

LAW OFFICES OF
GRAF, KNUPP & ANDREWS, P. C.

RECEIVED

ROBERT EWING KNUPP (1932-1976)
CHRISTIAN V. GRAF
ROBERT L. KNUPP
FREDERICK W. ANDREWS
ROBERT D. KODAK
DAVID H. RADCLIFF
WILLIAM J. FULTON
KEVIN R. DERR

CAMERON MANSION
407 NORTH FRONT STREET
P. O. BOX 11848
HARRISBURG, PA 17108-1848

MAY 30 1985

OF COUNSEL
JOHN E. FULLERTON

~~San-Cast Transportation~~
Public Utility Comm.

717/238-7151
717/236-9318

WEST HANOVER TOWNSHIP OFFICE
7171 ALLENTOWN BOULEVARD
HARRISBURG, PA 17112
717/657-2858

FILE

May 29, 1985
File: 284.194

RE: TOWAWAY EXPRESS, INC., A. 106208 -
Protest of Morgan Drive Away, Inc.

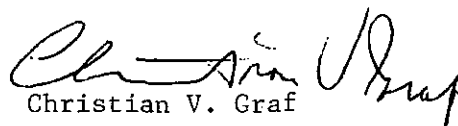
Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

RECEIVED
MAY 30 1985
SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

On behalf of Morgan Drive Away, Inc., I enclose the original and one copy of a protest to the above-captioned application. Copies are being forwarded to applicant, applicant's attorney and to protestant.

Very truly yours,


Christian V. Graf

CVG: tcr
Enclosures

cc: Towaway Express, Inc.
6780 Carlisle Pike
Mechanicsburg, Pennsylvania 17055

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

James B. Buda, Esquire
Morgan Drive Away, Inc.
28651 U.S. 20 West
Box 1168
Elkhart, Indiana 46514

Mr. Wayne Widders
Morgan Drive Away, Inc.
Box 349
Leola, Pennsylvania 17540

David H. Radcliff, Esquire

DOCUMENT
FOLDER

RECEIVED

MAY 30 1985

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

~~Mass-Ed Transportation~~
Public Utility Comm

In re: A-00106208. TOWAWAY EXPRESS, INC. (6780 Carlisle Pike, Mechanicsburg, Cumberland County, Pa. 17055), a corporation of the Commonwealth of Pennsylvania - (1) trailers (excluding mobile homes), trailer chassis, trailer converter dollies, and containers, and (2) materials, equipment, parts, and supplies used in the manufacture, assembly, servicing, distribution, and sale of the commodities named in (1) above, between points in Pennsylvania.

Applicant's attorney: Herbert R. Nurick, Esquire
P.O. Box 1166
100 Pine Street
Harrisburg, Pa. 17108-1166

Pennsylvania Bulletin reference: May 18, 1985, page 1883

PROTEST OF
MORGAN DRIVE AWAY, INC.
A. 86646

FILE

RECEIVED
MAY 30 1985
SECRETARY'S OFFICE
Public Utility Commission

1. The name, address and telephone number of protestant are:

MORGAN DRIVE AWAY, INC.
28651 U.S. 20 West
Box 1168
Elkhart, Indiana 46514
Telephone: A.C. 219, 295-2200

and

MORGAN DRIVE AWAY, INC.
Box 349
Leola, Pennsylvania 17540
Telephone: A.C. 717, 656-4161

2. The names, address and telephone number of protestant's attorneys are:

GRAF, KNUPP & ANDREWS, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, Pennsylvania 17101
Telephone: A.C. 717, 236-9318

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
MAY 30 1985
ENTRY No. *ml*

3. A. Protestant possesses authority at A. 86646, Folder 2, Am-J, copy attached as Exhibit A, whereunder protestant may provide all of the service requested by applicant.

B. Protestant renders an adequate and satisfactory service now and, accordingly, there is no need for the proposed service.

C. Additional competition posed by this applicant would have an adverse effect upon protestant.

4. Protestant knows of no amendment which will satisfy its interest but is willing to discuss the matter.

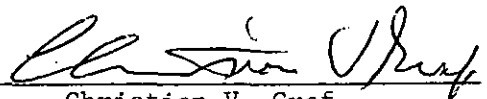
5. Pursuant to Sec. 333(c) of the Public Utility Code, protestant requests applicant's counsel to supply the names and addresses of all witnesses to be called and the names and addresses of the companies they may represent.

