: the original and two copies of an application for emergency temporary authority and the original and two copies of an application for regular temporary authority. My check for \$25 is attached to cover the emergency temporary authority application, and my check for \$75 is attached to cover the temporary authority application.

Attached to both temporary authority applications is a letter of shipper support from North Cambria Fuel Company explaining the needs for emergency temporary service, regular temporary service, and permanent authorized service. Please get in touch with the writer of the letter if there are any further questions that you have about the requirement for the temporary authority authorizations.

The entire application involves service to the one shipper, and the present rights of Mr. Earhart do not cover all of the required territory.

For the reasons set forth in the attached shipper support letter, your prompt attention to this application will be appreciated.

Very truly yours,


Arthur J. Diskin

DOCUMENT
FOLDER

AJD/cmm
Enclosures

A-65936 F.3 AMA

To transport, as a Class D carrier, coal, pit posts, lime cylinders between points in the counties of Indiana, Westmoreland, Armstrong and Allegheny, provided no haul shall exceed a distance of thirty-five (35) miles from point of origin to point of destination.

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

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

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

THIRD: That the \$9,500 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.

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

NOW, to wit, November 26, 1974, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceeding.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

WITNESSETH:

Secretary

Chairman

Order Adopted: November 26, 1974
Order Entered: December 6, 1974

POOR ORIGINAL

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ORIGINAL

NOV 04 1985

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Non-Rail Transportation
Public Utility Comm.

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

(see instructions before preparing application)

In re: Application of APPLICATION DOCKET

NORMAN M. EARHART, t/d/b/a EARHART TRUCKING No. A. 65936

for a certificate of public convenience or a permit evidencing the Commission's approval of the right and privilege of operating motor vehicles as a motor carrier for the transportation of property.

Folder No. 3 AM-A

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NOV - 4 1985

SECRETARY'S OFFICE
Public Utility Commission

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The name and address of applicant are:

Norman M. Earhart, t/d/b/a Earhart Trucking

(Applicant's or trade name, if any)

R. D. 1 New Alexandria

(Street and number) (City)

Westmoreland PA
(County) (State)

DOCKETED
APPLICATION DOCKET
NOV 7 1985
ENTRY No. *in*

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

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

(Name) (Address) (Zip)

3. Applicant designates Arthur J. Diskin, Esq.

(Name)

402 Law & Finance Bldg., Pgh., PA 15219, as the person upon whom
(Address) (Zip)

service of any notice, process or order of the Public Utility Commission may be made for him or it.

APPL. A-65936
COMPL. F.3 Act.
MVIC. F.1 cancelled 1-5-48
F.2 Withdrawn 12/16/57
CHECKED BY *in*

DOCUMENT
FOLDER

F.3 AMENDMENT "A"

4. Applicant is An Individual
(Individual, partnership or corporation - if an individual, must be 18 years of age or over)

Applicant, if an individual or partnership, is doing business under the trade name of Earhart Trucking

The said trade name has been registered with the Secretary of the Commonwealth on 19, and with the Prothonotary of Westmoreland (County)

County on 19, in accordance with the provisions of the Fictitious Name Act of June 28, 1917, as amended.

Applicant, if a partnership, attaches hereto, as an exhibit, a copy of the partnership agreement and asserts that the names and addresses of the partners are as follows:

Name	Post Office Address	County
.....	..... (Zip) .....	.....
.....	..... (Zip) .....	.....
.....	..... (Zip) .....	.....

Applicant, if a corporation, was organized under the laws of the State of, and attaches hereto as an exhibit a statement of its charter purpose(s). Applicant (if a foreign corporation) qualified to do business in Pennsylvania by registering in the office of the Secretary of the Commonwealth on the day of 19

5. Applicant now holds the following certificates of public convenience or permits (include those issued by Interstate

Commerce Commission and any other states): P.U.C. authority...
at A. 65936. Applicant has no I.C.C. authority.

