



RECEIVED

OCT 21 1985

SECRETARY'S OFFICE

Public Utility Commission

Commissioners Present:

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

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, Pa. 17120

Public Meeting held May 3, 1985

*Applicant's Ex. #2  
A-00106205  
Sept. 26, 1985  
PUC-MB-Pep.*

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

A-00106205

DOCKETED  
OCT 22 1985

2565 St. Mary's Avenue  
P.O. Box 189  
Omaha, Nebraska 68101

Vuono, Lavelle & Gray by William Gray

DOCUMENT  
FOLDER

ORDER

BY THE COMMISSION:

This matter comes before the Commission through a telephonic request for emergency temporary authority. The actual filing for ETA, TA and ETA extension is to be filed within the next few days. The permanent authority was filed but has not yet been published.

The emergency situation arises through a discontinuance of service of Cement Express, Inc., which currently holds contract carrier authority to render service to West Manchester Township facility of Lehigh Portland Cement. Lehigh Portland Cement has attempted to obtain service from existing carriers but they are unable to provide equipment on such short notice. With the discontinuance

of service of Cement Express and the inability of existing carriers to provide equipment, Lehigh Portland's West Manchester facility is left without any transportation service.

We find that an emergency situation exists and that approval of the ETA is in the public interest; THEREFORE,

IT IS ORDERED: That the application for emergency temporary authority, be and is hereby approved as follows pending disposition of the temporary authority application:

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

IT IS FURTHER ORDERED: That the applicant shall file evidence of insurance prior to initiating service.

IT IS FURTHER ORDERED: That the applicant shall file a schedule of minimum rates within ten (10) days of the date this order is entered.

IT IS FURTHER ORDERED: That the granting of the authority herein, shall have no effect on the final disposition of the temporary or permanent authority applications.

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich,  
Secretary

(SEAL)

ORDER ADOPTED: May 3, 1985

ORDER ENTERED: May 3, 1985

Applicants 3

Applicants #3  
A-00106205  
Sept. 26, 1985  
PUC-MB-Pop.

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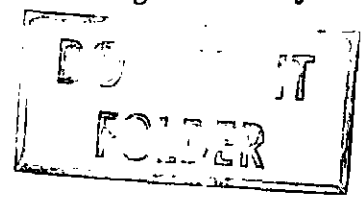
OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held July 25, 1985

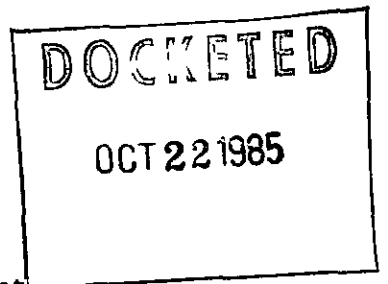
Commissioners Present:

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



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

A-00106205



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

TENTATIVE DECISION

BY THE COMMISSION:

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

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

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

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

We find:

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

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

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

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

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

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: July 25, 1985

ORDER ENTERED: JUL 29 1985

Applicants' 4

Application #4  
A-0010625  
Sept. 26, 1985  
PUC-MB-Pgh.

BULK, INC.  
TRAFFIC STUDY  
July 1, 1985 - July 15, 1985

<u>Date</u>	<u>TDS No.</u>	<u>Destination</u>
July 3	392	New Holland, PA
July 8	407	New Holland, PA
July 15	453	New Holland, PA
July 3	389	Exton, PA
July 12	450	Exton, PA
July 15	451	Philadelphia, PA
July 2	377	Philadelphia, PA
July 2	380	Middletown, PA
July 3	382	Bristol, PA
July 3	383	Bristol, PA
July 5	396	Bristol, PA
July 5	397	Bristol, PA
July 11	429	Bristol, PA
July 11	430	Bristol, PA
July 15	460	Bristol, PA
July 1	373	Denver, PA
July 3	393	Denver, PA
July 5	400	Denver, PA
July 12	447	Denver, PA
July 8	408	Denver, PA
July 11	436	Denver, PA
July 11	439	Denver, PA
July 15	456	Denver, PA
July 2	376	Middleburg, PA
July 9	411	Middleburg, PA
July 5	398	Stowe, PA
July 10	427	Stowe, PA
July 11	435	Monongahela, PA
July 9	416	Eighty Four, PA
July 8	402	Upland, PA
July 3	394	York, PA
July 3	386	Stocktown, PA
July 1	369	Lansdale, PA
July 3	385	Harrisburg, PA
July 10	422	Norristown, PA

DOCKETED  
OCT 22 1985

DOCKETED  
OCT 22 1985

EQUIPMENT LEASED TO BULK, INC.

