

LAW OFFICES
BUTZ, HUDDERS, TALLMAN, STEVENS & JOHNSON

740 HAMILTON MALL

ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 215
439-1451

ROBERT G. TALLMAN
RICHARD F. STEVENS
JOHN R. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCEK III
GARY S. FIGORE
EDWARD J. LENTZ
JACK J. JOHNSON
JAMES B. MARTIN
MICHAEL E. LOOMIS
FRANK A. BAKER III
FRANK G. PROCYK
JOSEPH A. BUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO
JAMES J. HOLZINGER

COUNSEL
WILLIAM S. HUDDERS

OF COUNSEL
HERBERT M. RAFNER*

O. JACOB TALLMAN
(1928-1967)

HAROLD A. BUTZ
(1923-1969)

THEODORE J. ZELLER, JR.
(1966-1976)

*ALSO ADMITTED IN
NEW YORK

RECEIVED

JUN 03 1985

May 31, 1985
Non-Rail Transportation
Public Utility Comm.

FILE

TELECOPIER 215 439-1733

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Commonwealth of Pennsylvania
Post Office Box 3265
Harrisburg, PA 17120

Re: Application of Bulk, Inc.
No. A-00106205
Protest of Materials Transport
Service, Inc.

RECEIVED
JUN 3 1985
SECRETARY'S OFFICE
Public Utility Commission

Dear Secretary Rich:

Enclosed for filing with your office please find the original and two copies of the Protest of Materials Transport Service, Inc. to the above-captioned application. By copy of this letter, counsel for the applicant is being served with a true and correct copy of the same.

Very truly yours,

Joseph A. Bubba

JAB/bas
Enclosure

cc: William A. Gray, Esquire (w/encl.)
Lou Chiesa, Materials Transport
Service, Inc. (w/encl.)

DOCUMENT
FOLDER

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RECEIVED

JUN 03 1985

JUN 3 1985

Non-Rail Transportation
Public Utility Commission
SECRETARY'S OFFICE
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION DOCKET NO. A-00106205

FILE

BULK, INC.

PROTEST OF MATERIALS TRANSPORT SERVICE, INC.

(1) The name, business address, telephone number and PUC lead docket number of the protestant are:

Materials Transport Service, Inc.
P.O. Box 33
Northampton, PA
(215) 261-0510

A-00093286

(2) The name, business address and telephone number of the protestant's attorneys are:

Joseph A. Bubba, Esquire
Butz, Hudders, Tallman, Stevens & Johnson
740 Hamilton Mall
Allentown, PA 18101
(215) 439-1451

(3) By this application, Bulk, Inc. seeks to transport as a contract carrier cement for Lehigh Portland Cement Company, from its facilities in West Manchester, York County to points in Pennsylvania and vice versa.

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
JUN 3 1985
ENTRY No. *118*

That authority is directly in conflict with the protestant's operating rights. Protestant has long been engaged in the transportation of cement and related products. Protestant provides a full range of transportation services for the customer and within the territory sought in this application. Copies of the protestant's pertinent rights are attached hereto as Schedule "A".

- (4) There are currently several sources providing the same service to the public and the overall impact of the grant of this application will be detrimental to the protestant and the public.

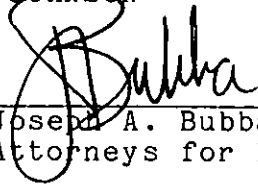
- (5) Approval of this application would create new and unwarranted competition tending to deprive protestant of customers and subject a significant amount of its business to diversion. Approval would divert revenues from protestant which are essential to the maintenance of an adequate cement transportation system responsive to the needs of the cement industry and the public.

(6) Approval of the application would be contrary to the accommodation, convenience, service and safety of the public.

(7) The only amendment which would be agreeable is deletion of all authority which conflicts with the rights held by protestant.

Respectfully Submitted,
BUTZ, HUDDERS, TALLMAN, STEVENS
& JOHNSON

BY: _____

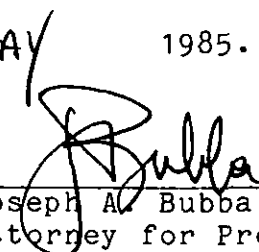

Joseph A. Bubba, Esquire
Attorneys for Protestant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon all parties of record in accordance with the requirements of Section 1.54 (relating to service by a participant).

Dated this 31st day of MAY 1985.

BY: _____


Joseph A. Bubba
Attorney for Protestant
Materials Transport
Service, Inc.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

A-00093286

To transport, as a Class D Carrier, dry cement, having prior movement by rail and/or water, between points in Pennsylvania; provided that the transportation of dry cement between points in the territory comprising the City and County of Philadelphia within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of dry cement, in tank vehicles or in hopper-type vehicles.