WHEREFORE, absent an appropriate amendment, protestant prays the application may be dismissed.

AND IT WILL EVER PRAY.

MORGAN DRIVE AWAY, INC.

By:



Christian V. Graf
Its Attorney

May 29, 1985

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of Morgan Drive-Away, Inc. for amendment to permit the transportation of, in driveaway, towaway, or truckaway service, trailers and semi-trailers and bodies and chassis therefor; trucks and truck bodies and truck chassis (except mobile homes); and truck tractors, between points in Pennsylvania.

A. 86646, F.2, Am-J

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S. §332(h)), the decision of Administrative Law Judge Herbert S. Cohen dated July 18, 1983 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the Application of Morgan Drive-Away, Inc. at A. 86646, F.2, Am-J is approved and that a certificate issued to Applicant on January 29, 1960, as amended, be further amended:

To transport, as a Class D carrier, in driveaway, towaway, or truckaway service, trailers and semi-trailers and bodies and chassis therefor; trucks and truck bodies and truck chassis (except mobile homes); and truck tractors, between points in Pennsylvania.

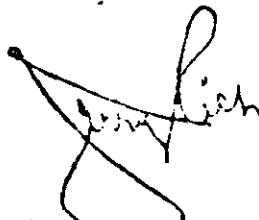
2. That the Applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

EXHIBIT A

3. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

4. That in the event said Applicant has not, on or before sixty (60) days from the date of service of this Order, complied with the requirements set forth above, application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized flourish or scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ENTERED: September 13, 1983

ARTHUR J. DISKIN
ATTORNEY AT LAW
A PROFESSIONAL CORPORATION
402 LAW & FINANCE BUILDING
PITTSBURGH, PA. 15219
TELEPHONE (412) 281-9494

May 31, 1985

FILE

Bureau of Non-Rail Transportation
Pa. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

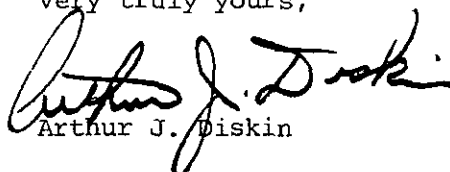
IN RE: Application of Towaway Express, Inc.; A. 106208

Gentlemen:

Enclosed is a protest which I am submitting on behalf
of Trailer Transit, Inc.

A copy is being sent to Herbert R. Nurick, Esq., attorney
for the applicant, P. O. Box 1166, 100 Pine Street, Harrisburg,
PA 17108-1166.

Very truly yours,


Arthur J. Diskin

AJD/cmm

Enclosure

cc: Herbert R. Nurick, Esq.
Trailer Transit, Inc.

RECEIVED

JUN 03 1985

Non-Rail Transportation
Public Utility Comm.

**DOCUMENT
FOLDER**

RECEIVED

JUN 03 1985

BEFORE THE

Non-Rail Transportation
Public Utility Comm. PENNSYLVANIA PUBLIC UTILITY COMMISSION

FILE

In Re: A-00106208. Towaway Express, Inc. (6780 Carlisle Pike, Mechanicsburg, Cumberland County, Pa. 17055), a corporation of the Commonwealth of Pennsylvania--(1) trailers (excluding mobile homes), trailer chassis, trailer converter dollies, and containers, and (2) materials, equipment, parts, and supplies used in the manufacture, assembly, servicing, distribution, and sale of the commodities named in (1) above, between points in Pennsylvania.

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

Pennsylvania Bulletin Reference: May 18, 1985, page 1883

Protests Due: June 10, 1985

PROTEST OF TRAILER TRANSIT, INC.

