

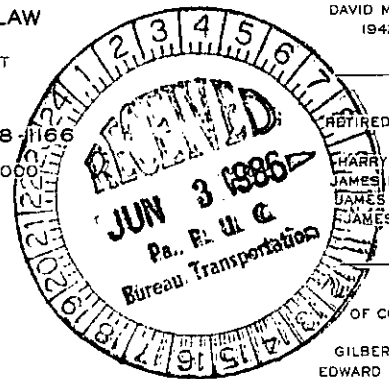
MOSES K. ROSENBERG
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FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WASEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
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W. JEFFRY JAMOINEAU
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F. MURRAY BRYAN
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ALAN R. BOYNTON, JR.
GARY F. YENKOWSKI
DIANE M. TOKARSKY
JAMES J. DODD-O

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

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

STERLING G. MCNEES
1923-1959
DAVID M. WALLACE
1942-1967



RETIRE PARTNERS
HARRY H. FRANK
JAMES H. BOOSER
JAMES W. HAGAR
JAMES H. KING

OF COUNSEL

GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
JEFFERSON C. BARNHART
SAMUEL A. SCHRECKENGAUST, JR.

June 2, 1986

In re: Towaway Express, Inc.
A-00106208
(ETA and TA applications)

RECEIVED

JUN 2 1986

SECRETARY'S OFFICE
Public Utility Commission

A-106208

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

Dear Mr. Rich:

Enclosed are applications of Towaway Express, Inc. for emergency temporary authority and temporary authority. We are submitting an extra copy of this transmittal letter, in the event that you wish to establish separate files for the ETA and TA applications.

Specifically, the following items are enclosed:

1. The original and two copies of an application for emergency temporary authority to begin immediately and to continue until the related application for temporary authority can be acted upon. Our check in the amount of \$25 is enclosed to cover the filing fee, and another check in the amount of \$25 is enclosed to cover the extension of the ETA.
2. The original and two copies of an application for identical temporary authority. Our check in the amount of \$75 is enclosed to cover the filing fee.

**DOCUMENT
FOLDER**

Jerry Rich, Secretary
June 2, 1986
Page Two

Attached to the ETA and TA applications are the supporting letters submitted on behalf of Thayco Trailer Corp. These letters support why authority must be given to the applicant immediately.

The applicant already has on file an unopposed permanent authority application which encompasses the authority being sought by the ETA and TA applications. We understand that it will not be possible to bring these applications before the Commission for the public meeting of June 5, 1986. However, we respectfully request that this matter be brought to the attention of the Commission at the first public meeting following June 5, which we understand to be June 12, 1986.

The applicant is operating pursuant to another ETA issued by the Commission, and it is our understanding that evidence of effective insurance for the applicant is on file with the Commission.

In view of the substance of the supporting letters, we respectfully request the Commission to grant the ETA application so that the applicant may commence immediately to give the supporting shipper the service which it urgently requires.

If anything further is required, please contact the undersigned.

We shall be grateful for your cooperation.

Very truly yours,

McNEES, WALLACE & NURICK

By 
Herbert R. Nurick

HRN/ec

Enclosures

cc: Mr. Bruce Bigelow (w/enc.)
Mr. Thomas S. Sheaffer (w/enc.)

JUNE 1986

PUC-1R2

PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE
BUREAU OF NON-RAIL TRANSPORTATION Public Utility Commission

APPLICATION FOR _____ EMERGENCY TEMPORARY AUTHORITY; X 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)

A-106208

1. Towaway Express, Inc.

(Name of applicant)

(Trade name, if any)

6780 Carlisle Pike

Mechanicsburg

PA 17055

(Street address)

(City)

(State & Zip Code)

2. Applicant is an _____ individual _____ partnership X 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 / _____ days to provide service as a X common or _____ contact carrier by motor vehicle, _____ broker or _____ freight forwarder in intrastate commerce. (Give description of type of service and area to be served.) See statement attached.