6. Applicant desires to operate motor vehicles as follows: (state
type, size and quantity) ... A total of 21 dump vehicles.

Number of vehicles now owned or to be purchased by applicant

Applicant owns 4 dump vehicles.

Number of leased vehicles operated or to be operated by

applicant Applicant leases 17 dump vehicles.

7. Applicant is financially able to furnish adequate service to
the public and submits the following statement of financial
condition: SEE ANNUAL REPORTS ON FILE

ASSETS

Motor vehicle equipment	\$	
Land, buildings and structures	\$	
Other property	\$	
Cash	\$	
Notes and accounts receivable	\$	
Materials and supplies	\$	
Other assets (attach schedule)	\$	
Total Assets	\$	

LIABILITIES

Mortgages payable	\$	
Equipment obligations	\$	
Notes and accounts payable	\$	
Other liabilities (attach schedule)	\$	

Reserve for depreciation - motor vehicles	....	\$	.....
Reserve for depreciation - other	.....	\$	.....
Capital stock (corporations only)	.....	\$	.....
Surplus (corporations only)	.....	\$	.....
Total Liabilities	.....	\$	.....

NET WORTH

For corporations	.....	\$	.....
Capital stock	.....	\$	.....
Surplus	.....	\$	.....
For individuals or partnerships	.....	\$	.....

8. The nature and character of the service to be rendered by applicant as a XXX common carrier or as a contract carrier under the terms of the attached contract or agreement, are as follows: (See instructions) SEE APPENDIX ATTACHED

9. (a) If applicant seeks authority as a XXX common carrier, state information why the proposed service is necessary or proper for the service, accommodation and convenience of the public. SEE APPENDIX ATTACHED

- (b) If applicant seeks authority as a contract carrier, applicant certifies that he is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the lawful orders and regulations of this Commission, and that the proposed service will be consistent with the public interest and will not interfere with the service and regulations of common carriers by motor vehicles and the policy declared in Section 801 of the Public Utility Law.

10. Applicant is not now engaged in any intrastate transportation of property for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 5) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.

11. If the evidence presented in support of this application shows that applicant, although applying for a certificate of public convenience as a common carrier, would be entitled to

a permit as a contact carrier, or if applying for a permit, would be entitled to a certificate, as aforesaid, applicant agrees that the application may be considered by the Commission to be for the appropriate form of authority.

Wherefore, applicant prays your Honorable Commission to issue XXX a certificate of public convenience; a permit; under the provisions of the Pennsylvania Public Utility Law, evidencing its approval of the right to operate motor vehicles for the transportation of property as described in Paragraph 8 of this application.

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

CORPORATE SEAL

.....
(print name of corporation,
partnership, trade-name or
individual)*

By:

x

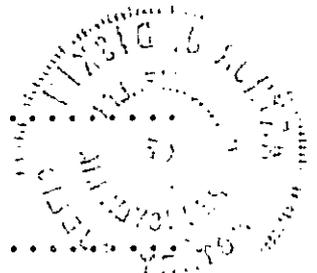
Norman M. Earhart

(Signature)

Norman M. Earhart

.....
(Signature)

.....
(Signature)



*If a partnership, each partner must sign; if a corporation, at least one officer must sign, and corporate seal affixed.

AFFIDAVIT

(Individual or Partnership)

.....Norman M. Earhart.....(an individual) or.....,

.....(all members of a partnership), t/d/b/a ..Earhart Trucking....., being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

x *Norman M. Earhart*
Norman M. Earhart

.....
(Signatures of Affiants)

Sworn and subscribed before me this..1st day of November., 1985.