DOCKETED
APPLICATION DOCKET
JUN 3 1985
ENTRY No. *111*

1. The name, address, and telephone number of Protestant is:

TRAILER TRANSIT, INC.
R. D. 1 Forsythe Road
Presto, PA 15142
(412) 257-1222

2. The name, address, and telephone number of Protestant's Attorney is:

ARTHUR J. DISKIN, ESQ.
402 Law & Finance Building
Pittsburgh, PA 15219
(412) 281-9494

**DOCUMENT
FOLDER**

3. BASIS FOR PROTEST. Trailer Transit, Inc., has authority at A. 102966 and various folders thereunder authorizing transportation of new and used trailers (except mobile homes) between various specified points in Pennsylvania. Copies of the rights are attached hereto and made a part hereof. The application requests the right to transport

trailers (excluding mobile homes), etc., and the authority requested is in direct conflict with the authority presently held by Trailer Transit, Inc.

4. Trailer Transit, Inc., is ready, willing, and able to provide the service involved in this application within the territory authorized under its P.U.C. certificates. In addition, there are other certificated carriers who are presently providing service in transporting the specified commodities between points in Pennsylvania.

5. Trailer Transit, Inc., requests that the application be denied.

6. POSSIBLE RESTRICTION. No restrictions are possible.

7. HEARING. Trailer Transit, Inc., requests that a hearing be scheduled so that evidence can be presented by all parties and cross-examination can be conducted.

8. Protestant, Trailer Transit, Inc., intends to participate in the proceedings and requests that notice of the time and place of all hearings be given to Trailer Transit, Inc., and Arthur J. Diskin, Esq., at the addresses stated above.

Respectfully submitted,

TRAILER TRANSIT, INC.

BY:


Arthur J. Diskin, Attorney

DATED: May 31, 1985

OPERATING RIGHTS

OF

TRAILER TRANSIT, INC., AT A. 102966

To transport, by motor vehicle, new and used trailers (except mobile homes), between points in Pennsylvania for Fruehauf Division of Fruehauf Corporation, Cliff Industries, and Guest Trailer Rental, Inc.

David T. Gajdzik, vice president of Sauer Industries, Inc., entered a verified statement indicating that this supporting shipper is in the construction business with operations throughout Pennsylvania. It requires the movement of office trailers between job sites and needs a tractor to make such movement. It lists representative points as Pittsburgh to Indianola, Grove City to Courtney, Bridgeville to Lawrenceville, Pittsburgh to Harrisburg, Pittsburgh to Reading, and Reading to Grove City. Although Sauer has from time-to-time used its own company vehicles to perform this transportation it desires the availability of the applicant's certificated service. Sauer has encountered difficulty in finding a carrier willing to make a firm commitment to move two or three trailers from one job site to another. Each trailer requires a separate tractor and other carriers are reluctant to commit their tractors for this type of transportation.

We are convinced from the record before us that the applicant is providing a necessary specialized service for the shippers it now holds authority to serve and will provide a necessary service to the two additional shippers in this proceeding. The applicant does offer a somewhat unique service providing tractors for the transportation of shipper owned trailers. As previously stated the trailers may either be new moving from a point of manufacture to a dealership or customer or be used trailers used as offices or storage trailers. It is our determination that a between points service is warranted by this application as trailers move from one job site to another with no predictability in those movements. They occur as business moves from one point to another.

We find:

1. The applicant has the experience, fitness and equipment necessary to render the proposed service.
2. Approval of the application will provide a necessary service for the two supporting shippers.
3. Approval of the application is necessary for the accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued February 23, 1983, be amended to include the following right:

To transport, as a Class D carrier, new and used trailers, between points in Pennsylvania for Strick Corporation and Sauer Industries, Inc.

subject to the following condition.

That no right, power or privilege is granted to transport mobile homes.

A-102966, F1, Am B.

IT IS ORDERED: That the application, as amended and modified, be and is hereby approved and that the certificate issued on February 23, 1983, be amended to include the following right:

To transport, as a Class D carrier, new and used trailers for Mellon Stuart Company and Sargent Electric Company between points in that part of Pennsylvania lying in and west of the counties of Bedford, Blair, Clearfield, Elk and McKean.

subject to the following condition:

That no right, power or privilege is granted to transport mobile homes.