In support of this request, applicant states:

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

5. It is is not now operating as a motor carrier under a certificate or permit. If so operating, give docket number. A-00106208 (ETA)

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. A-00106208, filed April 26, 1985, verified statements due on or*

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. NA

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.

DOCUMENT FOLDER

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.

DOCKETED APPLICATION DOCKET JUN 4 1986 ENTRY NO.

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. Not necessary, because territory is clear.

*before June 20, 1986. The application, as amended, encompasses the authority sought herein and is unopposed.

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.

(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 June, 1986

TOWAWAY EXPRESS, INC.

Applicant sign here [Signature]
Thomas S. Sheaffer, President
SS:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF DAUPHIN

Personally appeared before me, a notary public in and for said County and Commonwealth Thomas S. Sheaffer 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 June, 1986

[Signature: M. Jean Fickes]

(Signature of official authorized to administer oaths)

M. JEAN FICKES, NOTARY PUBLIC

My Commission Expires Sept. 7, 1987

Harrisburg, PA Dauphin County

ARTICLES OF INCORPORATION

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF STATE - CORPORATION BUREAU
 308 NORTH OFFICE BUILDING, HARRISBURG, PA 17120

PLEASE INDICATE (CHECK ONE) TYPE CORPORATION:

- DOMESTIC BUSINESS CORPORATION
- DOMESTIC BUSINESS CORPORATION A CLOSE CORPORATION - COMPLETE BACK
- DOMESTIC PROFESSIONAL CORPORATION ENTER BOARD LICENSE NO.

FEE
 \$75.00

010 NAME OF CORPORATION (MUST CONTAIN A CORPORATE INDICATOR UNLESS EXEMPT UNDER 15 P.S. 2908 B)
 Towaway Express, Inc.

011 ADDRESS OF REGISTERED OFFICE IN PENNSYLVANIA (P.O. BOX NUMBER NOT ACCEPTABLE)
 2320 North Second Street P.O. Box 1855 Harrisburg, Penna 17110

012 CITY Harrisburg 013 COUNTY Dauphin 014 STATE Pennsylvania 015 ZIP CODE 17110

060 EXPLAIN THE PURPOSE OR PURPOSES OF THE CORPORATION To do or engage in the business of hauling of transportation equipment; To do or engage in the business of general common carrier trucking; To own or lease personal and real property of any kind; To do or engage in any lawful business for which corporations may be organized under the Pennsylvania Business Corporation Law.

POOR ORIGINAL

(ATTACH 8 1/2 x 11 SHEET IF NECESSARY)

The Aggregate Number of Shares, Classes of Shares and Par Value of Shares Which the Corporation Shall have Authority to Issue:

040 Number and Class of Shares 100,000 shares of common stock	041 Stated Par Value Per Share If Any \$.01	042 Total Authorized Capital \$1,000.00	031 Term of Existence Perpetual
--	--	--	------------------------------------

The Name and Address of Each Incorporator, and the Number and Class of Shares Subscribed to by each Incorporator

000 Name	061, 062 063, 064 Address (Street, City, State, Zip Code)	Number & Class of Shares
Robert Chernicoff	2610 Gateway Drive Harrisburg, Pa 17110	5 shares common

(ATTACH 8 1/2 x 11 SHEET IF NECESSARY)

IN TESTIMONY WHEREOF, THE INCORPORATOR (S) HAS (HAVE) SIGNED AND SEALED THE ARTICLES OF INCORPORATION
 THIS 16th DAY OF January 19 85