* * *

To transport as a Class D Carrier, cement in bags and cement in bulk, in tank-type vehicles or hopper-type vehicles from points in the counties of Berks, Lehigh, Northampton and York to points in Pennsylvania and the return of empty containers and refused or rejected shipments.

Subject to the following condition:

That no right, power or privilege is granted to transport cement produced at or originating at the plant of Bessemer Cement Company Division, Diamond Alkali Company at or near Bessemer, Lawrence County and the plant of Medusa Portland Cement Compant at or near Wampum, Lawrence County.

* * *

To transport, as a Class D Carrier by motor vehicle, cement mill waste, stack dust and clinker, in bulk between points in Pennsylvania.

SCHEDULE A

Subject to the following conditions:

- (1) That no right, power or privilege is granted to transport clinker for Allentown-Portland Cement Company.
- (2) That no right, power or privilege is granted to transport fly ash from the City of New Kensington, Westmoreland County and points within an airline radius of thirty-five (35) Statute miles of the limits of said city; the Township of Goshen, Clearfield County, the township of Monogahela, Greene County; and points in the Counties of Armstrong and Indiana.

* * *

To transport, as a Class D Carrier, by motor vehicle, ground raw materials, in bulk, between cement mills in Lehigh and Northampton Counties.

* * *

Amendment to permit the transportation of roofing and building materials, and materials, equipment, and supplies used in or incidental to the manufacture, installation and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation, located in the township of Richland, Bucks County, to points in Pennsylvania and vice versa; subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk in dump vehicles; and

SECOND: That no right, power or privilege is granted to transport limestone and limestone products from York County to the facilities of Georgia-Pacific Corp. in Richland Township, Bucks County; and

THIRD: That no right, power or privilege is granted to transport sand from the PA Glass Sand Corp. facilities in Mifflin and Huntington Counties to the facilities of Georgia-Pacific Corp. in Richland Township, Bucks County; and

FOURTH: That no right, power or privilege is granted to transport to and from Erie County from or to the facilities of Georgia-Pacific Corp. in Richland Township, Bucks County.

*

*

*

PENDING

To transport as a contract carrier, cement and related products for Genstar Stone Products Co., between points in the counties of Berks, Lehigh and Northampton, and from points in said counties, to points in the Township of Bristol, Bucks County, and vice versa.

Provided that no right, power or privilege is granted to transport:

1. Property, to or from the facilities of New Enterprise Stone & Lime Co., Narehood Limestone, Inc., Detwiler Industries, Inc., Asbury Graphite Mills, Inc., McKeeson Chemical Co., Midstate Chemicals and Lumax Industries, Inc.

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 June 6, 1985

CR 120329 A

**DOCUMENT
FOLDER**

DOCKETED
DOCKET
JUN 10 1985

In re application of Bulk, Inc.
A-00106205.....\$75.00

ck 105274 Revenue account 01780-17001-102 (ck)
Checks \$75.00 Currency _____
Utility account _____ 50:26

C. Joseph Maisinger
For Department of Revenue

EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
MOSES K. ROSENBERG
ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WASEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFRY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
F. MURRAY BRYAN
RICHARD W. STEVENSON
WILLIAM A. CHESNUT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.
ROBERT M. CHERRY

DAVID B. DISNEY
H. LEE ROUSSEL
MAURICE A. FRATER
C. GRAINGER BOWMAN
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
EDWARD J. RIEHL
JASON S. SHAPIRO
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
MARY JANE FORBES
JEFFREY B. CLAY
DAVID M. KLEPPINGER
NEAL S. WEST
JESSIE L. SMITH
BRUCE A. FELDMAN
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
MICHAEL G. JARMAN
STEPHEN A. MOORE
DANA S. SCADUTO
BARBARA S. KAHOE

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166
HARRISBURG, PA. 17108-1166
TELEPHONE (717) 232-8000

June 7, 1985

STERLING G. MCNEES
1933-1959
DAVID W. WALLACE
1942-1967

RECEIVED

JUN 10 1985

Non-Rail Transportation
Public Utility Commission

RETIRED PARTNERS

HARRY H. FRANK
LEON H. BOOSER
JAMES W. HAGAR
JAMES H. KING

OF COUNSEL

GILBERT NURICK
SAMUEL A. SCHRECKENGAUST, JR.
JEFFERSON C. BARNHART

In re: Application of Bulk, Inc.
A. 00106205

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

Dear Mr. Rich:

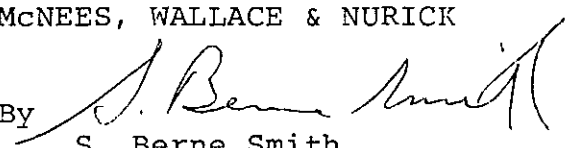
On behalf of Schwerman Trucking Co., we enclose the original and two copies of a protest to the above captioned application.