Arthur J. Diskin
.....
(Signature of official administering oath)

(My Commission Expires)

ARTHUR J. DISKIN, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES FEB. 17, 1986
Member, Pennsylvania Association of Notaries

AFFIDAVIT

(Corporation)

.....(Affiant) being duly sworn (affirmed) according to law, deposes and says that he is.....(Office of Affiant) of.....(Name of Corporation); that he is authorized to and does make this affidavit for it; and that the facts set forth above are true and correct to the best of his knowledge; information and belief and he expects the said..... (name of Corporation) to be able to prove the same at the hearing hereof.

.....
(Signature of Affiant)

Sworn and subscribed before me this.....day of....., 19...

.....
(Signature of Official Administering Oath)
(My Commission Expires)

APPENDIX - PARAGRAPHS 8 and 9(a)

PARAGRAPH 8

The nature and character of the service to be rendered by applicant is as follows:

To transport, as a Class D carrier, coal for North Cambria Fuel Company from its mines and tipples in the counties of Cambria, Jefferson, Indiana, and Clearfield, to other points in said counties.

PARAGRAPH 9(a)

Applicant presently transports for North Cambria Fuel Company under his authority at Docket A. 65936, F. 3. There are four authorized counties in the existing authority. These counties are Indiana, Westmoreland, Armstrong, and Allegheny. The shipper, North Cambria Fuel Company, has requested applicant to transport to and from additional points not contained in the present rights.

RECEIVED

NOV - 4 1985

SECRETARY'S OFFICE

Public Utility Commission

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF NON-RAIL TRANSPORTATION

ORIGINAL

APPLICATION FOR _____ EMERGENCY TEMPORARY AUTHORITY; TEMPORARY AUTHORITY; OR _____ EXTENSION THEREOF.

(File original and 2 copies of application with Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120)

RECEIVED

1. Norman M. Earhart, t/d/b/a Earhart Trucking Earhart Trucking

(Name of applicant)

(Trade name, if any)

R. D. 1

New Alexandria

PA 15670

NOV 04 1985

(Street address)

(City)

(State & Zip Code)

2. Applicant is an individual _____ partnership _____ corporation. (If individual or partnership and using a trade name, applicant must submit evidence of compliance with the provisions of the Fictitious Names Act of June 28, 1917, as amended. Applicant corporations must submit articles of incorporation and charter purpose; and a foreign corporation must submit evidence that it is qualified to do business in Pennsylvania due to its registration with the Secretary of the Commonwealth.)

3. Applicant requests authority for 180 days to provide service as a common or _____ contact carrier by motor vehicle, _____ broker or _____ freight forwarder in intrastate commerce.

(Give description of type of service and area to be served.)

See operating rights requested in appendix attached.

In support of this request, applicant states:

4. It has has not heretofore held emergency temporary authority or temporary authority for the service here proposed. If it has, specify docket number, total time granted, and expiration date.

5. It is is not now operating as a motor carrier under a certificate or permit. If so operating, give docket number.
Docket A. 65936

6. If this application is for temporary authority, applicant does does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have pending permanent application currently on file, application for permanent authority should be attached.

7. If this application is for emergency temporary authority, and not accompanied by an application for corresponding permanent authority, state when you intend to file the application for permanent authority.

8. It has has not previously made application on which final action has been taken, for authority to perform the same service, in whole or in part, as that here proposed. If it has, state whether for emergency temporary authority, temporary or permanent authority, give docket number, and date and basis of final action.

9. It previously has has not opposed any other carrier's application for authority to perform the service here proposed; and/or does does not have knowledge of any such application. If answer is affirmative, give other applicant's name, address, docket number, or other information identifying that application.

10. It does does not intend to interline the authority here applied for with other carriers. If so intended, specify the point or points at which it is proposed to interline with another carrier and such other carrier's docket number.

11. It attaches to each copy of this application a map showing: The route or routes and points to be served or a description of the territory or territories in or between which service is proposed.