Robert Chernicoff

- FOR OFFICE USE ONLY -

030 FILED JAN 1 6 1985	002 CODE	003 REV BOX	SEQUENTIAL NO. 4334	100 MICROFILM NUMBER 85051447	
<i>Special P Davis</i>	REVIEWED BY	004 BICC	AMOUNT \$ 75	001 CORPORATION NUMBER 85-2810	
	DATE APPROVED		INPUT BY 11/4/85	LOG IN	LOG IN (REFILE)
	DATE REJECTED	CERTIFY TO REV. <input checked="" type="checkbox"/>	VERIFIED BY 21	LOG OUT	LOG OUT (REFILE)
Secretary of the Commonwealth Department of State Commonwealth of Pennsylvania	MAILED BY DATE	CERTIFY TO <input checked="" type="checkbox"/> LAE <input checked="" type="checkbox"/> OTHER			

Commonwealth of Pennsylvania
Department of State

85051448



CERTIFICATE OF INCORPORATION

Office of the Secretary of the Commonwealth
To All to Whom These Presents Shall Come, Greeting:

Whereas, Under the provisions of the Laws of the Commonwealth, the Secretary of the Commonwealth is authorized and required to issue a "Certificate of Incorporation" evidencing the incorporation of an entity.

Whereas, The stipulations and conditions of the Law have been fully complied with by

TOWAWAY EXPRESS, INC.

Therefore, Know Ye, That subject to the Constitution of this Commonwealth, and under the authority of the Laws thereof, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, declare and certify the creation, erection and incorporation of the above in deed and in law by the name chosen hereinbefore specified.

Such corporation shall have and enjoy and shall be subject to all the powers, duties, requirements, and restrictions, specified and enjoined in and by the applicable laws of this Commonwealth.

Given under my Hand and the Great Seal of the Commonwealth,
at the City of Harrisburg, this 16th day
of January 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

0852810

TOWAWAY EXPRESS, INC.

Statement in Answer to Paragraph 3

To transport trailers from points in the township of Upper Uwchlan, Chester County, to points in the township of Middlesex, Cumberland County.

Thayco Trailer Corp.
P. O. Box 642
Exton, PA 19341
June 2, 1986

In re: Towaway Express, Inc. A-00106208
(ETA/TA Applications)

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

Dear Mr. Rich:

I am submitting this letter on behalf of Thayco Trailer Corp. ("Thayco") in support of the emergency temporary authority ("ETA") and temporary authority ("TA") applications of Towaway Express, Inc. ("applicant"), which seeks to perform service as follows:

To transport trailers from points in the township of Upper Uwchlan, Chester County, to points in the township of Middlesex, Cumberland County.

Thayco, as relevant, is in the business of manufacturing and selling trailers. Thayco's facilities are located in the township of Upper Uwchlan, Chester County, Pennsylvania. The trailers which we want applicant to transport will originate at these facilities. The destination point for the trailers will be the facilities of Carolina Freight Carriers Corp. ("Carolina Freight"), in Middlesex Township, Cumberland County, Pennsylvania.

Carolina Freight has given Thayco an order for the manufacturing of 100 trailers, each 28 feet in length. Thayco expects to start shipments of the trailers on or about June 11, 1986, and would like to ship eight trailers per day until the order is filled. The frequency of movement will be four trips per day because, by using the applicant, Thayco will be able to send two trailers per trip. This is so because the applicant utilizes "jiff-loks" which is a device hooked onto the back of the first trailer being towed in order to tow the second trailer. This traffic obviously is not being handled now, nor has it been handled in the recent past because it is new traffic.

Thayco must have the service of applicant available on or about June 11, 1986. At that time, Thayco will have its first trailers ready to be

Jerry Rich, Secretary
June 2, 1986
Page 2

delivered to Carolina Freight. Thayco desires to ship eight trailers to Carolina Freight every working day thereafter until all the trailers are delivered. Carolina Freight would like to have all the trailers delivered during the month of June, 1986. However, we are well aware that there are some unavoidable delays which could mean there will be a carryover in the transportation during the month of July. Thayco is supporting the TA application to play it safe in the unexpected event that the transportation will go beyond thirty days. Thayco has supported the permanent authority application of applicant which encompasses the instant ETA and TA applications.

