

Law Offices

# VUONO & GRAY, LLC

310 Grant Street

Suite 2310 Grant Building

Pittsburgh, PA 15219-2383

*John A. Vuono*  
*William A. Gray*  
*Mark T. Vuono\**  
*Dennis J. Kusturiss*  
*Louise R. Schrage*  
*William H. Stewart, III*  
*Richard R. Wilson,*  
*of Counsel*

*\*Also Admitted in Florida*

*Telephone*  
412-471-1800

*Facsimile*  
412-471-4477

*Website*  
www.vuonogray.com

*Email Address*  
wgray@vuonogray.com

January 14, 2010

Re: West Penn Aggregates, Inc.  
Docket No. A- \_\_\_\_\_  
Our File 5439-2

Mr. James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**RECEIVED**

**JAN 22 2010**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

Dear Mr. McNulty:

We enclose for filing with the Commission the signed original and one copy of the application of the above carrier for property authority.

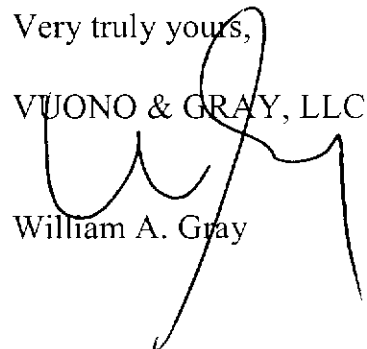
We are also enclosing our check in the amount of \$100 to cover the filing fee.

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

Very truly yours,

VUONO & GRAY, LLC

William A. Gray



pZ/75933

Enclosures

cc: West Penn Aggregates, Inc.

2010 JAN 19 PM 2:00  
SECRETARY'S BUREAU

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SECRETARY'S BUREAU

2010 JAN 19 PM 2:00

RECEIVED

**Pennsylvania Public Utility Commission  
Bureau of Transportation & Safety  
PO Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-3834**

## **Application for Motor Common Carrier of Property**

Please complete all parts of the following application. Incomplete applications will be returned. All questions may be directed to the Bureau of Transportation & Safety at (717) 787-3834.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

West Penn Aggregates, Inc.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

\_\_\_\_\_

3. **Physical Address** (do not use PO Box)

535 Rundle Road  
Street Address

West Pittsburgh, PA 16160  
City, State and Zip Code

724-368-8040  
Telephone Number

Lawrence  
County

**RECEIVED**

JAN 22 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

4. **Mailing Address** (if different from Physical Address)

R. D. 2, Box 134D  
Street Address

Slippery Rock, PA 16057  
City, State and Zip Code

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2010 JAN 19 PM 2:01  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

2010 JAN 22 10:02 AM  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

5. **Attorney** (if applicable)

William A. Gray, Esq.; Vuono & Gray, LLC      412-471-1800  
Attorney's Name & Telephone Number for this Filing

310 Grant Street, Suite 2310 Grant Building, Pittsburgh, PA 15219-2383  
Attorney's Address

6. Does applicant currently hold PA PUC authority?      Yes      **(No)**      (circle one)

If yes, enter current docket number A-00 \_\_\_\_\_

7. **Form of Organization** (Check one that applies to this application)

**Individual**

**Partnership** (Attach a copy of a Partnership Agreement and list the names and addresses of ALL partners)

**Corporation, LLC or LLP**  
Attach a copy of the Certificate of Incorporation or Certificate of Authority or the foreign corporation registration. Include a list of all officers and titles.

8. **Attachment Checklist**

**For Corporations, LLPs and LLCs Only:**

Date-stamped copy of Certificate of Incorporation, or Certificate of Authority, or registration as a foreign entity.

List of corporate officers/titles and distribution of shares.

**For Partnerships Only:**

Copy of Partnership Agreement, list all partners or members.

**For ALL Applicants:**

Fictitious Trade Name Registration (if applicable).

Copy of Current Safety Rating (if available).