DOCUMENT FOLDER

A - 5936 F.3 A M A

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APPLICATION DOCKET
NOV 7 1985
ENTRY No. 10

X

12. It attaches a letter or letters of shipper support, each statement of support will contain detailed information as provided by 52 Pa. Code § 3.382(c)(3) as follows:

Description of the specific commodity or commodities to be transported, points or areas to, from or between which the transportation will be provided; volume of traffic involved, frequency of movement, and how transported; how soon the service must be provided; how long the need for service likely will continue, and whether the persons supporting the ETA or TA will support a permanent authority application; specific explanation of consequences if service is not made available; circumstances which created an immediate need for the requested service; whether existing carriers have been contacted, dates of contacts and result of efforts; names and addresses of existing carriers, a list of those who have failed or refused to provide service, and reasons given for any failure or refusal; and whether the person supporting the application has supported any recent application for permanent authority, TA or ETA covering all or any part of the desired service within the year preceding the date of its statement; if yes, give the carrier's name, address, and docket number, if known, and state whether the application was granted or denied and the date of the action.
See shipper support letter attached.

(Attach plain white sheet for description and/or statements)

Applicant further states that:

13. It is aware that a grant of the authority here requested will create no presumption that corresponding permanent authority will hereafter be granted.

14. If the authority here requested is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.

15. It does does not desire telephoned notice, collect, of the action taken on this application.

WHEREFORE, The Applicant herein prays that the Commission grant to Applicant Temporary Authority as herein requested. Dated this 1st day of November, 19 85

Applicant sign here Norman M. Earhart
SS: Norman M. Earhart

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

Personally appeared before me, a Notary Public in and for said County and Commonwealth Norman M. Earhart, t/d/b/a Earhart Trucking, who being duly sworn according to law doth depose and say that the facts as contained in the foregoing application are true and correct to the best of applicant's knowledge and belief.

Sworn and subscribed before me this

1st day of November, 19 85

Arthur J. Diskin
(Signature of official authorized to administer oaths)

ARTHUR J. DISKIN, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES FEB. 17, 1986
Member, Pennsylvania Association of Notaries

North Cambria Fuel Company, Inc.

AREA CODE 814
948-6510

FIRST NATIONAL BANK BUILDING
SPANGLER, PENNSYLVANIA 15775

October 31, 1985

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

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

Gentlemen:

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

1. We are in the coal business and the only commodity involved in this application is coal.
2. Mr. Earhart currently has authority at A.65936, F.3, to transport coal (and other commodities) between points in the counties of Indiana, Westmoreland, Armstrong and Allegheny, provided no haul shall exceed a distance of 35 miles from point of origin to point of destination.
3. We have been using this service for 14 years and are very pleased and satisfied with his service. Our payments to Mr. Earhart are approximately \$60,000 a month. We do not operate any trucks of our own and rely on him for our deliveries.
4. We do not use any other carrier for the transportation involved in this case because we have relied on Mr. Earhart for the bulk of our delivery service. We formerly had trucks of our own which we sold and disposed of about five years ago.
5. We understand that there has been a road check in which a truck was delivering to Blairsville, in Indiana County from Cambria County. Cambria County is not included in the present rights of Mr. Earhart and we request the Commission to approve the right to deliver coal from Cambria County to not only Indiana County, but to Jefferson and Clearfield Counties as well. In other words, the rights should read, "To transport coal for North Cambria Fuel Company from its mines and tipples in the counties of Cambria, Jefferson, Indiana and Clearfield to other points in said counties." This would clear up the matter once and for all and would satisfy our needs.
6. The problem we have is that we operate mines and tipples and we also purchase coal from other producers. We have recently begun to ship coal from Cambria County, which we have never done before. The current point of origin is near Johnstown in Lower Yoder Township, but we do not want him limited to the one point of origin

because we are seeking to purchase coal and mine coal in other parts of Cambria County.

