

and efficient service. Toy's base of operations just off U S Route 422 in Worthington, Pennsylvania, is neared to our home office in Butler and in the center of, or close to, most of the producers of the coal we buy or our coal that we sell.

6. The type of service required by my Company is the pickup, hauling and delivery of coal, in bulk, in dump vehicles, from the facilities, inter alia, of the following named shippers, as shown, and to points in Pennsylvania up to 120 miles from point of origin to point of destination.

7. Representative hauls of coal from our facilities or those from whom we purchase coal at the production site and then transport it to a destination from the facilities shown in Paragraph No. 3 above, Exhibit "A", are to the following destinations:

<u>Purchaser</u>	<u>Destination</u>	<u>County</u>
General Electric	Erie	Erie
Hammermill Paper	"	"
Codan Dock	"	"
Pennsylvania Electric Co	Warren	Warren
" " "	Seward	Westmoreland
" " "	Homer City	Indiana
" " "	Erie	Erie
Pennsylvania Power .	West Pittsburgh	Lawrence
Ohio Edison	Shippingport	Beaver
AES	Beaver Valley Plant	Beaver

McIntire Tipple	Shelocta	Indiana
Florence Mining	New Florence	"
West Penn Tipple	Marion Center	"
Hough Power Station	New Florence	"
Duquesne Light	Midland Plant	Beaver
" "	El Ramey Plant	Allegheny
" "	Cheswick Plant	"
Mercer Lime	Branchton Plant	Mercer
Slippery Rock University	Slippery Rock	Butler
Penneco Refineries	Karns City	"
Quaker State Refining	Emlenton	Venango
Essroc Cement	Bessemer	Lawrence
Medusa Cement	Wampum	"
Grove City College	Grove City	Mercer
West Penn Power	Reesedale	Armstrong
H J Heinz	Pittsburgh	Allegheny
Iron City Brewing	Pittsburgh	Allegheny
Pennsylvania Mining	Dilltown	Indiana
Sunbeam Coal Tipple	Byers	"
Rosebud Mining Tipple	Bruin	Butler
Amerikohl Tipple	West Pittsburgh	Allegheny
Amerikohl Tipple	Hooker	Butler
Adobe Mining	Princeton	Lawrence
Adobe Mining	Grove City	Mercer
Allegheny Minerals	Tarrtown	Armstrong
BMB/Malinski	Claytonia	Butler
Weleski Dock	Tarentum	Allegheny
Beaver Concrete	Rochester	Beaver
North Star Dock	Monaca	"
Freeport Terminals	Freeport	Armstrong

8. The type of service required by my Company is the hauling of coal in bulk in dump vehicles, tri-axle or tractor trailer trucks of large capacity. No one else has recently asked me to support a similar application for this type of rights.

9. My Company is aware of the reliable and efficient service that Applicant has provided it with in hauling up to 1,000 tons of coal per day

under his present rights. As we keep expanding our production we need someone like Applicant to expand with it. Applicant enjoys a very good reputation among the producers and shippers of coal.

10. My Company feels that Applicant is an excellent carrier and that the granting of the additional rights sought will enable us to better utilize Applicant's trucks with larger hauls.

**AMERIKOHL MINING, INC. and
AMERIKOHL, INC.**

By _____

Gerard P. Baroffio
Gerard P. Baroffio
Vice President

Sworn to and subscribed before me

this 30th day of March, 1992

Shirley J. Bowser

Notary Public

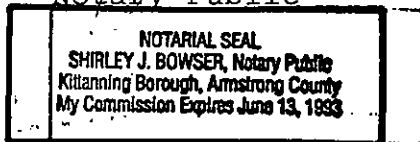


EXHIBIT "A"