**RECEIVED**  
OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

POWER UNITS

TRAILERS

(2) 1973 Conventional Tractors

9800-1                      9809

(8) 1977 Conventional Tractors

609                      9802  
611                      9806  
612                      9808  
613                      9810

(4) 1978 Conventional Tractors

8227                      8158  
8150                      9804

(1) 1979 Conventional Tractor

8255

(1) 1980 Conventional Tractor

9800-2

(3) 1983 Conventional Tractors

9803                      9805  
9807

(2) 1985 Conventional Tractors

8312                      8314

(17) 2-Axle Steel Cement

32                      669                      681  
274                      670                      682  
600                      671                      683  
653                      672                      684  
654                      673                      685  
668                      680

(9) 38' Flatbeds

1006                      1093  
1008                      1094  
1020                      1095  
1024                      1096  
1026

TOTAL

21 Tractors  
26 Trailers

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OCT 22 1985

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6

Applicant's Ex. #6  
A-00106205  
Sept. 26, 1985  
PUC-MB  
Pgh.

SUPPLEMENT TO PARAGRAPH 7

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SECRETARY'S OFFICE  
Public Utility Commission

BULK, INC.  
BALANCE SHEET  
MARCH 31, 1985

ASSETS

Current Assets:	
Cash	<u>\$100,000</u>

LIABILITIES AND STOCKHOLDERS' EQUITY

Current Liabilities:	
Advance from Affiliates	\$ 90,000
Stockholders' Equity:	
Common Stock	<u>10,000</u>
Total Liabilities and Stockholders' Equity	<u>\$100,000</u>

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OCT 22 1985

FILED  
OCT 22 1985

Ap

#7

Applicant's Ex. #7  
A-00106205  
PUC-MB-Pop.  
Sept. 26, 1985

**RECEIVED**

**OCT 21 1985**

**SECRETARY'S OFFICE**

**Public Utility Commission**

REPRESENTATIVE DESTINATION POINTS

Altoona  
Bensalem  
Bethlehem  
Bristol  
Cabot  
Chambersburg  
Conshocken  
Denver  
Devon  
Doylestown  
Eagleville  
East Stroudsburg  
Egypt  
Eighty Four  
Ephrata  
Evansville  
Exton  
Gettysburg  
Guilford Springs  
Hamburg  
Hanover  
Harrisburg  
Hatfield  
Hellertown  
Houston

Lancaster  
Lansdale  
Latrobe  
Lebanon  
Manheim  
Mertztown  
Middleburg  
Middletown  
Monongahela  
Mt. Joy  
Nazareth  
New Eagle  
New Holland  
Norrisbown  
Philadelphia  
Pittsburgh  
Reamstown  
Savannah  
Saxonburg  
Scranton  
Somerset  
South Temple  
Springs  
Stockertown  
Stowe

Turbotville  
Upper Darby  
Wampum  
Warminster  
Warrendale  
West Chester  
West Morrisville  
Wilkinsburg

**DOCKETED**  
**OCT 22 1985**

**FILED**

Ap

8

Applicant's Ex. #8  
A-00106205  
Sept. 26, 1985  
PUC-MB-Pop

**CEMENT EXPRESS, INC.**

Hokes Mill Road and Lemon Street  
York, Pennsylvania 17404

Office: P. O. Box 38  
Bryn Mawr, Pa. 19010  
215-525-5220

Terminal:  
York: 717-843-5316  
717-843-1308

**RECEIVED**  
**OCT 21 1985**  
**SECRETARY'S OFFICE**  
**Public Utility Commission**

April 1, 1985

**RECEIVED**  
APR 22 1985  
DISTRIBUTION  
DEPARTMENT

Mr. Lee E. Cummings  
Vice President - Distribution and Planning  
Lehigh Portland Cement Company  
P.O. Box 1882  
Allentown  
Pennsylvania 18105

Dear Lee:

This letter will confirm our office visit and conversation on March 28th regarding the status of Cement Express, Inc.

