

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING
PITTSBURGH, PA 15219

(412) 471-1800

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS

May 3, 1985

Re: Bulk, Inc.
Docket No. A-
Lehigh Poprtland Cement Company
Emergency Temporary Authority
Our File 3006-1-1

RECEIVED

MAY 6 1985

SECRETARY'S OFFICE
Public Utility Commission
RECEIVED

A. 1 06 205-

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

MAY 06 1985

Non-Rail Transportation
Public Utility Comm.

Dear Mr. Rich:

We enclose for filing with the Commission the signed original and two (2) copies of the following applications:

1. Emergency temporary authority
2. Temporary authority

We also hereby request that any grant of emergency temporary authority be extended pending action on the temporary authority application.

We are also enclosing a check in the amount of \$125 to cover the filing fees for these applications as well as for the extension request.

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 stamped, self-addressed envelope provided.

Very truly yours,

VUONO, LAVELLE & GRAY

William A. Gray
William A. Gray



cas
Enclosures
cc: Bulk, Inc.

Form C MAY 06 1985 SECRETARY'S OFFICE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF NON-RAIL TRANSPORTATION Utility Commission

C. APPLICATION FOR _____ EMERGENCY TEMPORARY AUTHORITY OR _____ 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. Bulk, Inc.

(Name of applicant) (Trade name, if any)
2565 St. Marys Avenue, P.O. Box 189 Omaha NE 68101

(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 contract carrier by motor vehicle, _____ broker or _____ freight forwarder in intrastate commerce.
(Give description of type of service and area to be served.)

(See Supplement to Paragraph 3)

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.

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.
Application for permanent authority sent to Commission by letter dated April 25, 1985.

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.
(Not Applicable)

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

BEGINNING

DOCKETED
APPLICATION DOCKET
MAY 6 1985
ENTRY No. Law

SUPPLEMENT TO PARAGRAPH 2

Corporate Purpose Clause

The general nature of the business to be transacted, promoted and carried on by the corporation, and the objects and purposes for which the corporation is organized are to do any and all of the things herein mentioned as fully and to the same extent as natural persons might or could do and in any part of the world, including:

- (a) To engage in the business of hiring, letting, licensing, leasing, renting or chartering of automobiles, trucks and motor driven vehicles of every kind, model and description and generally to conduct an automobile and truck rental and leasing business, under franchise or otherwise; to purchase, sell, repair and distribute automobiles, trucks and motor driven vehicles; and to purchase, sell and distribute all supplies, accessories, parts, oils, grease, fuels and petroleum products of every kind, nature and description.
- (b) To promote, institute, enter into, conduct, perform, assist or participate in every kind of commercial, agricultural, mercantile, manufacturing, mining, or industrial enterprise, business, work, contract, undertaking, venture and operation in any part of the world and, for any such purpose, to purchase, lease and otherwise acquire, take over, hold, sell, liquidate, and otherwise dispose of the real estate, crops, livestock, plants, equipment, inventory, merchandise, materials, stock, good will, rights, franchises, concessions, patents, trademarks and trade names and other properties of any individuals, corporations, associations, partnerships, firms, trustees, syndicates, ventures, combinations, organizations and other entities located in or organized under the laws of any part of the world; to continue, alter, exchange and develop their business, assume their liabilities, guarantee or become surety for the performance of their obligations, reorganize their capital and participate in any way in their affairs, and to take over, as a going concern, and to continue in its own name, any business so acquired, all in accordance with and to the extent permitted by law.

- (c) To adopt, apply for, obtain, register, purchase, lease and otherwise acquire, and to maintain, protect, hold, control, use, own, exercise, exploit, operate, introduce, develop, pledge, sell, assign, grant licenses and other rights with respect to and otherwise dispose of, and generally deal in and with inventions, improvements, processes, copyrights, patents, applications for patents, licenses, trademarks, trade names, designs, labels, picturizations, distinctive marks and similar rights of any nature and whether or not granted, registered or re-established by or under the laws of the United States or of any state thereof or of any other country or place.
- (d) To pay for any property, securities, rights or interests acquired by this corporation in cash or other property, rights or interests held by this corporation, or by issuing and delivering in exchange therefor its own property, stock, shares, bonds, debentures, notes, warrants for stock, certificates of indebtedness or other obligations or securities howsoever evidenced.
- (e) In carrying on its business and for the purpose of furthering its objects and purposes, to enter into and perform agreements and contracts of any nature with any government, state, territory, district, municipality, political or governmental division or subdivision, body politic, corporation, association, partnership, firm, trustee, syndicate, individual, combination, organization or entity whatsoever. In general, to carry on any other business and to have and exercise all of the powers conferred by the laws of the State of Nebraska upon corporations formed under the Nebraska Business Corporation Act, and any enlargement of such powers conferred upon corporations under said Act by subsequent legislative acts, and to do any and all of the things hereinbefore set forth, to the same extent as natural persons might or could do.