<u>Name</u>	<u>Township</u>	<u>County</u>
Sugar Creek	Bradys Bend	Armstrong
St. Patricks	Sugarcreek	Armstrong
Nye	Big Beaver	Beaver
Gibbons	Big Beaver	Beaver
Darlington	Darlington	Beaver
Casciato	S Beaver	Beaver
Lindsay	Unity	Ohio
Montgomery	Muddy Creek	Butler
Penreco Park	Fairview	Butler
McCullough	Fairview	Butler
Brucker	Concord	Butler
Castellano	Lancaster	Butler
Bergbigler	Clearfield	Butler
McCormic	Donegal	Butler
Casper/Lewis	Clearfield	Butler
Clymer	Oakland	Butler
Brown	Concord	Butler
Rebco	Washington	Butler
Elliott	Oakland	Butler
Shuty #2	Concord	Butler
Campbell	Concord	Butler
Omer	Fairview	Butler
Stone	Washington	Butler
Hutchison	Oakland	Butler
Hindman	Concord/Fairview	Butler
Schneider	Fairview	Butler
Lynch	Parker	Butler
Henninger	Parker	Butler
Geiher	Connoquessing	Butler
Bratkovich	Fairview	Butler
Pribis	Fairview	Butler
Oliver	Upper Tyrone	Fayette
Prinkey	Saltlick	Fayette
Ritenour	Saltlick	Fayette
Costal	Wharton	Fayette
Ritenour II	Saltlick	Fayette
Livengood	Wharton	Fayette
Rush	Upper Tyrone	Fayette
Headley	Green	Green
Paige	Shenango/Wayne	Lawrence
Zak	Shenango	Lawrence
Wilson	Wayne	Lawrence
Delmar	Wayne	Lawrence
Reino	Wayne	Lawrence
Kennedy	N Beaver	Lawrence

Exhibit "A" continued

Lindow	Slippery Rock	Lawrence
Brooks	Wayne	Lawrence
Gardner	Wayne	Lawrence
Castlewood	Slippery Rock	Lawrence
Cousins	Hickory	Lawrence
McClimans	Shennango	Lawrence
Shaffer	Perry	Lawrence
Landstreet	Paint	Somerset
Seanor	Paint	Somerset
Kern	Shade	Somerset
Lentz	Unity	Westmoreland
Davis	S Huntingdon	Westmoreland
Schott	Mt Pleasant	Westmoreland
T-560	Rostraver	Westmoreland
Brown	Upper Tyrone	Fayette
Shaffer	Perry	Lawrence

3. As of now we are purchasing and selling coal from the facilities of Allegheny River Mining Company, Pittsburgh & Shawmut Railroad Company, Shawmut Development, Inc., T D K Coal Sales, Inc., Walter L. Houser Coal Company, S B P Coal Company, D J W Mining, Inc., Hilliard Mining, Inc., D W L Coal Company, Mahoning Mining, Eastern Materials Corp. and Canterbury Coal Company, inter alia.

4. Our 1991 sales of coal from all sources were in excess of 1,600,000 tons and projected sales for 1992 indicate an increase of approximately 300,000 tons over 1991 for a projected 1,900,000 tons during 1992. We will be using Applicant and his trucks with the longer authority to haul 1,000 tons per day or more or about 260,000 tons, more or less, on an annual, projected basis.

5. Due to the need for a large number of trucks we will have a need for the services of Toy Trucking Company on a steady, daily basis. Toy Trucking Company has had a long standing relationship with our Company and has provided it with very dependable, efficient service. Toy's base of operations in Worthington, Pennsylvania,

is near to our main office and in the center of or close to most of the producers^d the coal we buy.

6. The type of service required by my Company is the pickup, hauling and delivery of coal, in bulk, in dump vehicles, from the facilities, inter alia, of the following named shippers, as shown and to points in Pennsylvania up to 120 miles from point of origin to point of destination.