It is with deep regret that effective May 1, 1985, Cement Express, Inc., will no longer function as a cement carrier out of the Lehigh Portland Cement Company's plant in York, Pennsylvania.

We are deeply sorry for any inconvenience this decision will cause you.

If you have any questions, please contact me immediately.

Respectfully yours,

CEMENT EXPRESS, INC.

*H. Richard Sticker*  
H. Richard Sticker  
Chairman

HRS/gms

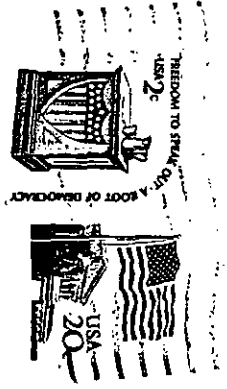
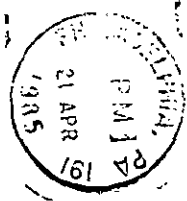
**DOCKETED**  
**OCT 22 1985**

**FILED**

CEMENT EXPRESS, INC.

Hokes Mill Road and Lemon Street  
York, Pennsylvania 17404

Mr. Lee E. Cummings  
Vice President - Distribution and Planning  
Lehigh Portland Cement Company  
P.O. Box 1882  
Allentown  
Pennsylvania  
18105



9

Applicant's Ex. #9  
A-00106205  
Sept. 26, 1985  
PUC-MB-Pgh.

**LEHIGH**

P. O. BOX 1882  
718 HAMILTON MALL, ALLENTOWN, PA 18105-1882  
215. 776-2600

**LEHIGH PORTLAND CEMENT COMPANY**

L. E. CUMMINGS  
VICE PRESIDENT - DISTRIBUTION & PLANNING  
215. 776-2620

G11214922

April 23, 1985

PUROLATOR COURIER CORP.

VIA PUROLATOR COURIER

**RECEIVED**

Mr. H. Richard Stickel, Chairman  
Cement Express, Inc.  
Hokes Mill Road & Lemon St.  
York, Pennsylvania 17404

OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commis

Dear Dick:

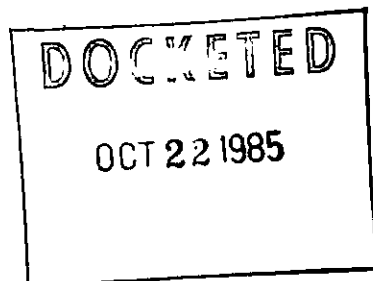
Your letter dated April 1 was Philadelphia post-marked April 21, 1985 and was received by me April 22, 1985.

The contract between Lehigh and Cement Express requires ninety (90) days' written notice in order to terminate your services. Therefore, we cannot accept your proposal to terminate service to Lehigh effective May 1, 1985.

Lehigh expects Cement Express to continue to provide service thru July 20, 1985, which is 90 days from April 22, 1985.

Please be aware that the failure of Cement Express to provide service could expose Lehigh to large financial damages.

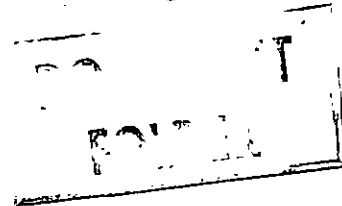
I know that this is a difficult time for you, but we have no choice other than to protect the interests of our Company.



Yours very truly,

*L. E. Cummings*  
L. E. Cummings

LEC:mjs



bc: R. M. Memmer  
R. J. Stengel (Mid-Atlantic)  
w/Stickel Letter

PURDLATOR ACCOUNT TO BE BILLED  
 DATE 1/23/85

148 11214922

It is mutually agreed that goods herein described are accepted in apparent good order (except as noted) for transportation as specified herein.