The objects and purposes specified in the foregoing clauses shall, except where otherwise expressed, be in nowise limited or restricted by reference to, or inference from, the terms of any other clause in these Articles of Incorporation, but the objects and purposes specified in each of the foregoing clauses of this Article shall be regarded as independent objects and purposes.

Commonwealth of Pennsylvania
Department of State

85330334



CERTIFICATE OF AUTHORITY

To All to Whom These Presents Shall Come, Greeting:

Whereas, Under the provisions of the Corporation Law, a Foreign Corporation is required to obtain a "Certificate of Authority" before it may do business in the Commonwealth and

Whereas,

BULK, INC.

has presented to the Department of State an Application for the same, and in accordance with the requirements of the law, has designated as its registered office in this Commonwealth

2310 GRANT BUILDING
PITTSBURGH, PA 15219

Therefore, Know Ye, I Do By These Presents, issue unto such corporation, this Certificate of Authority to transact in the Commonwealth of Pennsylvania the business of

TRANSPORT PROPERTY AS A FOR-HIRE MOTOR CARRIER

Given under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 18th day of April in the year of our Lord one thousand nine hundred and eighty-five and of the Commonwealth the two hundred ninth



William R. Davis

Secretary of the Commonwealth

0865765

WILLIAM A GRAY ESQ
2310 GRANT BLDG
PITTSBURGH, PA 15219

APPLICATION OF BULK, INC.

SUPPLEMENT TO PARAGRAPH 3

The nature and character of the service to be rendered as a contract carrier is as follows:

To transport, as a contract carrier, 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.

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.

The shipper sent a telegram of support directly to the Commission.

(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 2nd day of May, 1985

BULK, INC.

Applicant sign here By: Carl Wood

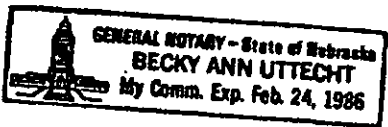
~~COMMONWEALTH OF PENNSYLVANIA~~
STATE OF NEBRASKA
COUNTY OF Douglas

SS: [Signature]

Personally appeared before me, a Notary Public in and for said County and Commonwealth Douglas, Nebraska 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 2nd day of May, 1985

Becky Ann Uttecht
(Signature of official authorized to administer oaths)





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

May 16, 1985

IN REPLY PLEASE
REFER TO OUR FILE

• Mr. Ira H. Weinstock
Suite 100-800 N. Second Street
Harrisburg, PA 17102

• Re: A-00106205; Application of Bulk, Inc.

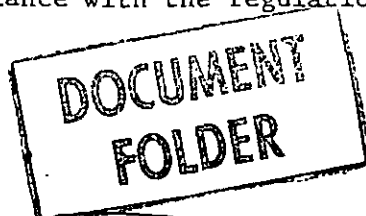
Dear Mr. Weinstock:

This letter is in response to your correspondence of May 13, 1985, in which you raise questions as to the activities of Herman Brothers, Inc., and Bulk, Inc.

Bulk, Inc. has filed applications for emergency temporary authority, temporary authority and permanent authority. On May 3, 1985, the Commission adopted an order granting emergency temporary authority to transport cement as a contract carrier for Lehigh Portland Cement, from Lehigh's West Manchester facility in York County to points in Pennsylvania and vice versa. Prior to granting the ETA two of the carriers you have mentioned, Chemical Leaman, Inc., and Schwerman Trucking Co., were contacted to determine if they objected to the grant of such authority and neither objected to that specifically limited grant of authority.

As for Herman Brothers, a preliminary review of our card file does not show that said carrier holds specific authority to serve Lehigh Portland but Herman Brothers may be able to service the York facility incidentally through one of its other authorities. A copy of your letter and this letter are being sent to the Bureau of Safety and Compliance, which is the enforcement branch of the Commission, for its consideration.

Your letter has not been interpreted as a formal protest to the applications of Bulk, Inc. (A-00106205). If you wish to protest the temporary and permanent applications you must file in writing in compliance with the regulations as stated at 52 Pa. Code §3.381(c).