IT IS FURTHER ORDERED: That the right contained in the order adopted August 27, 1984, and entered September 4, 1984, shall be amended so that it now reads as follows:

To transport, as a Class D carrier, new and used trailers for Sauer Industries, t/d/b/a Central Equipment, between points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to transport mobile homes.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

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

FILE Non-Rail Transportation
Public Utility Comm.

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

RE: Application of Towaway Express, Inc.
Docket No. A-00106208

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
Enclosure

cc: Herbert R. Nurick, Esq. (w/encl.)

**DOCUMENT
FOLDER**

RECEIVED

RECEIVED

Before the JUN 11 1985

JUN 10 1985

PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE
Non-Rail Transportation Public Utility Commission
Public Utility Comm.

IN RE: Application of)
TOWAWAY EXPRESS, INC.) Docket No. A-00106208

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.

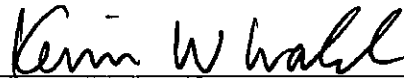
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DOCKETED
APPLICATION DOCKET
JUN 14 1985
ENTRY No. *mw*

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: Application of Towaway Express, Inc.

Docket No. A-00106208

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, at Paragraph 17 of its lead certificate, which authorizes the transportation of 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 150 statute miles of the limits of said borough. In addition, other authority held by this protestant may 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.

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 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 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 Towaway Express, Inc.

Docket No. A-00106208

APPENDIX C

Proposed Restrictive Amendment

Protestant C. L. Feather, Inc. knows of no restrictive amendment which would satisfy its interests in this application proceeding at this time.

EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
MOSES K. ROSENBERG
ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
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JAMES H. KING

OF COUNSEL

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

August 7, 1985

In re: Application of Towaway Express, Inc.
A-00106208

RECEIVED

AUG 8 1985

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

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

This confirms our telephone conversation with Bud Huntington of August 7, 1985, during which we informed Mr. Huntington that the applicant, in the above-captioned matter, waives the applicability of Act No. 294 as it relates to the requirement that hearings be commenced by the Administrative Law Judge within 90 days after the proceeding is initiated.

Very truly yours,

McNEES, WALLACE & NURICK

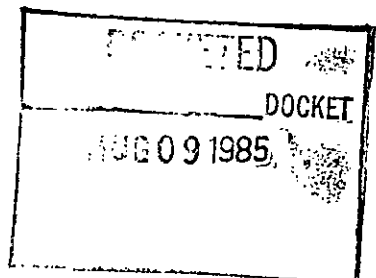
By

Herbert R. Nurick
Herbert R. Nurick



HRN/ec

cc: Mr. Bud Huntington
Christian V. Graf, Esquire
Arthur J. Diskin, Esquire
Kevin W. Walsh, Esquire
Mr. Thomas S. Sheaffer



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JAMES H. BOOSER
JAMES W. HAGAR
JAMES H. KING

RECEIVED

JAN 14 1986

SECRETARY'S OFFICE
Public Utility Commission

COUNSEL
HERBERT R. NURICK
SMUEL X. SCHRECKENGAUST, JR.
JEFFERSON C. BARNHART

January 13, 1986

In re: Application of Towaway Express, Inc.
A-00106208

Mr. Dwight Huntington
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

RECEIVED
JAN 14 1986
Office of the A.L.J.
Public Utility Commission

Dear Mr. Huntington:

We respectfully request that a hearing in the above-captioned matter be set for late March or early April, 1986, in Harrisburg. We shall be grateful for your cooperation.

Very truly yours,

MCNEES, WALLACE & NURICK

By *Herbert R. Nurick*
Herbert R. Nurick

HRN/jh

cc: Christian V. Graf, Esquire
Arthur J. Diskin, Esquire
Thomas M. Mulroy, Esquire
Mr. Thomas S. Sheaffer

DOCKETED
JAN 15 1986

FILED
FOLDF

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
January 14, 1986

In re: A-00106208

(See attached list)

Application of Towaway Express, Inc.

Right to begin to transport, (1) trailers (excluding mobile homes), trailer chassis, trailer converter dollies, and containers, and (2) materials, equipment, parts, and supplies used in the manufacture, assembly, servicing, distribution, and sale of the commodities named in (1) above, between points in Pennsylvania.