Unless a greater value is declared hereon, the shipper hereby agrees and declares that the value of the property described herein is released to a value as specified on the reverse side of the shipper's copy.

FROM COMPANY NAME (CONSIGNOR)  
**Lenigh Portland Cement Co**  
 STREET ADDRESS  
**718 Hamilton Mall P.O. Box 1882**  
 CITY STATE ZIP CODE (REQUIRED)  
**Allentown PA 18105**

TYPE OF SERVICE (CHECK ONE BOX ONLY)  
 PUDO LETTER  AIR  PARCELS  
 PAYMENT (CHECK ONE)  
 PREPAID  COLLECT  THIRD PARTY  CASH

ORIGIN AIRPORT DESTINATION AIRPORT  
**ABE MOT**

SHIPPER'S SIGNATURE (PRINT AND SIGN)  
**L. E. Cummings**  
**M. J. Stickel**

THIRD PARTY NAME  
 ADDRESS

WAITING TIME TARIFF RATE ITEM SM  
 INVOICE DESCRIPTION

TO COMPANY NAME (RECIPIENT)  
**Mr. H. Richard Stickel**  
 ATTENTION - INDIVIDUAL/DEPT./SUITE PHONE NO.  
**Cement Express, Inc.**

DESCRIPTION OF CONTENTS  
 PIECES WEIGHT DECLARED VALUE  
**1 PL**

FREIGHT ADVANCE VALUATION SPECIAL CHG.  
 CODE AMOUNT CODE AMOUNT TOTAL CHG.

STREET ADDRESS  
**Hokes Mill Rd. & Lemon St.**  
 CITY STATE ZIP CODE (REQUIRED)  
**York, PA. PA 17404**

DIMENSIONS L W H P/D DATE TIME ROUTE  
**4-23 4-42 AM (67) DB**

CARRIER GUARD SIGNATURE

**Puroletor courier**  
 UNIFORM BILL OF LADING  
 NON-NEGOTIABLE BILL OF LADING SUBJECT TO CONDITIONS OF CONTRACT SET FORTH ON REVERSE SIDE OF SHIPPER'S COPY.  
 BL 1 Rev. 1-84

PLEASE DO NOT ENTER ANY INFORMATION IN THE BLUE SHADED AREAS. COMPLETE ALL OTHER INFORMATION. SEE BACK OF FORM FOR INSTRUCTIONS.

SHIPPER'S COPY

Ap. 10

Applicant's Ex. #10  
A-00106285  
Sept. 26, 1985  
PUC-MB-Poh

**CEMENT EXPRESS, INC.**

Hokes Mill Road and Lemon Street  
York, Pennsylvania 17404

Office: P. O. Box 38  
Bryn Mawr, Pa. 19010  
215-525-5220

Terminal:  
York: 717-843-5316  
717-843-1308

April 25, 1985

Registered Mail  
Return Receipt Requested

**RECEIVED**  
OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

Mr. Lee E. Cummings  
Vice President - Distribution and Planning  
Lehigh Portland Cement Company  
718 Hamilton Mall  
Allentown, Pennsylvania 18105

Dear Lee:

I was distressed by your telephone call threatening a lawsuit against Cement Express for failure to comply with the 90-days' notice provision set forth in Article Twelfth on page 5 of the Intrastate Contract between Cement Express, Inc., and Lehigh Portland Cement Company, dated August 16, 1982 (The Agreement).

In view of your threatened lawsuit, and the letter delivered by Purolator Courier today, Cement Express herewith withdraws its termination letter dated April 1, 1985.

This letter will serve to inform you that Cement Express herewith notifies you that it will terminate the Agreement effective July 25, 1985.

Very truly yours,

CEMENT EXPRESS, INC.