7. Representative hauls are now being made of our coal from the producers listed above from the facilities of each as shown:

<u>Facilities of</u>	<u>Location</u>
Allegheny River Mining Co	Cadogan, S Buffalo Twp. Armstrong Co
Pittsburgh & Shawmut Railroad	Walker Mine, S Buffalo Twp. " "
T D K Coal Sales, Inc.	Adrian, E Franklin Twp. " "
" " " "	Dewey, Bradys Bend Twp. " "
" " " "	Slabtown, Boggs Twp. " "
S P P Coal Company	Colwell Tipple, Mahoning Twp " "
Eastern Materials Corp.	Bridgburg Tipple, " " " "
" " " "	Bonner, E Franklin Twp. " "
" " " "	Graff, W Franklin Twp. " "
" " " "	Bruin, Perry Twp. " "
" " " "	Slippery Rock, Slippery Rock Twp, Butler Co
D J W Mining, Inc.	Cogley, Wayne Twp., Armstrong Co
W. L. Houser Coal Company	Kinnard, Kittanning Twp. " "
Canterbury Coal Company	David/DiAnne, Kiskiminetas Twp." "
D W L Coal Company	Borchert, Venango Twp., Butler Co
Hilliard Mining Company	N Washington, Washington Twp. Butler Co
Mahoning Mining Co	Slippery Rock, Slippery Rock Twp. Butler Co

8. These hauls are being made for us from the above facilities to the following destinations in Pennsylvania:

<u>Purchaser</u>	<u>Destination</u>	<u>County</u>
General Electric	Erie	Erie
Hammermill Paper	"	"
Codan Dock	"	"
Pennsylvania Electric Co	Warren	Warren
" " "	Seward	Westmoreland
" " "	Homer City	Indiana
" " "	Erie	Erie
Pennsylvania Power	West Pittsburgh	Lawrence
Ohio Edison	Shippingport	Beaver
AES	Beaver Valley Plant	Monacca
McIntire Tipple	Shelocta	Indiana
Florence Mining	New Florence	"
West Penn Tipple	Marion Center	"
Hough Power Station	New Florence	"
Duquesne Light	Midland Plant	Beaver
" "	El Ramey Plant	Allegheny
" "	Cheswick Plant	"
Mercer Lime	Branchton Plant	Mercer
Slippery Rock University	Slippery Rock	Butler
Peneco Refineries	Karns City	"
Quaker State Refining	Emlenton	Venango
Essroc Cement	Bessemer	Lawrence
Medusa Cement	Wampum	"
Grove City College	Grove City	Mercer
West Penn Power	Reesedale	Armstrong
H J Heinz	Pittsburgh	Allegheny
Iron City Brewing	Pittsburgh	Allegheny
Pennsylvania Mining	Dilltown	Indiana
Sunbeam Coal Tipple	Boyers	"
Rosebud Mining Tipple	Bruin	Butler
Amerikohl Tipple	West Pittsburgh	Allegheny
Amerikohl Tipple	Hooker	Butler
Adobe Mining	Princeton	Lawrence
Adobe Mining	Grove City	Mercer
Allegheny Minerals	Tarrtown	Armstrong
BMB/Malinski	Claytonia	Butler
Weleski Dock	Tarentum	Allegheny
Beaver Concrete	Rochester	Beaver
North Star Dock	Monaca	"
Freeport Terminals	Freeport	Armstrong

9. The type of service required by my Company is the hauling of coal in bulk in dump vehicles, tri-axle or tractor trailer trucks of large capacity. No one else has recently asked me to

support a similar application for this type of rights.

10. My Company is aware of the reliable and efficient service that Applicant has provided it with in hauling up to 1,000 tons of coal per day under his present rights. As we keep expanding our production we need someone like Applicant to expand with it. Applicant enjoys a very good reputation among the producers and shippers of coal.

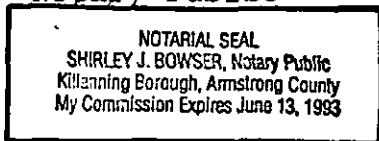
11. My Company feels that Applicant is an excellent carrier and that the granting of the additional rights sought will enable us to better utilize Applicant's trucks with larger hauls.