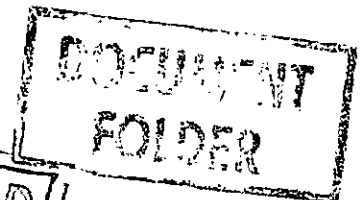
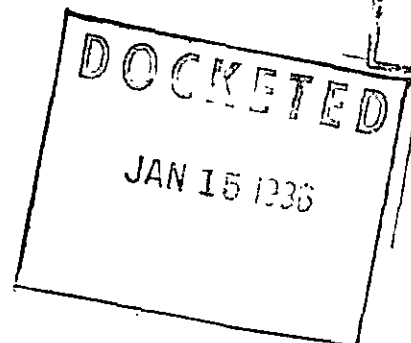
NOTICE

This is to inform you that an initial hearing on the above-captioned case will be held Tuesday and Wednesday, March 25 and 26, 1986, at 10:00 a.m., in available hearing room, Ground Floor, North Office Building, Harrisburg, Pennsylvania.

The presiding officer in this proceeding will be Administrative Law Judge Allison Turner. Judge Turner can be contacted at P.O. Box 3265, Harrisburg, Pennsylvania 17120; telephone (717) 783-5452.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Turner
Bureau of Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room



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McNees Wallace & Nurick
P O Box 1166
Harrisburg, PA 17108-1166

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6780 Carlisle Pike
Mechanicsburg, PA 17055

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Christian V. Graf, Esquire
Graf Knupp & Andrews
P O Box 11848
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402 Law & Finance Building
Pittsburgh, PA 15219

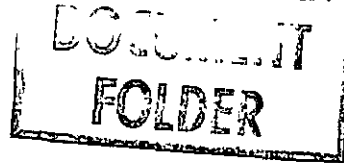
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March 7, 1986

STERLING G. MCNEES
1923-1959

DAVID M. WALLACE
1942-1967

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JAMES W. HAGAR
JAMES H. KING

OF COUNSEL

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

In re: Application of Towaway Express, Inc.
A-00106208

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

Dear Mr. Rich:

This office represents the applicant in the above-captioned matter. On behalf of our client, we have enclosed the original and two copies of a Restrictive Amendment, dated March 7, 1986.

With a copy of this letter, we are serving copies of the amendment on counsel for all protestants. We understand that the amendment will eliminate the protests of Morgan Drive Away, Inc. and C. L. Feather, Inc., and we request counsel for those protestants to write to you indicating the withdrawal of the protests of their respective clients. We also request counsel for those protestants to send us copies of their letters of withdrawal for our file.

The sole remaining protestant is Trailer Transit, Inc.

Very truly yours,

McNEES, WALLACE & NURICK

By 
Herbert R. Nurick

HRN/ec

Enclosures

cc: Honorable Allison Turner (w/enc.)
Christian V. Graf, Esquire (w/enc.)
Thomas M. Mulroy, Esquire (w/enc.)
Arthur J. Diskin, Esquire (w/enc.)
Mr. Thomas S. Sheaffer (w/enc.)

RECEIVED

MAR 10 1986

SECRETARY'S OFFICE
Public Utility Commission

EXHIBIT
FOLDER

RECEIVED

MAR 10 1986

SECRETARY'S OFFICE
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF
TOWAWAY EXPRESS, INC.
A-00106208

DOCKETED

MAR 10 1986

RESTRICTIVE AMENDMENT

Applicant hereby amends paragraph 8 of the above-captioned application so that the description of the authority which applicant seeks shall now read as follows:

To transport (1) trailers (excluding mobile homes, travel trailers, and office trailers), trailer chassis, trailer converter dollies, and containers, and (2) materials, equipment, parts, and supplies used in the manufacture, assembly, servicing, distribution, and sale of the commodities named in (1) above, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to render service for Morgan Corp. from its facilities;
2. That no right, power or privilege is granted to render service from the facilities of Boyertown Auto Body; and
3. That no right, power or privilege is granted to transport wrecked or disabled vehicles, or trailers, and replacement vehicles, or trailers; 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.

TOWAWAY EXPRESS, INC.

By Herbert R. Nurick
Herbert R. Nurick, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Applicant

Dated: March 7, 1986

LAW OFFICES OF
GRAF, KNUPP & ANDREWS, P. C.