*H. Richard Stickle*  
H. Richard Stickle  
President

**DOCKETED**  
OCT 22 1985

HRS/gms

bc: R. M. Memmer  
R. J. Stengel (Mid-Atlantic)

✓ 4/29 77

**REGISTERED MAIL**

**CUMMINGS**  
APR 28 1985

**CEMENT EXPRESS, INC.**

Hokes Mill Road and Lemon Street  
York, Pennsylvania 17404

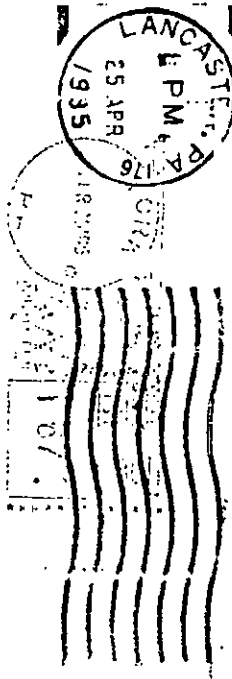
**RETURN RECEIPT  
REQUESTED**

Mr. Lee E. Cummings  
Vice President - Distribution and Planning  
Lehigh Portland Cement Company  
718 Hamilton Mall  
Allentown  
Pennsylvania 18105



**APR 26 1985**

RETURN RECEIPT REQUESTED



Applicant's Ex. #11  
A-0006205  
Sept. 26, 1985  
PUC-MB-Pep

LEHIGH

**LEHIGH PORTLAND CEMENT COMPANY**

P. O. BOX 1882  
718 HAMILTON MALL, ALLENTOWN, PA 18105-1882  
215-776-2600

L. E. CUMMINGS  
VICE PRESIDENT - DISTRIBUTION & PLANNING  
215: 776-2620

May 2, 1985

HAND DELIVERED

Pennsylvania Public Utility Commission  
Att: Mr. Barry Ernst - Director  
Bureau of Non-Rail Transport  
409 Transport & Safety Bldg.  
Commonwealth & Forster St.  
Harrisburg, Pa. 17120

RECEIVED  
OCT 22 1985

OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

Gentlemen:

Lehigh's trucker, Cement Express, Inc., terminated service from our West York, Pa., white cement plant on one day's notice - effective May 1, 1985.

White cement requires special tank trailers. We contacted Schwerman Trucking, NuBulk, Inc. a division of Chemical Leaman, Fleet Transport, and others. The twenty special tanks required could not be made immediately available. Immediate availability is critical to our highly competitive business. We are extremely vulnerable to import competition.

LET  
FOLDER

We have obtained a carrier - Bulk, Inc., who has the equipment we need and who is willing to provide immediate service. They have permanent PUC authority application pending before your Commission.

We urgently request that you issue Emergency Temporary Authority, effective immediately, to Bulk, Inc. for service from our West York, Pa., facility to points throughout Pennsylvania and vice versa. This will prevent loss of business and possible job lay-offs.

Thank you for your help.

Yours very truly,

*L. E. Cummings*  
L. E. Cummings

LEC:mjs

bc: Bob Williamson (Bulk, Inc./Herman Bros.)  
Wm. Gray (Attorney-Pittsburgh)  
R. M. Memmer  
E. A. Moran

12

Applicant's #12  
A-2106205  
Sept. 26, 1985  
PUC-MB  
Pgh.

P.O. Box 856  
Exton, PA 19341  
(215) 363-4400  
Telex: 902766



April 29, 1985

RECEIVED  
OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

Mr. Lee Cummings  
Vice President  
Lehigh Portland Cement Company  
718 Hamilton Mall  
Allentown, Pennsylvania 18105

Dear Lee:

After receiving the information last Friday about shipments from the York plant, we considered how NuBulk could fit into the picture.

As you know, NuBulk is a startup operation without any existing equipment and facilities. While the volume at York is attractive, the operational problems could not be resolved at this stage of NuBulk's development.

The seasonality (while better than Gray Cement) and the fact that NuBulk would not have any pickup equipment nearby to support breakdowns or meet peak demands led us to the conclusion that taking on the business would not be good for either Lehigh or NuBulk.

Thank you for giving us the opportunity to quote. Perhaps you will consider us at a time in the future when we are in a stronger position to serve you.

Thanks also for your cordial hospitality during my visit on Friday.

Sincerely,

*Francis X. Mc Dermott*  
Francis X. McDermott  
President

FXM/jh

DOCKETED  
OCT 22 1985

FILED



3

Applicant's Ex #13  
A-00106205  
Sept 26, 1985  
PUC-MIB  
Pgh.