Very truly yours,

Peter S. Marzolf, Supervisor
Technical Review Section

cc: Document Folder

Document Folder - A-100840

Kenneth Nicely - Director

Bureau of Safety & Compliance

LAW OFFICES

IRA H. WEINSTOCK, P.C.
SUITE 100-800 N. SECOND STREET
HARRISBURG, PENNSYLVANIA 17102

IRA H. WEINSTOCK
PAUL J. DELLASEGA
KEITH R. BITZEL

238-1657
Area Code 717

May 13, 1985

RECEIVED

MAY 14 1985

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

SECRETARY'S OFFICE
Public Utility Commission

A. 10.0840 - Herman Bros } Bulk, Inc.
A. 106205 - pending }
A. 106205 - et al - approved }

Dear Sir:

This office represents Teamsters Local Union No. 430 of York, Pennsylvania. Local 430 is writing with respect to two freight carriers that are presently engaged in hauling freight belonging to Lehigh Portland Cement Company from York, Pennsylvania to various points in New Jersey, West Virginia and Pennsylvania.

The two freight carriers in question are Herman Brothers, Inc., 2565 St. Marys Avenue, P. O. Box 189, Omaha, Nebraska, 68101 and Bulk, Inc. We believe Bulk, Inc. has the same address as Herman Brothers.

Neither of these carriers possesses the necessary PUC authority to haul freight as described above.

We note that at least three carriers to our knowledge exist that do have the requisite authority. They are Chemical Leaman, Schurman Express and M.T.S.

Local 430 opposes the grant of any authority to Herman Brothers, Inc., or Bulk, Inc. and protests their current operation being performed without the requisite authority.

Very truly yours,

Ira H. Weinstock

IRA H. WEINSTOCK

IHW:lsw

cc: Dale Baldwin



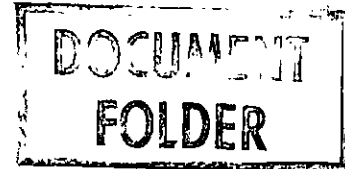
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

May 16, 1985

IN REPLY PLEASE
REFER TO OUR FILE

Mr. Ira H. Weinstock
Suite 100-800 N. Second Street
Harrisburg, PA 17102

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Very truly yours,

Peter S. Marzolf, Supervisor
Technical Review Section

cc: ~~Document Folder~~
Document Folder - A-100840
~~Kenneth Nicely - Director~~

Bureau of Safety & Compliance

LAW OFFICES

IRA H. WEINSTOCK, P.C.
SUITE 100-800 N. SECOND STREET
HARRISBURG, PENNSYLVANIA 17102

IRA H. WEINSTOCK
PAUL J. DELLASEGA
KEITH R. BITZEL

238-1657
Area Code 717

May 13, 1985

RECEIVED

MAY 14 1985

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

SECRETARY'S OFFICE
Public Utility Commission

A. 100840 - Herman Bros
A. 106205 - pending } Bulk, Inc.
A. 106205 - et al approved }

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Very truly yours,

Ira H. Weinstock

IRA H. WEINSTOCK

IHW:lsw

cc: Dale Baldwin

May 17, 1985

IN REPLY PLEASE
REFER TO OUR FILE

William A. Gray
Attorney at Law
2310 Grant Building
Pittsburgh, PA 15219

A-00106205 - Application of Bulk, Inc.

Dear Sir:

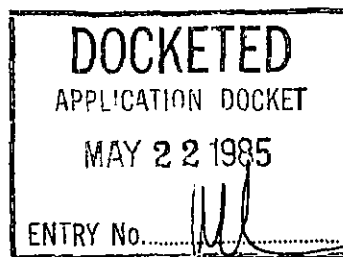
The application of Bulk, Inc. has been captioned as attached and will be submitted for review provided no protests are filed on or before June 10, 1985. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of May 18, 1985.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Non-Rail Transportation

DE:RP:gm
cc: Applicant
2565 St. Mary's Avenue
P.O. Box 189
Omaha, Nebraska 68101



A-00106205 BULK, INC. (2565 St. Mary's Avenue, P.O. Box 189, Omaha, Nebraska 68101), a corporation of the State of Nebraska - contract carrier - 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. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00106205, SEEKING THE RIGHTS CITED ABOVE. Attorney: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

MAY 18 1985

BUREAU OF NON-RAIL TRANSPORTATION
CONTRACT CARRIER

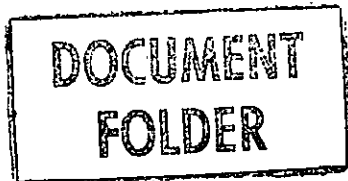
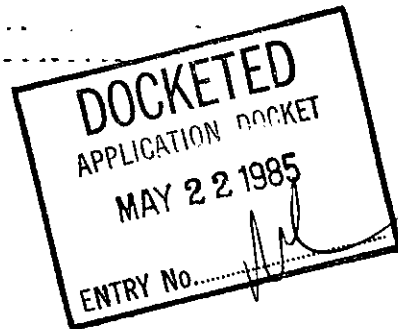
MAY _____ 1985

A-00106205

Application of Bulk, Inc., a corporation of the State of Nebraska, for the right to begin 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.