7. With respect to existing carriers, the answer is we have not contacted other carriers about this work because, first of all, we do not know who to contact or what kind of service, if any, they could provide. The kind of service which we get from Mr. Earhart consists of having a truck dispatched immediately when called and having the coal picked up at the earliest possible time and sent on its way. We cannot depend on service from a carrier where we have to give him one day's notice because the coal has to be transported from our origin points to cracking plants where the coal is blended for shipment to suit the specifications of the purchaser. All of this transportation has to be coordinated so that the delivery, the blending and the final delivery is accomplished without delay. All of our deliveries are made under contracts where we have strict time requirements for delivery. The coal is taken to trains in Blairsville where it is hauled by rail to Philadelphia. Delays in transportation to Blairsville would cause the trains to be late and would put us in the position of violating our contract.

8. The revenue involved in the additional service which we are asking the Commission to approve is approximately \$10,000 a month, over and above what Mr. Earhart charges us for the other service he provides.

9. We hope the Commission does not force us to try to seek out other carriers because years ago we did experiment with other carriers and finally had to get our own vehicles due to the nature of the service we require. After we started using Mr. Earhart, we were able to rely on him, so we could dispose of our own trucks. We are afraid that if the Commission does not approve this immediately, we will be forced to going back to buying or leasing our own equipment, which we would definitely not like to do. As a practical matter, we do not know of any carrier that has the rights to transport in Cambria, Jefferson, Indiana and Clearfield Counties, which we require. The main movement is from Cambria County to Blairsville, Indiana County, but we anticipate shortly, asking the applicant to serve us from Clearfield and Jefferson and Indiana County origin points as well. As we have said above, we cannot predict where the coal will move from due to the nature of the business.

10. We need service six days a week, Monday through Saturday (year round). There are 20 truckloads a day from the points not presently authorized.

11. We anticipate that the need for service will continue for years. We have used Mr. Earhart for 14 years now and believe that his service will be required indefinitely into the future.

12. If the Commission does not grant emergency and regular temporary authority to Mr. Earhart, the consequences to our company will be very severe. We are not asking Mr. Earhart to perform illegal service and we do not ask any carrier to do this. Since he already has a certificate which covers the bulk of our needs, the additional territory which we are asking the Commission to grant him should be approved in order to give us a complete and total service. It would not be business like or even feasible for us to use Mr. Earhart for the bulk of our transportation and then have to rely upon other carriers for the additional service which we require. We feel that this would be very impractical and would not be to our benefit. We use Mr. Earhart as our primary carrier and we feel that he should have all of the authority which he needs to serve us legally.

If you need any additional information, do not hesitate to call me at the telephone number on this letter. I will be very happy to supply any additional facts or information you require.

Sincerely,
NORTH CAMBRIA FUEL COMPANY, INC.

Girard G. Bloom, Vice President

Girard G. Bloom

APPENDIX - PARAGRAPHS 8 and 9(a)

PARAGRAPH 8

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PUC-182

NOV - 4 1985

SECRETARY'S OFFICE
Public Utility Commission

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF NON-RAIL TRANSPORTATION

APPLICATION FOR X EMERGENCY TEMPORARY AUTHORITY; TEMPORARY AUTHORITY; OR EXTENSION THEREOF.

(File original and 2 copies of application with Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120)

1. Norman M. Earhart, t/d/b/a Earhart Trucking Earhart Trucking
(Name of applicant) (Trade name, if any)

R. D. 1 New Alexandria PA 15670
(Street address) (City) (State & Zip Code)

2. Applicant is an X individual partnership corporation. (If individual or partnership and using a trade name, applicant must submit evidence of compliance with the provisions of the Fictitious Names Act of June 28, 1917, as amended. Applicant corporations must submit articles of incorporation and charter purpose; and a foreign corporation must submit evidence that it is qualified to do business in Pennsylvania due to its registration with the Secretary of the Commonwealth.)

3. Applicant requests authority for 30 days to provide service as a X common or contact carrier by motor vehicle, broker or freight forwarder in intrastate commerce.
(Give description of type of service and area to be served.)
See operating rights requested in appendix attached.