April 24, 1985

Mr. L. E. Cummings  
Vice President - Distribution  
and Planning  
LEHIGH PORTLAND CEMENT COMPANY  
POB 1882  
Allentown, PA 18105

RECEIVED  
OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

Dear Lee,

As I mentioned to you yesterday . . . with the less than one week's notice you have given us, it is virtually impossible for our company to come up with the number of pieces of equipment required to handle your motor carrier requirements for your York, PA plant. However, now that Cement Express has extended its service to you for 90 more days, this allows us more than enough time to obtain the equipment for York.

As you know, Schwerman has authority out of York and we certainly welcome the ability to be able to serve you at this location. I'd appreciate seeing you soon -- as early as next week if you are available -- so that we can work out all the details.

I await your word . . .

Sincerely,

*Jack F. Schwerman*  
Jack F. Schwerman  
President

FILED

s

DOCKETED  
OCT 22 1985

CUMMINGS  
APR 26 1985

















OP-AEA-26 MTS E. #2  
(Rev. 5/83) A-00106205  
Sept. 26, 1985  
PUC-MB  
Pgh.

INTERSTATE COMMERCE COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

RECEIVED

MC 118816 SUB 10

SERVICE DATE

OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

MATERIALS TRANSPORT SERVICE, INC.  
NORTHAMPTON, PENNSYLVANIA

OCT 27 1983

This Certificate of Public Convenience and Necessity is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will become effective only when the carrier has met the compliance requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043), the designation of agents upon whom process may be served (49 CFR 1044), and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For common carriers with irregular route authority: Any irregular route authority authorized in this certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document and will be valid as long as the carrier maintains compliance with the above requirements.

By the Commission.

Agatha L. Mergenovich  
Secretary

(SEAL)

Note: If there are any discrepancies regarding this document please notify the Commission within 30 days.

DOCKETED  
OCT 22 1985

1

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives and household goods), between points in the United States (except Alaska and Hawaii).

Interstate Commerce Commission  
Office of the Secretary - Service Section  
Washington, D.C. 20423

Official Business  
Penalty For Private Use, \$300  
Address Correction Requested

NOV - 1 - 1983

Postage And Fees Paid  
Interstate Commerce Commission  
First Class Mail



MC118816/0010/ 35298 SCSS  
JOSEPH A. BUBBA, ESQUIRE  
740 HAMILTON MALL  
ALLENTOWN

PA 18101

PITS #3  
A-001 6205  
Sept. 26, 1985  
PUC-MB-Pgh

PM-31  
(Rev. 10/84)

INTERSTATE COMMERCE COMMISSION

RECEIVED

PERMIT

SERVICE DATE

OCT 21 1985

MC 118816 Sub 11

FEB 21 1985

SECRETARY'S OFFICE  
Public Utility Commission

MATERIALS TRANSPORT SERVICE, INC.  
NORTHAMPTON, PA

This Permit is evidence of the carrier's authority to engage in transportation as a contract carrier by motor vehicle.

This authority will be effective as long as the carrier maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043); the designation of agents upon whom process may be served (49 CFR 1044); the execution of contracts (49 CFR 1053)\*; and for passenger carriers, tariffs or schedules (49 CFR 1300 through 1310).

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

The transportation service to be performed is described on the reverse side of this document.

By the Commission.

JAMES H. BAYNE  
Secretary

(SEAL)

\*While the execution of contracts must be accomplished, it is unnecessary to file them with the Commission.

NOTE: If there are discrepancies regarding this Permit, please notify the Commission within 30 days.

DOCKETED  
OCT 22 1985

FOLDER

MC 118816 Sub 11

To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives and household goods), between points in the United States, under continuing contract(s) with commercial shippers or receivers of such commodities.