FW:gm
5/1/85

Application received: 4/29/85
Application docketed: 4/30/85
Monitor: Commissioner Shane



NH

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.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF TRANSPORTATION
P. O. BOX 3265, HARRISBURG, PA. 17120

File

May 28, 1985

A-106205

JUN 18 1985

IN REPLY PLEASE REFER TO OUR FILE R-16

Bulk, Inc.
c/o Brian K. Wood
2565 St. Marys Avenue
Omaha, Nebraska 68105

Dear Sir:

TARIFF OR SUPPLEMENT RETURNED FOR THE FOLLOWING REASONS:

EXHIBIT
FOLDER

- Tariff is less than four pages and cannot be supplemented.
- Effective supplement(s) pages exceed 50% of original tariff pages.
- Omitted or not proper Certificate No. A-_____
- Permit No. A-_____ Folder No. (s) _____
- Designated improperly: should be (See NOTE) Pa. P.U.C. No. _____
- cancels (See NOTE) Pa. P.U.C. No. _____

N	<input type="checkbox"/> Aero	<input type="checkbox"/> Experimental	<input type="checkbox"/> Limousine
O	<input type="checkbox"/> Airport Transfer	<input type="checkbox"/> Express	<input type="checkbox"/> Paratransit
T	<input type="checkbox"/> Call or Demand	<input type="checkbox"/> Freight	<input type="checkbox"/> Scheduled Route
E	<input type="checkbox"/> Contract	<input type="checkbox"/> Group and Party	<input type="checkbox"/> _____

- Designated improperly; should be Supplement No. _____
to (See NOTE) Pa. P.U.C. No. _____
 cancels Supplement No. (s) _____
- Designate; Supplement No. (s) _____ contain all changes.
- Carrier name not properly designated or proper.
- Operating authority omitted not complete or proper.
- Restriction(s) to operating authority omitted not complete or proper.
- New authority may be filed on one day's notice. Specify; issued under authority of Pa. Code, Title 52, Section 23.42; under effective date.
- Temporary Authority, designate; (Temporary Issue) directly under the Pa. P.U.C. No.

- Issued on _____ day's notice under authority of Special Permission No. _____.
Specify; under effective date.
- Filing requires 30-day statutory notice.
- List of changes required not proper (Applies only for Passenger Tariffs).
- Symbols required for (A) increase (C) change or addition (R) reduction.
- Explanation of abbreviations, reference marks and symbols not provided.
- Refers to Agency Publication . Power of attorney required.
- Rule to determine mileage must be stated.
- Rule for advance reservations must be stated.
- Rates not provided for all commodities points, contained in operating authority.
- Page numbers not designated.
- Financial justification for proposed increases required by Pa. Code, Title 52, Section 23.67 not provided. (Freight Tariffs) Title 52, Section 23.63 and 23.64 not provided. (Passenger Tariffs)
- Tariff submitted is not acceptable. Adoption supplements must be provided, refer to instructions in our letter dated _____.
- Contract carrier requires separate tariff for each shipper.
- Contract(s) must accompany tariff(s). reductions require 60 days' statutory notice.
- When filing is resubmitted, change issued and effective dates. Use current dates, do not backdate. Show issued date two (2) days after mailing.
- Rates are provided for commodities points, not contained in operating authority.
- Other reasons:

Power of attorney required, unless you use rule to determine mileage. (Either odometer reading or official highway map).

Item 190 (Page 9) should be eliminated from tariff unless it is part of the contract agreement between the shipper and carrier.

Very truly yours,

Monroe H. Dove
Tariff Section

MHD:dmm

Contact Person: Monroe H. Dove
(717) 787-5945

UC-240
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.

Bulk, Inc.
2565 St. Mary's Ave.
P.O. Box 189
Omaha, Nebraska 68101

Date May 29, 1985

CR 120246 A

DOCKETED
JUN 3 - 1985

In re application of Bulk, Inc.
A-00106205.....\$125.00

DOCUMENT
FOLDER

Revenue account 01780-17001-102 (ck)
ck 103610 \$125.00 Currency _____
Utility account 50:26

C. Joseph Meisinger
For Department of Revenue