Proof of Insurance (See item 5 on instruction sheet).

Certified check, money order or attorney's check.

9. **Certification**

Applicant certifies that it is not now engaged in any intrastate transportation of property for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

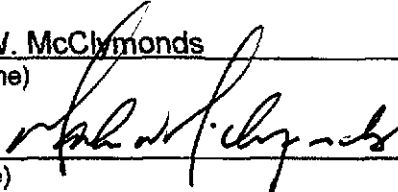
Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Property; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the Certificate.

**You must sign the following application.**

**Verification of Application**

I/we hereby state that the statements made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 Relating to Unsworn Falsification to Authorities.

Mark W. McClymonds  
(Print Name)  
  
(Signature) 12-29-2009  
(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners (if a partnership) or by the President or Secretary (if a corporation).

Application of  
WEST PENN AGGREGATES, INC.

SUPPLEMENT TO PARAGRAPH 8

LIST OF OFFICERS AND SHAREHOLDERS

Officers

<u>Name</u>	<u>Title</u>
Mark W. McClymonds	President

Shareholders

<u>Name</u>	<u>No. of Shares</u>
Mark W. McClymonds	100%

Applicant's Account No. ~~5221-558~~

OSCB-BCL-204 (Rev. 8-72)

Filing Fee: \$75  
AIB-7

Articles of  
Incorporation-  
Domestic Business Corporation

2080726  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU

Filed this \_\_\_\_\_ day of  
MAR 11 1992, A.D. 19  
Commonwealth of Pennsylvania  
Department of State

  
Secretary of the Commonwealth 40

In compliance with the requirements of section 294 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1204) the undersigned, desiring to be incorporated as a business corporation, hereby certifies (certify) that:

1. The name of the corporation is:

West Penn Aggregates, Inc.

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

R. D. #2, Box 134D

(NUMBER)

(STREET)

Slippery Rock

(CITY)

Pennsylvania

16057

(ZIP CODE)

3. The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

The corporation has been organized for the purpose of selling aggregates, including sand, gravel and minerals. The corporation shall have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be organized under the Business Corporation Law of Pennsylvania, as amended.

4. The term for which the corporation is to exist is: perpetual

5. The aggregate number of shares which the corporation shall have authority to issue is:

The authorized number of shares is five thousand (5,000) shares of par common stock with a stated value of one hundred dollars (\$100.00) per share, or a total stated value of five hundred thousand dollars (\$500,000.00).

9221-559

DSCB-BCL-204 (Rev. 8-72)-2

6. The name(s) and post office address(es) of each incorporator(s) and the number and class of shares subscribed by such incorporator(s) is (are):

NAME	ADDRESS (including street and number, if any)	NUMBER AND CLASS OF SHARES
Mark McClymonds	P.O. Box 296 Portersville, PA 16051	99 shares
Stan Sabin	Box 253 Harrisville, PA 16038	1 share

IN TESTIMONY WHEREOF, the incorporator(s) has (have) signed and sealed these Articles of Incorporation this

26th day of February, 1992.

\_\_\_\_\_  
(SEAL) *Mark McClymonds* (SEAL)  
*Stan Sabin* (SEAL)

**INSTRUCTIONS FOR COMPLETION OF FORM:**

- A. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 35 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- B. One or more corporations or natural persons of full age may incorporate a business corporation.
- C. Optional provisions required or authorized by law may be added as Paragraphs 7, 8, 9 . . . etc.
- D. The following shall accompany this form:
  - (1) Three copies of Form DSCB:BCL-206 (Registry Statement Domestic or Foreign Business Corporation).
  - (2) Any necessary copies of Form DSCB:17.2 (Consent to Appropriation of Name) or Form DSC :17.3 (Consent to Use of Similar Name).
  - (3) Any necessary governmental approvals.
- E. BCL §205 (15 Pa. S. §1205) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. ~~Proof~~ of publication of such advertising should not be delivered to the Department, but should be filed with the minutes of the corporation.