PITTSBURGH & SHAWMUT COAL COMPANY

By *Dane A. Potts*
Dane A. Potts
Shipping Director

Sworn to and subscribed before me
this 30th day of March, 1992

Shirley J. Bowser
Notary Public





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

April 3, 1992

IN REPLY PLEASE
REFER TO OUR FILE

BLAIR F GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING PA 16201-1517

In re: A-00099448, F. 1, Am-C - Application of Toy Trucking Company

Dear Mr. Green:

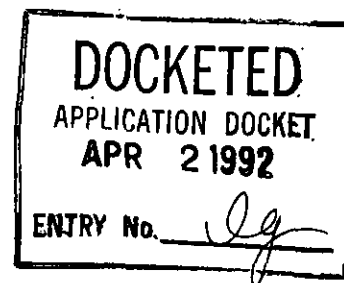
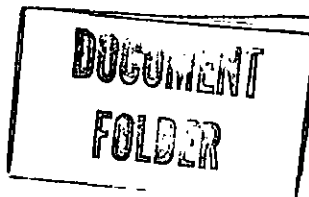
We have received the verified statements filed in the above referenced proceeding.

The record will be reviewed and will be put before the Commission for its decision. You will be notified of the Commission's action.

Very truly yours,

By Richard H. White
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

RHW:kmb





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

April 3, 1992

IN REPLY PLEASE
REFER TO OUR FILE

BLAIR F GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTINGING PA 16201-1517

In re: A-00099448, F. 1, Am-E - Application of Toy Trucking Company

Dear Mr. Green:

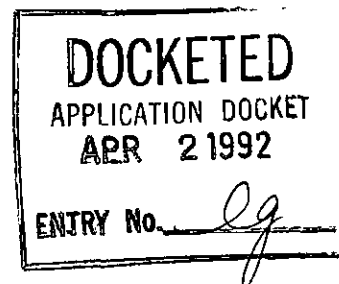
We have received the verified statements filed in the above referenced proceeding.

The record will be reviewed and will be put before the Commission for its decision. You will be notified of the Commission's action.

Very truly yours,

By Richard H. White
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

RHW:kmb





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

May 29, 1992

IN REPLY PLEASE
REFER TO OUR FILE

BLAIR F GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTTANNING PA 16201-1517

In re: A-00099448, F. 1, Am-C - Application of Toy Trucking Company

Dear Mr. Green:

By the above-referenced application, Toy Trucking Company has applied for the right to transport coal from points within 125 statute miles of the borough of Worthington, Armstrong County, to points in Pennsylvania, provided no haul shall exceed 125 statute miles from point of origin to point of destination. Twenty-three carriers protested the application, resulting a prehearing conference held on April 9, 1991, and two evidentiary hearings held on September 24, 1991 and November 26, 1991.

As a result of a restrictive amendment submitted at the hearing of November 26, 1991, all protests were withdrawn and the matter was referred for further handling under modified procedure. A copy of the restrictive amendment is attached hereto for your convenience.

The amendment has the effect of limiting service for four specific shippers, i.e., B & B Coal Associates, Inc., Pittsburgh & Shawmut Coal Company, Amerikohl, Inc., and Amerikohl Mining, Inc., subject to various restrictions. In response to our request, verified statements of the applicant and the four shippers were submitted. Our review of the four shipper statements reveals a glaring conflict between the service needs of B & B Coal Associates, Pittsburgh & Shawmut Coal and the provisions contained in the restrictive amendment.

You will note that the right to serve B & B Coal Associates and Pittsburgh & Shawmut Coal are both limited to providing service to and from the facilities of specifically named business concerns. Very simply, any shipment picked up within the 125 mile radius of the borough of Worthington must be picked up at the facilities of one of the named business concerns and then delivered to another of the named business concerns.

The verified statements of B & B Coal and Pittsburgh & Shawmut Coal show service needs which cannot be met under the provisions of the restrictive amendment. For example, B & B Coal purchases coal from each of the businesses (coal producers) listed in the restrictive amendment and has that coal shipped directly to customers not named in the amendment located at points such as Erie, Warren, Shawville, New Castle, etc. Very simply, the applicant cannot perform this service.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
MAY 29 1992
ENTRY No. 29

The same conditions exist with Pittsburgh & Shawmut Coal. It purchases coal from each of the coal producers named in the restrictive amendment and has the coal shipped directly to customers not named in the amendment, such as General Electric, Duquesne Light, Pennsylvania Power, etc. It must be kept in mind that under the language of the restrictive amendment, service can only be provided to and from the facilities of each shipper named in the amendment.