ROBERT EWING KNUPP (1932-1976)
CHRISTIAN V. GRAF
ROBERT L. KNUPP
FREDERICK W. ANDREWS
ROBERT D. KODAK
DAVID H. RADCLIFF
WILLIAM J. FULTON
KEVIN R. DERR

CAMERON MANSION
407 NORTH FRONT STREET
P. O. BOX 11848
HARRISBURG, PA 17108-1848

OF COUNSEL
JOHN E. FULLERTON
—
717/238-7151
717/236-9318

WEST HANOVER TOWNSHIP OFFICE
7171 ALLENTOWN BOULEVARD
HARRISBURG, PA 17112
717/657-2858

March 10, 1986
File: 284.194

RE: TOWAWAY EXPRESS, INC., A. 106208 -
Protest of Morgan Drive Away, Inc.

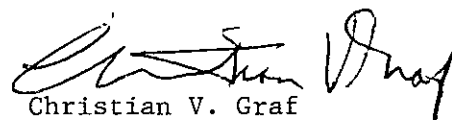
Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Dear Mr. Rich:

We have received the amendment submitted by applicant's attorney under date of March 7, 1986, and in consideration of and in reliance on said amendment, the protest of Morgan Drive Away, Inc. is hereby withdrawn and we will not attend the hearings scheduled on this matter at Harrisburg on March 25 and 26.

We are forwarding a copy of the amendment to our client and are marking this file closed.

Very truly yours,


Christian V. Graf

CVG:tcv

cc: Herbert R. Nurick, Esquire
McNees, Wallace & Nurick
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

James B. Buda, Esquire
Morgan Drive Away, Inc.
28651 U.S. 20 West
Box 1168
Elkhart, Indiana 46514

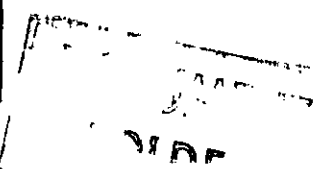
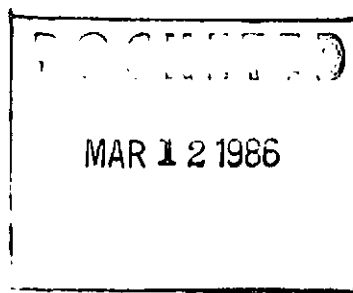
Mr. Wayne Widders
Morgan Drive Away, Inc.
Box 349
Leola, PA 17540

David H. Radcliff, Esquire

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MAR 11 1986

SECRETARY'S OFFICE
Public Utility Commission



ORIGINAL

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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March 17, 1986

MAR 19 1986

JOHN A. PILLAR
THOMAS M. MULROY

SECRETARY'S OFFICE
Public Utility Commission

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

RE: Application of Towaway Express, Inc.
Docket No. A-00106208

Dear Mr. Rich:

We are in receipt of a restrictive amendment dated March 7, 1986 which was submitted by counsel for the applicant. Contingent upon the terms of that restrictive amendment and the Commission's acceptance thereof, we are hereby authorized to withdraw the protest of C. L. Feather, Inc., a protestant represented by this office, to the above-docketed proceeding.

We do desire to remain a party of record for the receipt of any further Commission orders in this proceeding. If anything further is required, please contact the undersigned.

Very truly yours,



THOMAS M. MULROY

njm
cc: C. L. Feather, Inc.
Herbert R. Nurick, Esq.

DOCKETED
MAR 19 1986

**DOCKET
FOLDER**

MÓSES K. ROSENBERG
ARTHUR L. BERGER
FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WAISEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
CLYDE W. MCINTYRE
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ROBERT A. MILLS
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TELEPHONE (717) 232-8000

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STERLING G. MCNEES
1923-1989
DAVID M. WALLACE
1842-1987

RETIRED 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.

March 21, 1986

In re: Application of Towaway Express, Inc.
A-00106208

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MAR 21 1986
SECRETARY'S OFFICE
Public Utility Commission

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


Dear Mr. Rich:

With our letter of March 7, 1986, we filed a restrictive amendment (dated March 7, 1986) on behalf of the applicant in the above-captioned matter. Based on this amendment, the protests of Morgan Drive Away, Inc. and C. L. Feather, Inc., were withdrawn.