In support of this request, applicant states:

4. It has has not heretofore held emergency temporary authority or temporary authority for the service here proposed. If it has, specify docket number, total time granted, and expiration date.

5. It is is not now operating as a motor carrier under a certificate or permit. If so operating, give docket number.
Docket A. 65936

6. If this application is for temporary authority, applicant does does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have pending permanent application currently on file, application for permanent authority should be attached.

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11. It attaches to each copy of this application a map showing: The route or routes and points to be served or a description of the territory or territories in or between which service is proposed.

DOCUMENT
FOLDER

A - 65936 F.3 A.M.A

12. It attaches a letter or letters of shipper support, each statement of support will contain detailed information as provided by 52 Pa. Code § 3.382(c)(3) as follows:

Description of the specific commodity or commodities to be transported, points or areas to, from or between which the transportation will be provided; volume of traffic involved, frequency of movement, and how transported; how soon the service must be provided; how long the need for service likely will continue, and whether the persons supporting the ETA or TA will support a permanent authority application; specific explanation of consequences if service is not made available; circumstances which created an immediate need for the requested service; whether existing carriers have been contacted, dates of contacts and result of efforts; names and addresses of existing carriers, a list of those who have failed or refused to provide service, and reasons given for any failure or refusal; and whether the person supporting the application has supported any recent application for permanent authority, TA or ETA covering all or any part of the desired service within the year preceding the date of its statement; if yes, give the carrier's name, address, and docket number, if known, and state whether the application was granted or denied and the date of the action.

See shipper support letter attached.

(Attach plain white sheet for description and/or statements)

Applicant further states that:

13. It is aware that a grant of the authority here requested will create no presumption that corresponding permanent authority will hereafter be granted.

14. If the authority here requested is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.

15. It does does not desire telephoned notice, collect, of the action taken on this application.

WHEREFORE, The Applicant herein prays that the Commission grant to Applicant Temporary Authority as herein requested. Dated this 1st day of November, 19 85

Applicant sign here

Norman M. Earhart
Norman M. Earhart

SS:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

Personally appeared before me, a Notary Public, in and for said County and Commonwealth, Norman M. Earhart, t/d/b/a Earhart Trucking who being duly sworn according to law doth depose and say that the facts as contained in the foregoing application are true and correct to the best of applicant's knowledge and belief.

Sworn and subscribed before me this

1st day of November, 19 85

(Signature of official authorized to administer oaths)

Arthur J. Diskin
ARTHUR J. DISKIN, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES FEB. 17, 1986
Member, Pennsylvania Association of Notaries

North Cambria Fuel Company, Inc.

AREA CODE 814
948-6510

FIRST NATIONAL BANK BUILDING
SPANGLER, PENNSYLVANIA 15775

October 31, 1985

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

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

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1. We are in the coal business and the only commodity involved in this application is coal.
2. Mr. Earhart currently has authority at A.65936, F.3, to transport coal (and other commodities) between points in the counties of Indiana, Westmoreland, Armstrong and Allegheny, provided no haul shall exceed a distance of 35 miles from point of origin to point of destination.
3. We have been using this service for 14 years and are very pleased and satisfied with his service. Our payments to Mr. Earhart are approximately \$60,000 a month. We do not operate any trucks of our own and rely on him for our deliveries.
4. We do not use any other carrier for the transportation involved in this case because we have relied on Mr. Earhart for the bulk of our delivery service. We formerly had trucks of our own which we sold and disposed of about five years ago.
5. We understand that there has been a road check in which a truck was delivering to Blairsville, in Indiana County from Cambria County. Cambria County is not included in the present rights of Mr. Earhart and we request the Commission to approve the right to deliver coal from Cambria County to not only Indiana County, but to Jefferson and Clearfield Counties as well. In other words, the rights should read, "To transport coal for North Cambria Fuel Company from its mines and tipples in the counties of Cambria, Jefferson, Indiana and Clearfield to other points in said counties." This would clear up the matter once and for all and would satisfy our needs.
6. The problem we have is that we operate mines and tipples and we also purchase coal from other producers. We have recently begun to ship coal from Cambria County, which we have never done before. The current point of origin is near Johnstown in Lower Yoder Township, but we do not want him limited to the one point of origin

because we are seeking to purchase coal and mine coal in other parts of Cambria County.