Upon reading the transcript of the hearing of November 26, 1991, the language used in the amendment, particularly the wordage "to and from", was discussed and the shortcomings were pointed out by both the Judge and protestant's counsel. It was suggested that a better choice of words would have been "to or from. Unfortunately, the amendment was not revised and we have the results which are adverse to the applicant and the shippers.

At this stage, there is little to do but approach each of the protestants of record with a revised restrictive amendment containing the appropriate language "to or from" the facilities of . . . and ascertain whether or not they have any objections. Otherwise, we will have no alternative but to review the application based on the record we now have which undoubtedly will result in a less than favorable decision.

We will allow a period of thirty days to review this matter and to contact the protestants with regard to their reactions (in writing) toward acceptance of a revised amendment. If no response is forthcoming in that time, an order will be prepared from the evidence of record as it now stands. The information will be due in our office by June 29, 1992.

Should you have any questions or need additional time, do not hesitate to contact the undersigned at 717-787-4387.

Very truly yours,



Richard H. White
Technical Review Section
Bureau of Transportation

RHW:kmb

cc: David C. Toy
Toy Trucking Company
R.D. #1, Box 103
Worthington, PA 16262

A-00099448, F.I., Am-C, DW

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do so will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

- 1. Show to whom delivered, date, and addressee's address. (Extra charge)
- 2. Restricted Delivery (Extra charge)

3. Article Addressed to:

L


DAVID C TOY
 TOY TRUCKING COMPANY
 R D #1, BOX 103
 WORTHINGTON PA 16262

4. Article Number: 044344

Type of Service:

- Registered
- Certified
- Express Mail
- Insured
- COD
- Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X 

6. Signature - Agent
X

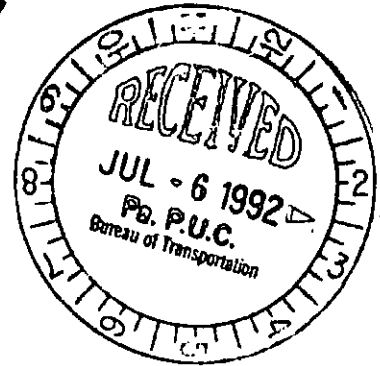
7. Date of Delivery
JUN 1 - 1992

8. Addressee's Address (ONLY if requested and fee paid)

RETURN TO TECH REV/RM 409 T&S

BLAIR F. GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517
TEL. (412) 543-2219
FAX (412) 543-2310

June 4, 1992



Herbert R. Nurick
McNees Wallace & Nurick
Attorneys at law
100 Pine St P O Box 1166
Harrisburg PA 17108-1166

Re: A-00099448, F. 1, Am-C
Application of Toy Trucking Company

Dear Mr. Nurick:

As you will recall the last restrictive amendment resulted in the withdrawal of all protests. I enclose a copy of a revised restrictive amendment from the last one we submitted which, in paragraph 1(B), limited the transportation for B & B Coal Associates, Inc., "to and from" certain facilities, and in paragraph 1(C) limited the transportation for Pittsburgh & Shawmut Coal Company "to and from" certain facilities.

At the hearing where the last restrictive amendment was proposed, it was supposed to have been changed to limited transportation for B & B Associates, Inc. "to or from" certain facilities in paragraph 1(B) and for Pittsburgh & Shawmut Coal Company "to or from" certain facilities. When I received a copy of this last amendment and we then submitted verified statements of the shippers, I did not notice the change had not been made by the court reporter.

I enclose a copy of a restrictive amendment exactly the same as the last one submitted with the changes "to or from" in paragraphs 1(B) and 1(C) from "to and from".

The Technical Review Section has asked me to approach protestants and ascertain whether or not they have any objections to this change. I only have until the end of June so I would appreciate your reactions to this in writing advising of the acceptance or rejection of the revised amendment.

I really must hear from you soon and thank you in advance for your courtesy in a prompt reply.