We have enclosed the original and two copies of a Revised Restrictive Amendment, dated March 21, 1986. With a copy of this letter, we are serving copies of the amendment on counsel for all protestants. We understand that this amendment will eliminate the protest filed on behalf of Trailer Transit, Inc. Arthur J. Diskin, counsel for Trailer Transit, Inc., has informed the undersigned that he will withdraw the protest of his client upon the filing of this Revised Restrictive Amendment and we request Mr. Diskin to send us a copy of his letter of withdrawal for our file. Following the withdrawal of the Trailer Transit protest, this case will be unopposed.

Very truly yours,

McNEES, WALLACE & NURICK

By 
Herbert R. Nurick

HRN/ec

Enclosure

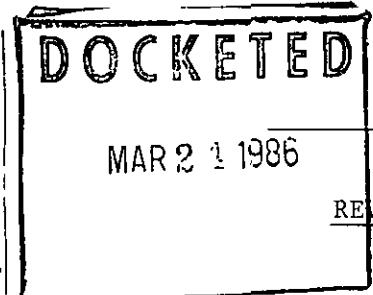
cc: Honorable Allison K. Turner (w/enc.)
Arthur J. Diskin, Esquire (w/enc.)
Christian V. Graf, Esquire (w/enc.)
Thomas M. Mulroy, Esquire (w/enc.)
Mr. Thomas S. Sheaffer (w/enc.)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF

TOWAWAY EXPRESS, INC.
A-00106208



REVISED RESTRICTIVE AMENDMENT

RECEIVED
MAR 21 1986
SECRETARY'S OFFICE
Public Utility Commission



Applicant hereby amends paragraph 8 of the above-captioned application so that the description of the authority which applicant seeks shall now read as follows:

To transport (1) trailers (excluding mobile homes, travel trailers, and office trailers), trailer chassis, trailer converter dollies, and containers, and (2) materials, equipment, parts, and supplies used in the manufacture, assembly, servicing, distribution, and sale of the commodities named in (1) above, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to render service for Morgan Corp. from its facilities;
2. That no right, power or privilege is granted to render service from the facilities of Boyertown Auto Body;
3. That no right, power or privilege is granted to render service for Cliff Industries; Gelco Space; Guest Trailer Rentals, Inc.; or Sauer Industries, t/d/b/a Central Equipment;
4. That no right, power or privilege is granted to render service for Mellon Stuart Company or Sargent Electric Company, between points in that part of Pennsylvania lying in and west of the counties of Bedford, Blair, Clearfield, Elk and McKean;

5. That no right, power or privilege is granted to transport storage trailers for Ruthrauff, Inc., between points in Pennsylvania located on and west of U.S. Highway Route 15; and
6. That no right, power or privilege is granted to transport wrecked or disabled vehicles, or trailers, and replacement vehicles, or trailers; 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.

TOWAWAY EXPRESS, INC.

By *Herbert R. Nurick*
Herbert R. Nurick, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Applicant

Dated: March 21, 1986

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
March 21, 1986

In re: A-00106208

(See letter dated 1/14/86)

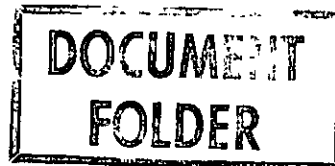
Application of Towaway Express, Inc.

N O T I C E

This is to inform you that at the request of counsel for applicant, the initial hearing now scheduled to be held on Tuesday and Wednesday, March 25 and 26, 1986, in Harrisburg in the subject proceeding has been postponed to an indefinite date.

Please change your records accordingly.

cc: Judge Turner
Bureau of Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room



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MAR 27 1986

ARTHUR J. DISKIN
ATTORNEY AT LAW
A PROFESSIONAL CORPORATION
402 LAW & FINANCE BUILDING
PITTSBURGH, PA. 15219
TELEPHONE (412) 281-9494

SECRETARY'S OFFICE
Public Utility Commission

March 21, 1986

Hon. Allison Turner
Administrative Law Judge
Pa. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

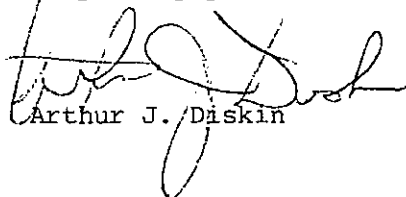
IN RE: A. 106208; Application of Towaway Express, Inc.