7. With respect to existing carriers, the answer is we have not contacted other carriers about this work because, first of all, we do not know who to contact or what kind of service, if any, they could provide. The kind of service which we get from Mr. Earhart consists of having a truck dispatched immediately when called and having the coal picked up at the earliest possible time and sent on its way. We cannot depend on service from a carrier where we have to give him one day's notice because the coal has to be transported from our origin points to cracking plants where the coal is blended for shipment to suit the specifications of the purchaser. All of this transportation has to be coordinated so that the delivery, the blending and the final delivery is accomplished without delay. All of our deliveries are made under contracts where we have strict time requirements for delivery. The coal is taken to trains in Blairsville where it is hauled by rail to Philadelphia. Delays in transportation to Blairsville would cause the trains to be late and would put us in the position of violating our contract.

8. The revenue involved in the additional service which we are asking the Commission to approve is approximately \$10,000 a month, over and above what Mr. Earhart charges us for the other service he provides.

9. We hope the Commission does not force us to try to seek out other carriers because years ago we did experiment with other carriers and finally had to get our own vehicles due to the nature of the service we require. After we started using Mr. Earhart, we were able to rely on him, so we could dispose of our own trucks. We are afraid that if the Commission does not approve this immediately, we will be forced to going back to buying or leasing our own equipment, which we would definitely not like to do. As a practical matter, we do not know of any carrier that has the rights to transport in Cambria, Jefferson, Indiana and Clearfield Counties, which we require. The main movement is from Cambria County to Blairsville, Indiana County, but we anticipate shortly, asking the applicant to serve us from Clearfield and Jefferson and Indiana County origin points as well. As we have said above, we cannot predict where the coal will move from due to the nature of the business.

10. We need service six days a week, Monday through Saturday (year round). There are 20 truckloads a day from the points not presently authorized.

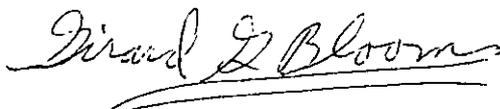
11. We anticipate that the need for service will continue for years. We have used Mr. Earhart for 14 years now and believe that his service will be required indefinitely into the future.

12. If the Commission does not grant emergency and regular temporary authority to Mr. Earhart, the consequences to our company will be very severe. We are not asking Mr. Earhart to perform illegal service and we do not ask any carrier to do this. Since he already has a certificate which covers the bulk of our needs, the additional territory which we are asking the Commission to grant him should be approved in order to give us a complete and total service. It would not be business like or even feasible for us to use Mr. Earhart for the bulk of our transportation and then have to rely upon other carriers for the additional service which we require. We feel that this would be very impractical and would not be to our benefit. We use Mr. Earhart as our primary carrier and we feel that he should have all of the authority which he needs to serve us legally.

If you need any additional information, do not hesitate to call me at the telephone number on this letter. I will be very happy to supply any additional facts or information you require.

Sincerely,
NORTH CAMBRIA FUEL COMPANY, INC.

Girard G. Bloom, Vice President

A handwritten signature in cursive script that reads "Girard G. Bloom". The signature is written in dark ink and is underlined with a single horizontal line.

RECEIVED

NOV - 4 1985
SECRETARY'S OFFICE
Public Utility Commission

APPENDIX - PARAGRAPHS 8 and 9(a)

PARAGRAPH 8

The nature and character of the service to be rendered by applicant is as follows:

To transport, as a Class D carrier, coal for North Cambria Fuel Company from its mines and tipples in the counties of Cambria, Jefferson, Indiana, and Clearfield, to other points in said counties.