Very truly yours,

Blair F. Green

BFG/sb
Enclosure

BLAIR F. GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517
TEL. (412) 543-2219
FAX (412) 543-2310

June 4, 1992

David H. Radcliff
Graf Andrews & Radcliff
Attorneys at law
407 North Front St
Harrisburg PA 17101

Re: A-00099448, F. 1, Am-C
Application of Toy Trucking Company

Dear Mr. Radcliff:

As you will recall the last restrictive amendment resulted in the withdrawal of all protests. I enclose a copy of a revised restrictive amendment from the last one we submitted which, in paragraph 1(B), limited the transportation for B & B Coal Associates, Inc., "to and from" certain facilities, and in paragraph 1(C) limited the transportation for Pittsburgh & Shawmut Coal Company "to and from" certain facilities.

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Very truly yours,

Blair F. Green

BFG/sb
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BLAIR F. GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517
TEL. (412) 543-2219
FAX (412) 543-2310

June 4, 1992

John A. Pillar
Pillar and Mulroy
Attorneys at law
312 Boulevard of the Allies
Pittsburgh PA 15222

Re: A-00099448, F. 1, Am-C
Application of Toy Trucking Company

Dear Mr. Pillar:

As you will recall the last restrictive amendment resulted in the withdrawal of all protests. I enclose a copy of a revised restrictive amendment from the last one we submitted which, in paragraph 1(B), limited the transportation for B & B Coal Associates, Inc., "to and from" certain facilities, and in paragraph 1(C) limited the transportation for Pittsburgh & Shawmut Coal Company "to and from" certain facilities.

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I really must hear from you soon and thank you in advance for your courtesy in a prompt reply.

Very truly yours,

Blair F. Green

BFG/sb
Enclosure

BLAIR F. GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517

TEL. (412) 543-2219
FAX (412) 543-2310

June 4, 1992

Dwight L. Koerber, Jr
Kriner Koerber & Kirk
Attorneys at law
110 North Second St P O Box 1320
Clearfield PA 16830

Re: A-00099448, F. 1, Am-C
Application of Toy Trucking Company

Dear Mr. Koerber:

As you will recall the last restrictive amendment resulted in the withdrawal of all protests. I enclose a copy of a revised restrictive amendment from the last one we submitted which, in paragraph 1(B), limited the transportation for B & B Coal Associates, Inc., "to and from" certain facilities, and in paragraph 1(C) limited the transportation for Pittsburgh & Shawmut Coal Company "to and from" certain facilities.

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Very truly yours,

Blair F. Green

BFG/sb
Enclosure

BLAIR F. GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517
TEL. (412) 543-2219
FAX (412) 543-2310

June 4, 1992

William J. Lavelle
Vuono Lavelle & Gray
Attorneys at law
2310 Grant Bldg
Pittsburgh PA 15219

Re: A-00099448, F. 1, Am-C
Application of Toy Trucking Company

Dear Mr. Lavelle:

As you will recall the last restrictive amendment resulted in the withdrawal of all protests. I enclose a copy of a revised restrictive amendment from the last one we submitted which, in paragraph 1(B), limited the transportation for B & B Coal Associates, Inc., "to and from" certain facilities, and in paragraph 1(C) limited the transportation for Pittsburgh & Shawmut Coal Company "to and from" certain facilities.

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Very truly yours,

Blair F. Green

BFG/sb
Enclosure

BLAIR F. GREEN
ATTORNEY AT LAW
185 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517
TEL. (412) 543-2219
FAX (412) 543-2310

June 4, 1992

John E. Fullerton
Attorney at law
407 Front St
Harrisburg PA 17101

Re: A-00099448, F. 1, Am-C
Application of Toy Trucking Company

Dear Mr. Fullerton:

As you will recall the last restrictive amendment resulted in the withdrawal of all protests. I enclose a copy of a revised restrictive amendment from the last one we submitted which, in paragraph 1(B), limited the transportation for B & B Coal Associates, Inc., "to and from" certain facilities, and in paragraph 1(C) limited the transportation for Pittsburgh & Shawmut Coal Company "to and from" certain facilities.