As indicated in the Certificate of Service, a copy has been served upon the applicant and the applicant's representative.

Very truly yours,

MCNEES, WALLACE & NURICK

By


S. Berne Smith

jh

Enclosure

cc: Bulk, Inc. w/enclosure
William A. Gray, Esquire w/enclosure
Mr. Richard H. Prevette w/enclosure

DOCUMENT
FOLDER

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FILE

JUN 7 1985

SECRETARY'S OFFICE
Public Utility Commission

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JUN 10 1985

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Non-Rail Transportation
Public Utility Comm.**

In re:

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APPLICATION OF

JUN 7 1985

BULK, INC.
A. 00106205

SECRETARY'S OFFICE
Public Utility Commission

FILE

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.
TO PERMANENT AND TEMPORARY APPLICATIONS

S. Berne Smith, Esq.
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, PA 17108-1166

Counsel for Protestant

Due: June 10, 1985

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
JUN 10 1985
ENTRY No. <i>11</i>

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF

BULK, INC.
A. 00106205

PROTEST ON BEHALF OF
SCHWERMAN TRUCKING CO.
TO PERMANENT AND TEMPORARY APPLICATIONS

AND NOW COMES Schwerman Trucking Co. and protests these applications
representing as follows:

1. The name, business address and telephone number of the protestant
are as follows:

Schwerman Trucking Co.
611 South 28 Street
P. O. Box 1601
Milwaukee, WI 53201
Telephone: (414) 671-1600

2. The name, business address and telephone number of the
protestant's attorneys are:

S. Berne Smith, Esq.
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, PA 17108-1166
Telephone: (717) 232-8000

3. The authority sought by applicant is attached as Appendix A.
Basically, applicant is seeking to transport cement for a named company
from a facility located in York County to points in PA, and vice versa.

4. The applications will be competitive with and detrimental to existing services provided by Schwerman Trucking Co. Schwerman specializes in the transportation of cement in the application territory. Protestant has a wide range of equipment, facilities for serving the shipper, and experienced drivers and other employees. Protestant holds authority from the Commission in conflict with what the applicant seeks in this proceeding. Protestant transports cement within the scope of this application. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenue derived, or to be derived, therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant. The entry of applicant into the field authorized to protestant would endanger or impair the operations of protestant to such an extent that, on balance, the granting of authority to applicant would be contrary to the public interest.

5. Protestant holds operating authority from Pennsylvania Public Utility Commission at A. 92811 and folders thereunder, all of which is incorporated herein by reference. The conflicting authority of protestant is set forth in Appendix B hereto.

6. Protestant does not know of any amendment which will eliminate its protest.

7. Protestant did not object to emergency temporary authority from York County when same was sought in late April, 1985. Protestant does object to extension of ETA and to regular temporary authority. Protestant

does have both authority and proper equipment to serve the shipper's York facility and has made this fact known to the shipper. Whatever emergency may have existed in late April no longer exists.

8. Approval of this application is not necessary or proper for the service, accommodation, convenience, or safety of the public nor will it be consistent with the public interest and the policy declared in Section 2501 of the Public Utility Code. The protest also goes to applicant's fitness.

WHEREFORE, Schwerman Trucking Co. respectfully prays that this application be dismissed.

AND, it will ever pray.

SCHWERMAN TRUCKING CO.

By McNees, Wallace & Nurick
McNEES, WALLACE & NURICK

Harrisburg, PA
June 7, 1985

In re:

APPLICATION OF

BULK, INC.
A-00106205

Authority Sought

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 Bulletin, Vol. 15, No. 20
Page 1884, Saturday, May 18, 1985

SCHWERMEN TRUCKING CO.
Operating Authority

A. 00092811, Folder 1, Am-B

To transport, as a Class D carrier, dry bulk cement, in tank or hopper-type vehicles, and dry cement in bags or containers, between points in the counties of Lehigh, Northampton, Berks, Montgomery, and York, and from points in the said counties to points in Pennsylvania; and the return of refused or rejected merchandise, empty containers and such other facilities used in the transportation of cement, from points in Pennsylvania to points in the counties of Lehigh, Northampton, Berks, Montgomery, and York;

subject to the following conditions:


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 right 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 applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$50,000, being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 2 above.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Herman Bros., Inc., 2565 St. Mary's Avenue, P. O. Box 189, Omaha, NE 68101, and applicant's representative, William A. Gray, Esq., 2310 Grant Building, Pittsburgh, PA 15219, by first class mail, postage prepaid and properly addressed.