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Interstate Commerce Commission  
Office of the Secretary, Service Section  
Washington, D.C. 20423

Official Business  
Penalty For Private Use, \$300

Address Correction Requested



Postage And Fees Paid  
Interstate Commerce Commission  
First Class Mail  
ICC 630

MC118816/0011/  
JOSEPH A. HUNDA, ESQUIRE 35296 SCSS APR  
720 HAMILTON WALL  
ALLENTOWN

PA 18101

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Application Docket No. 93286

Application of MATERIALS TRANSPORT SERVICE, INC.,  
a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of MATERIALS TRANSPORT SERVICE, INC., a corporation of the Commonwealth of Pennsylvania, dated August 8, 1966, to operate motor vehicles as a common carrier, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by H. C. GABLER, INC., a corporation of the State of Delaware, under report and order issued at A. 83975, Folder 7 on June 10, 1963, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by MATERIALS TRANSPORT SERVICE, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following rights:

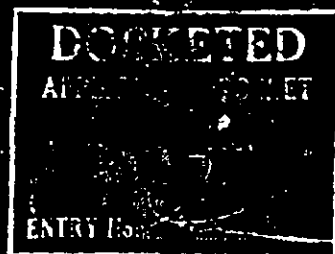
To transport, as a Class D carrier, dry cement, having a prior movement by rail or water or both, between points in Pennsylvania;

subject to the following conditions:

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

That no right, power or privilege is granted to transport dry cement between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) statute miles by the usually traveled highways of the limits thereof, except in bulk in tank vehicles or hopper-type vehicles.

That no right, power or privilege is granted to transport dry cement in dump vehicles.



A-00106205  
Sept. 26, 1985 - PUC - MB - Pgt. MTS Ex #4

... T  
FOLMER

DOCKETED  
OCT 22 1985

To transport, as a Class D carrier, cement in bags and cement in bulk in tank-type vehicle or hopper-type vehicle, 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;

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the Equipment Certificate to be subsequently issued.

SECOND: 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 rights 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.

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

FOURTH: That the applicant charge to Account 1550 - Other Intangible Property, \$40,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto, less any amount recorded under condition two above.

FIFTH: That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, November 13, 1967, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant, has not on or before thirty days from the date of service of this order complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*Henry J. Blom*  
Chairman

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OCT 21 1985  
SECRETARY'S OFFICE  
Public Utility Commission

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OCT 22 1985

POWER

CALL REPORT

Representative

Lou Chese  
RBT

MTS Ex #15  
A-00106205  
Sept. 26, 1985  
PUC-MB  
Pepu.

RECEIVED

OCT 21 1985

Firm Lehigh Portland Cement Co.

SECRETARY'S OFFICE  
Public Utility Commission

Address Allentown, PA (office)

City/State/Zip York, PA (plant)

Phone

TALKED TO:

Jay Young - LC  
Lee Cummings - RBT

OTHER COMMENTS:

Date of Call 4-24-85  
 By Phone  Personal Contact

CALL WAS:  
 Cold Call  From Adv. Lead  
 Follow-Up Call

THIS FIRM IS:  
 Regular Customer  Inactive Customer  
 Good Prospect  Not a Prospect

PURCHASE POSSIBILITIES:  
 Immediate  Future  Quote  No

ADD TO MAILING LIST:  
 Yes  No

Left Literature  Send Literature  
 Had Current Literature

Called Jay Young to inquire about Lehigh Portland losing CEI as its carrier at York. Jay confirmed and he thought that though discussions were being made no carrier had been chosen to replace CEI. (Lehigh rec. notice from CEI 4-22-85)

He asked if MTS interested - I said interested enough to talk more about operational specifics. He reported that operation is 100% white cement in bulk + both white + masonry in package. Jay suggested MTS speak w/ Lee Cummings, VP. (1982 American Cement Dir. indicates VP - Corp. Planning + Audit)

RBT spoke w/ Lee Cummings 4-29-85 about carrier situation at York. Mr. Cummings reported that Lehigh had a ~~str~~ handshake agreement with a carrier to take over their deliveries, but that he wasn't at liberty to say who the carrier was. RBT offered assistance as they might need it.

-85 R. Wilson learned today Herman Bros. to take-over operation at York. Trying to go in as non-union operation.

Teamster response??  
(Herman Bros. looking for tank equipment ASAP)  
Reported that Herman to use CEI PUC authority!

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OCT 22 1985

**END**