At the hearing where the last restrictive amendment was proposed, it was supposed to have been changed to limited transportation for B & B Associates, Inc. "to or from" certain facilities in paragraph 1(B) and for Pittsburgh & Shawmut Coal Company "to or from" certain facilities. When I received a copy of this last amendment and we then submitted verified statements of the shippers, I did not notice the change had not been made by the court reporter.

I enclose a copy of a restrictive amendment exactly the same as the last one submitted with the changes "to or from" in paragraphs 1(B) and 1(C) from "to and from".

The Technical Review Section has asked me to approach protestants and ascertain whether or not they have any objections to this change. I only have until the end of June so I would appreciate your reactions to this in writing advising of the acceptance or rejection of the revised amendment.

I really must hear from you soon and thank you in advance for your courtesy in a prompt reply.

Very truly yours,

Blair F. Green

BFG/sb
Enclosure

BLAIR F. GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517
TEL. (412) 543-2218
FAX (412) 543-2310

June 4, 1992

Sally A. Davoren
Attorney at law
201 Pilgrims Bldg
508 Allegheny River Blvd
Oakmont PA 15139

Re: A-00099448, F. 1, Am-C
Application of Toy Trucking Company

Dear Ms. Davoren:

As you will recall the last restrictive amendment resulted in the withdrawal of all protests. I enclose a copy of a revised restrictive amendment from the last one we submitted which, in paragraph 1(B), limited the transportation for B & B Coal Associates, Inc., "to and from" certain facilities, and in paragraph 1(C) limited the transportation for Pittsburgh & Shawmut Coal Company "to and from" certain facilities.

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Very truly yours,

Blair F. Green

BFG/sb
Enclosure

LAW OFFICES

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PITTSBURGH, PA. 15219-2383

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DENNIS J. KUSTURISS
CHRISTINE M. DOLFI
PETER J. SCANLON

June 8, 1992
RW

TELECOPIER
(412) 471-4477

• ALSO MEMBER OF FLORIDA BAR

Re: Toy Trucking Company
Docket No. A-00099448, F. 1, Am-C
Our File 1773P-135

Blair F. Green, Esq.
125 North McKean Street
Kittanning, PA 16201-1517

Dear Mr. Green:

I have reviewed your letter dated June 4, 1992 and the proposed revised Restrictive Amendment which would change the conditions in part (1)(B) and (1)(C) of the Restrictive Amendment dated November 26, 1991 by changing the current language from "to and from the facilities of" to "to or from the facilities of".

On behalf of the protestants we represent, we have strong objections to this change. Throughout the negotiations which resulted in the November 26, 1991 Restrictive Amendment, the language "to and from" was employed. It was on the basis of that language, in part, that most of the protestants represented by this office withdrew their opposition to the application. Had the amendment been worded as it is now being proposed, they would not have withdrawn their protests at the hearing on November 26, 1991.

We therefore object to any change at this time in the Restrictive Amendment dated November 26, 1991. I am sending a copy of this letter to Mr. Peter S. Marzolf, Supervisor of the Technical Review Section.

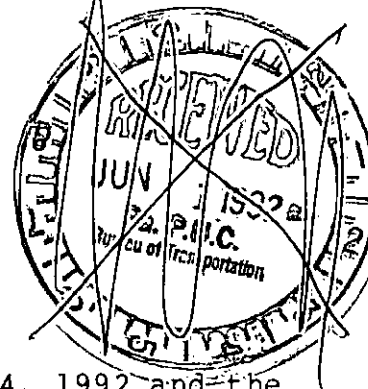
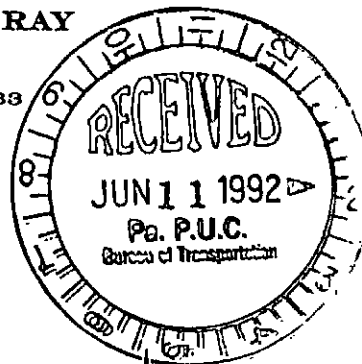
Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

pz

cc: Mr. Peter S. Marzolf



McNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

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EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