S. Berne Smith

Harrisburg, PA
June 7, 1985

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA. 15222
TELEPHONE (412) 471-3300

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JUN 10 1985

SECRETARY'S OFFICE
Public Utility Commission

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

June 7, 1985

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JUN 11 1985

Non-Rail Transportation
Public Utility Comm.

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

RE: Application of Bulk, Inc.
Docket No. A-00106205

FILE

Dear Mr. Rich:

Please find enclosed a protest filed on behalf of
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: Kevin W. Walsh
KEVIN W. WALSH *njm*

njm
Enclosure

cc: William A. Gray, Esq. (w/encl.)

DOCUMENT
FOLDER

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Before the JUN 11 1985
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JUN 10 1985

Non-Rail Transportation SECRETARY'S OFFICE
Public Utility Comm. Public Utility Commission

IN RE: Application of)
BULK, INC.)

Docket No. A-00106205

PROTEST

FILE

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.

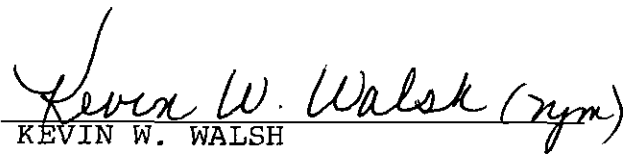
**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
JUN 14 1985
ENTRY No. *mw*

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,


KEVIN W. WALSH
Attorney for Protestant(s)

Due Date: June 10, 1985

RE: Docket No. A-00106205

Docket No. Application of Bulk, Inc.

APPENDIX A

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

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

C. L. Feather, Inc. holds authority from this Commission at Docket No. A-100747, F.1, Am-P, which authorizes the transportation of property, in bulk and/or which requires the use of special equipment, from the facilities of New Enterprise Stone & Lime Company to points in Pennsylvania, and vice versa. Feather also holds authority at F.1, Am-Y authorizing the transportation of property from the facilities of National Gypsum Company, in the Township of Maiden Creek, Berks County, to points in Pennsylvania and vice versa, restricted against the transportation of commodities in bulk. In addition, other authority of this protestant would be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

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.
5. 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.

7. 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.
8. 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 Bognar 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 Bogner, 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.

RE: Application of Bulk, Inc.

Docket No. A-00106205

APPENDIX C

Proposed Restrictive Amendment

A restriction against service to or from the facilities of certain named shippers may satisfy the interests of C. L. Feather, Inc. in this proceeding.

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

June 7, 1985

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

RE: Application of Bulk, Inc.
Docket No. A-00106205

(Temporary Authority Application)

Dear Mr. Rich:

Please find enclosed a protest filed on behalf of
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: Kevin W. Walsh
KEVIN W. WALSH *njm*

NJM
Enclosure
cc: William A. Gray, Esq. (w/encl.)

RECEIVED

JUN 10 1985

SECRETARY'S OFFICE
Public Utility Commission

RECEIVED

JUN 11 1985

Non-Rail Transportation
Public Utility Comm.

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Before the JUN 11 1985
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JUN 10 1985

Non-Rail Transportation SECRETARY'S OFFICE
Public Utility Comm. Public Utility Commission

RE: APPLICATION OF) Docket No. A-00106205
)
BULK, INC.) (Temporary Authority
) Application
)
)

PROTEST

FILE

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

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APPLICATION DOCKET
JUN 14 1985
ENTRY No. *mw*

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

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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,

Kevin W. Walsk
Attorney for Protestant(s)
(Kym)

Due Date: June 10, 1985

Re: Application of Bulk, Inc.

Docket No. A-00106205

(Temporary Authority
Application)

APPENDIX A

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

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

C. L. Feather, Inc. holds authority from this Commission at Docket No. A-100747, F.l, Am-P, which authorizes the transportation of property, in bulk, and/or which requires the use of special equipment, from the facilities of New Enterprise Stone & Lime Company to points in Pennsylvania, and vice versa. Feather also holds authority at F.l, Am-Y authorizing the transportation of property from the facilities of National Gypsum company, in the Township of Maiden creek, Berks County, to points in Pennsylvania and vice versa, restricted against the transportation of commodities in bulk. In addition, other authority of this protestant would be in conflict with that sought by this application as more fully set forth on Appendix B hereto.

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.

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.

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 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.

Re: Application of Bulk, Inc.

Docket No. A-00106205
(Temporary Authority
Application)

APPENDIX C

Proposed Restrictive Amendment

A restriction against service to or from the facilities of certain named shippers may satisfy the interests of C. L. Feather, Inc. in this proceeding.