If these applications are not approved, Thayco will not be able to timely fill Carolina Freight's order. Carolina Freight is a major customer of Thayco. If we are not able to fill Carolina Freight's order within the short time required, Thayco will lose Carolina Freight's business, not only for this order but for future orders also. The result of this would be a very serious business loss to Thayco and one which it could not recoup through other orders. Simply stated, Thayco cannot risk losing the business of Carolina Freight.

There are several circumstances which have created an immediate and urgent need for the requested service. Number one, the moves will be new as opposed to traffic which has been handled in the past between the points involved. Secondly, the moves must start almost immediately (on or about June 11, 1986). Thirdly, there is not sufficient motor carrier service available to handle the traffic. Arco Auto Carriers, Inc., which has served Thayco and its predecessor (The Budd Company, Trailer Division) in the past, went out of business approximately a year ago. Downingtown Trailer Carriers, Inc. ("Downingtown Trailer") performed service for Thayco and its predecessor for about 20 years, and, in fact, was our number one, or house, carrier. This carrier has substantially curtailed its operations within the past two months. Whatever, Downingtown Trailer does not have equipment which can handle two trailers at a time. Therefore, we could not use it for the instant moves in any event. Morgan Drive Away, Inc. ("Morgan") holds authority to serve Thayco, but it is only able to supply Thayco with one or two tractors a day. Morgan, as pertinent, only has one or two tractors which have converter dollies, which, as "jiff-loks," enable the carrier to transport two trailers at a time. Thayco is not aware of any other carriers available to perform the transportation required by it. I point out that Thayco must have equipment with "jiff-lok" or converter-dollie availability in order to transport two trailers per trip. To perform this transportation in any other way would be most uneconomical and inefficient, not only from our standpoint but also from the standpoint of Carolina Freight.

Jerry Rich, Secretary
June 2, 1986
Page 3

As I indicated above, Thayco is only aware of Morgan Drive Away (Box 349, Leola, Pennsylvania 17540) as a carrier to perform service for it. I stress that because of the limited amount of service available to Thayco, Thayco must have the availability of Towaway in order for Thayco to fulfill its transportation requirements relating to the Carolina Freight order.

Thayco has not supported any recent application for permanent, temporary, or emergency temporary authority covering all or any part of the service which it seeks from the instant applicant, except for its support of the applicant's permanent-authority application.

Thayco definitely has an urgent and immediate need for applicant's service and we request that the Pennsylvania Public Utility Commission approve the ETA application as soon as possible and thereafter approve the TA application in order to allow Thayco to fulfill its transportation requirements relating to the Carolina Freight order.

I certify that the above information is accurate and that I am authorized by my corporation to support the present ETA and TA applications of applicant.

Sincerely yours,

THAYCO TRAILER CORP.

By Frank W. Springer
Frank W. Springer,
Manager of Traffic

PENNSYLVANIA PUBLIC UTILITY COMMISSION



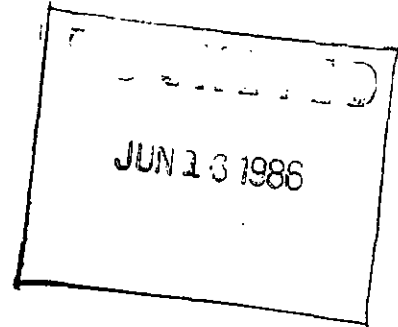
RECEIPT

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.

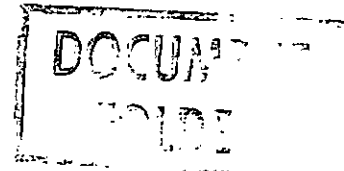
Herbert R. Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Date June 12, 1986

CR 118742 A



In re application of Tow Away Express, Inc.
A-00106208.....\$25.00



Revenue account 01780-17601-102 (ed)

ck 75391 Checks \$25.00 Currency _____

Utility account 50:26

C. Joseph Weisinger
Acting Department of Revenue