PARAGRAPH 9(a)

Applicant presently transports for North Cambria Fuel Company under his authority at Docket A. 65936, F. 3. There are four authorized counties in the existing authority. These counties are Indiana, Westmoreland, Armstrong, and Allegheny. The shipper, North Cambria Fuel Company, has requested applicant to transport to and from additional points not contained in the present rights.

APPENDIX - PARAGRAPHS 8 and 9(a)

November 29, 1985

IN REPLY PLEASE
REFER TO OUR FILE

Arthur J. Diskin
Attorney at Law
402 Law & Finance Building
Pittsburgh, PA 15219

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

Dear Sir:

The application of Norman M. Earhart, t/d/b/a Earhart Trucking for permanent and temporary authority has been captioned as attached and will be submitted for review provided no protests are filed on or before December 23, 1985. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of November 30, 1985.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:nm
cc: Applicant
R.D. 1
New Alexandria, PA 15670

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 02 1985
ENTRY No. *me*

A-00065936, Folder 3, Am-A NORMAN M. EARHART, t/d/b/a EARHART TRUCKING
(R.D. 1, New Alexandria, Westmoreland County, Pennsylvania 15670), inter
alia - property for the Pennsylvania Department of Highways, building
materials, excavated materials, and road and building construction materials,
such as are usually transported in dump trucks, between points in the
counties of Indiana, Westmoreland and Armstrong, provided no haul shall
exceed a distance of thirty-five (35) miles from point of origin to
points of destination: SO AS TO PERMIT the transportation of 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. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00065936,
FOLDER 3, AM-A, SEEKING THE RIGHTS CITED ABOVE. Attorney: Arthur J.
Diskin, 402 Law & Finance Building, Pittsburgh, Pennsylvania 15219.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

NOV 30 1985

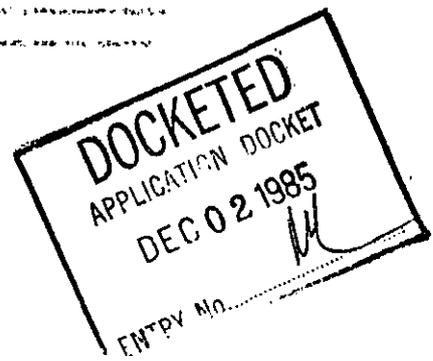
BUREAU OF TRANSPORTATION
COMMON CARRIER
NOVEMBER 1985

A-00065936
F. 3
Am-A

Application of Norman M. Earhart, t/d/b/a Earhart Trucking, for amendment to his common carrier certificate which grants the right, inter alia, to transport, by motor vehicle, property for the Pennsylvania Department of Highways, building materials, excavated materials and road and building construction materials, such as are usually transported in dump trucks, between points in the counties of Indiana, Westmoreland and Armstrong, provided no haul shall exceed a distance of thirty-five (35) miles from point of origin to points of destination: SO AS TO PERMIT the transportation of 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. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00065936, FOLDER 3, AM-A, SEEKING THE RIGHTS CITED ABOVE.

LM:np
11/13/85

Application received: 11/4/85
Application docketed: 11/7/85



NH



DEC 23 1985

TA

Protests due on No Hearings _____
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.

PENNSYLVANIA PUBLIC UTILITY COMMISSION



RECEIPT

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

Norman M. Earhart
t/a Earhart Trucking
R.D. 1
New Alexandria, PA 15670

Date December 6, 1985

CR 117934 A

DOCKETED
DEC 11 1985

DOCUMENT
FOLDER

In re application of Norman M. Earhart, t/a
Earhart Trucking
A-00065936, F.3, Am-A.....\$75.00

Revenue account 01780-17601-102 (ck)

ck 2640 Checks \$75.00 Currency _____

Utility account 50:26

C. Joseph Meisinger
For Department of Revenue