Dear Judge Turner:

I represent a protestant, Trailer Transit, Inc., in the above application which is scheduled for hearing on March 25 and 26, 1986, in Harrisburg.

This letter is to confirm the fact that based upon the restrictive amendment submitted on Friday, March 21, 1986, by the applicant, the protest of Trailer Transit, Inc., is hereby withdrawn. Our withdrawal, of course, is conditioned upon the acceptance of the amendment by the Commission. We also wish to remain a party of record to receive all further orders and correspondence.

Very truly yours,


Arthur J. Diskin

AJD/cmm

cc: Herbert R. Nurick, Esq.

FOLDER

MAR 27 1986

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MAR 26 1986

Office of A. L. J.
Harrisburg

APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00106208
CASE NAME Towaway Express, Inc.
HEARING LOCATION Harrisburg, PA.
HEARING DATE March 25 & 26, 1986
ALJ Turner

CHECK THOSE BLOCKS WHICH APPLY:
Hearing held YES ___ NO ___
Testimony taken YES ___ NO ___
Hearing concluded YES ___ NO ___
Further hearing needed YES ___ NO ___
Estimated add'l days _____
RECORD CLOSED YES ___ NO ___
Date _____
Briefs to be filed YES ___ NO ___
Date _____
BENCH DECISION YES ___ NO ___

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MAR 24 1986

Office of A. L. J.
Public Utility Commission

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Telephone No. ()	City	State	Zip	<div data-bbox="1085 1302 1444 1596" data-label="Text"><p>DOCKETED MAR 23 1986</p></div> <div data-bbox="1085 1638 1444 1848" data-label="Text"><p>DOCUMENT FOLDER</p></div>
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Reporter h

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MOSES K. ROSENBERG
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1923-1959
DAVID M. WALLACE
1942-1967

RETIRED PARTNERS

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JAMES W. HAGAR
JAMES H. KING

OF COUNSEL

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

March 27, 1986

In re: Application of Towaway Express, Inc.
A-00106208

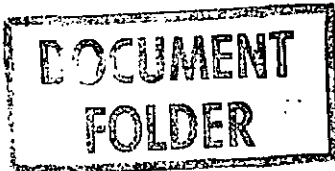
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MAR 28 1986
SECRETARY'S OFFICE
Public Utility Commission

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

Dear Mr. Rich:

The hearing scheduled, in the above-captioned matter, for March 25 and 26, 1986, was postponed to an indefinite date. The purpose of the postponement was to allow for Arthur J. Diskin, Esquire, to review a revised restrictive amendment, which was filed with the Commission on March 21, 1986. By letter of March 21, 1986, Mr. Diskin wrote to Judge Turner stating that the protest of his client, Trailer Transit, Inc., to the Towaway Express, Inc. application, is withdrawn.

This case is now unopposed and we respectfully request that it be assigned to the Bureau of Transportation for handling on verified statements.



Very truly yours,

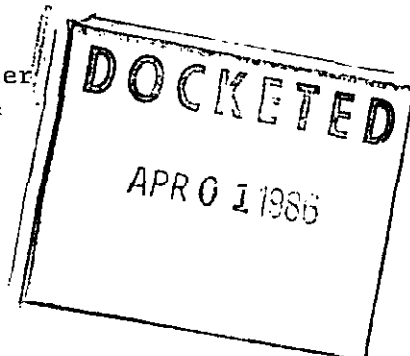
McNEES, WALLACE & NURICK

By

Herbert R. Nurick
Herbert R. Nurick

HRN/ec

cc: Honorable Allison K. Turner
Arthur J. Diskin, Esquire
Mr. Bud Huntington
Mr. Thomas S. Sheaffer



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MAR 28 1986

Office of A. L. J.
Public Utility Commission