

1. <u>REPORT DATE:</u> June 28, 1985	:	2. <u>BUREAU AGENDA NO.:</u> JUL-85-TNR-755*
3. <u>BUREAU:</u> Non-Rail Transportation	:	
4. <u>SECTION(S):</u> Technical Review	:	5. <u>PUBLIC MEETING DATE:</u> July 25, 1985
6. <u>APPROVED BY:</u> Director: Ernst 7-2154 Supervisor: Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> Hoshour 7-5513	:	
9. <u>DOCKET NO:</u> A-00106205	:	

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) Application of Bulk, Inc., Omaha, Nebraska, a corporation of the State of Nebraska, for temporary authority, to transport, as a contract carrier, by motor vehicle, cement, for Lehigh Portland Cement Company, from its facilities located in the township of West Manchester, York County, to points in Pennsylvania, and vice versa.

(b) The applicant filed on May 6, 1985, applications for temporary and permanent authority. Public notice of said applications was given in the Pennsylvania Bulletin and three protests have been filed to the granting of the authority sought in said applications. The applicant has demonstrated that there exists an immediate need for the proposed service.

(c) The Bureau of Non-Rail Transportation recommends that the Commission adopt the proposed order approving the application for temporary authority, pending disposition of the permanent authority application.

11. **MOTION BY:** CommissionerChm. Taliaferro CommissionerCawley - Yes
 CommissionerFischl - Yes
SECONDED: CommissionerShane Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**

DOCKETED
JUL 30 1985

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120

July 29, 1985

IN REPLY PLEASE
REFER TO OUR FILE

A-00106205

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

Application of Bulk, Inc., a corporation of the State of Nebraska

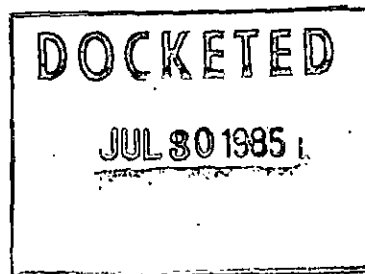
To Whom It May Concern:

Tentative

Enclosed is an Order granting temporary authority issued by the Commission in the above entitled proceeding at Public Meeting held July 25, 1985

It will be necessary for you to comply with the following insurance and tariff requirements:

- I Arrange through insurance agent to have his company file a certificate of public liability and property damage insurance. Insurance companies have these certificates. (Form E)
- II Arrange through insurance agent to have his company file a cargo insurance certificate in the amount of \$2500 per vehicle. Insurance companies have these certificates. (Form UCPC-31) Exemption from the cargo insurance requirements may be secured by having shippers file enclosed Form UCPC-34.
- III Prepare and file a tariff, instructions for which are enclosed.



Very truly yours,

Jerry Rich

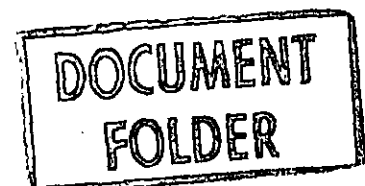
A handwritten signature in cursive script, appearing to read "Jerry Rich".

Jerry Rich, Secretary

fao
Encls.
Certified Mail
Receipt Requested

cc: Applicant
P. O. Box 189
Omaha, NB 69101

Copy of order to: Refer to Computer list attached.



A. 106205

0001
BULK, INC.
2365 ST. MARY'S AVENUE
P.O. BOX 189
OMAHA NE 68101
SELF

0002
WILLIAM A. GRAY, ESQ.
2310 GRANT BUILDING
PITTSBURGH PA 15219
APPLICANT

0003
S. BERNE SMITH, ESQUIRE
100 PINE STREET
P.O. BOX 1166
HARRISBURG PA 17108-1166
WISHES TO BE PARTY OF RECORD

0004
S. BERNE SMITH, ESQUIRE
MCNEES, WALLACE & NURICK
100 PINE ST., P.O. BOX 1166
HARRISBURG PA 17108-1166
POR

0005
JOSEPH A BUBBA ESQ
740 HAMILTON MALL
ALLENTOWN PA 18101
MATERIALS TRANSPORT SERVICE PROTESTANT

0006
S. BERNE SMITH ESQ
100 PINE STREET
P O BOX 1166
HARRISBURG PA 17108
SCHWERTMAN TRUCKING CO PROTESTANT

0007
KEVIN W WALSH ESQ
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222
C L FEATHER INC PROTESTANT

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 25, 1985

Commissioners Present:

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

Application of Bulk, Inc., a corporation
of the State of Nebraska, for temporary
authority, to transport, as a contract
carrier, by motor vehicle, cement, for
Lehigh Portland Cement Company, from its
facilities located in the township of West
Manchester, York County, to points in
Pennsylvania, and vice-versa.

A-00106205

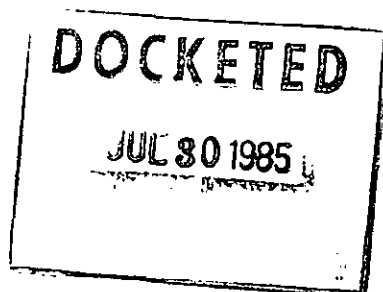
Vuono, Lavelle & Gray by William A. Gray for the applicant.
Pillar and Mulroy, P.C. by Kevin W. Walsh for the protestant, C. L.
Feather, Inc.
McNees, Wallace & Nurick by S. Berne Smith for the protestant, Schwerman
Trucking Co.
Butz, Hudders, Tallman, Stevens & Johnson by Joseph A. Bubba for the
protestant, Materials Transport Service, Inc.

TENTATIVE DECISION

BY THE COMMISSION:

This matter comes before the Commission on an application for
temporary authority filed May 6, 1985. An application for permanent
authority has also been filed, and both the temporary and permanent
authority applications were published in the Pennsylvania Bulletin of
May 18, 1985. Protests to the applications have been filed by C. L.
Feather, Inc., Schwerman Trucking Co. and by Materials Transport Service,
Inc.

The application for temporary authority is supported by Lehigh
Portland Cement Company (Lehigh), which sets forth in its letter of
support (also submitted in support of the application for emergency
temporary authority) that its house carrier, Cement Express, Inc.,
had terminated service on one day's notice, effective May 1, 1985.



Lehigh stated that it had attempted to acquire service from a number of currently certificated carriers, but was unsuccessful. By our order adopted May 3, 1985, we found that the applicant had demonstrated that an emergency situation existed and that a grant of emergency temporary authority was in the public interest. The applicant, Bulk, Inc., now seeks a grant of temporary authority that would authorize it to render service pending disposition of its permanent authority application.

Although there have been protests filed to the granting of temporary authority to the applicant, we believe that the record demonstrates that a grant of temporary authority is in the public interest. None of the protestants have been providing any transportation for Lehigh Portland Cement Company, from the facility involved, therefore, approval of the instant application will not result in any diversion of traffic from the protestants.

We find:

1. That a grant of temporary authority to the applicant will meet an immediate need; THEREFORE,

IT IS ORDERED: That the application for temporary authority be and is hereby approved, granting the following right:

To transport, as a contract carrier, cement, for Lehigh Portland Cement Company, from its facility in West Manchester Township, York County, to points in Pennsylvania and vice versa.

IT IS FURTHER ORDERED: That unless exceptions are filed to this order within twenty (20) days from the date this order is entered, this order shall become final.

IT IS FURTHER ORDERED: That the grant of temporary authority shall have no bearing on the permanent authority application.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 25, 1985

ORDER ENTERED: JUL 29 1985

● **SENDER:** Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.
 2. Restricted Delivery.

A-106205 Tentative den

3. Article Addressed to:

S. Bernard Smith, Esq.

4. Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Article Number

44595

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X *[Signature]*

6. Signature - Agent

X *[Signature]*

7. Date of Delivery
JUL 30 1985

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE. \$300

**RETURN
TO**



Pa. Public Utility Commission

(Name of Sender)

P.O. Box 3265 - Rm. B-17

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

Harrisburg, Pa 17120

(City, State, and ZIP Code)

SENDER: Complete items 1, 2, 3 and 4.

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1. Show to whom, date and address of delivery.
2. Restricted Delivery.

3. Article Addressed to:

Joseph A. Bubba, Esq.

4. Type of Service:

Article Number

- Registered Insured
 Certified COD
 Express Mail

44596

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery:

JUL 30 1985

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



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USE, \$300

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Harrisburg, Pa 17120

(City, State, and ZIP Code)

PS Form 3871 July 1982

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1. Show to whom, date and address of delivery.
 2. Restricted Delivery.

A-106205 Tent box.

3. Article Addressed to:

Kevin W. Walsh Esq.
 69

4. Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Article Number

44597

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature -- Addressee

X

6. Signature -- Agent

X

7. Date of Delivery

AUG 1 - 1985

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
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- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE, \$300

**RETURN
TO**



Pa. Public Utility Commission

(Name of Sender)

.. P.O. Box 3265 - Rm B-17

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

Harrisburg, Pa 17120

(City, State, and ZIP Code)

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1. Show to whom, date and address of delivery.

2. Restricted Delivery.

A. 106205 Tent. Del.

3. Article Addressed to:

William A. Gray, Esq.

4. Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Article Number

44615

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X W. Danaway

7. Date of Delivery

7-31-80

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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