THOMAS C. HERWEG
EXECUTIVE DIRECTOR

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DANA STEVENS SCADUTO
ELIZABETH A. DOUGHERTY
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BRUCE D. BAGLEY
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKY
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DAVID M. WATTS, JR.
JAMES L. FRITZ
STEVEN J. WEINGARTEN
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STEPHEN E. GEDULDIG

GARY A. RITTER
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MARKIAN R. SLOBODIAN
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CAROL A. STEINOUR
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MICHAEL R. KELLEY
SHARON R. PAXTON
JAMES P. DOUGHERTY
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C. GRAINGER BOWMAN
BURTON H. SNYDER
JOHN S. OYLER
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HARVEY FREEDENBERG
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
DAVID M. KLEPPINGER
NEAL S. WEST
FRANKLIN A. MILES, JR.

June 8, 1992

In re: Application of Toy Trucking Company
 A-00099448, Folder 1, Am-C
 Our File: 03166-0426

Blair F. Green, Esquire
125 North McKean Street
Kittanning, PA 16201-1517

Dear Blair:

On June 8, 1992, we received your letter of June 4, 1992, in the above-captioned matter. Unfortunately, I do not agree that the change from "to and from" to "to or from" was agreed to. The protest of Samuel J. Lansberry, Inc., was withdrawn based on an amendment dated October 22, 1991, which read "to and from." The amendment which you sent me with your letter of November 26, 1991 (amendment also dated November 26, 1991) reads "to and from." Consequently, we have an objection to the revision at this point. Whatever, I am sending a copy of your restrictive amendment, dated June 3, 1992, to our client for review.

Very truly yours,

MCNEES, WALLACE & NURICK

By


Herbert R. Nurick

HRN/ec

cc: Mr. Samuel J. Lansberry (w/enc.)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOY TRUCKING COMPANY

Docket No. A-00099448, F. 1, Am-C

RESTRICTIVE AMENDMENT

AND NOW comes the above applicant and restrictively amends its application at the above docket number to read as follows:

- (1) To transport coal, for B & B Coal Associates, Inc. and for Pittsburgh & Shawmut Coal Company, from points within 125 statute miles of the borough of Worthington, Armstrong County, to points in Pennsylvania;

Subject to the following conditions:

- (A) **PROVIDED THAT** no haul shall exceed 120 statute miles from point of origin to point of destination; and
- (B) **FURTHER PROVIDED THAT** transportation for B & B Coal Associates, Inc., shall be limited to transportation to or from the facilities of B & B Coal Mining, Inc., B.M.B. Management Inc., Bill Turner Enterprises, Daybrook Coal Company, Atwell Coal Company, Eastern Materials Corp., Cherep's Excavating, Glacial Minerals, Walter L. Houser Coal Company, M.R.C. Mining, Reddinger Coal Company, Rosebud Mining Co., Triple K Coal Company, Valley Coal Company, and VanLeer Coal Company; and
- (C) **FURTHER PROVIDED THAT** transportation for Pittsburgh & Shawmut Coal Company shall be limited to transportation to or from the facilities of Allegheny River Mining Company, Pittsburgh & Shawmut Railroad Company, Shawmut Development, Inc., TDK Coal Sales, Inc., Walter L. Houser Coal Company, SBP Coal Company, D.J.W. Mining, Inc., Hilliard Mining, Inc., D.W.L.

Coal Company, Mahoning Mining,
Eastern Materials Corp., and
Canterbury Coal Company; and

- (D) **FURTHER PROVIDED THAT** no right, power or privilege shall be granted to provide service from or between points in Somerset, Cambria, Clarion, Jefferson, Indiana, Fayette and Westmoreland Counties except as otherwise authorized.
- (2) To transport coal for Amerikohl, Inc. and Amerikohl Mining, Inc., from the facilities of Amerikohl, Inc. and Amerikohl Mining, Inc. located in that part of Pennsylvania west of U.S. Highway Route 219 to points in that part of Pennsylvania located west of U.S. Highway 219;

Subject to the following conditions:

- (A) **PROVIDED THAT** no haul shall exceed 125 statute miles from point of origin to point of destination; and
- (B) **FURTHER PROVIDED THAT** no right, power or privilege shall be granted to provide transportation for Amerikohl, Inc., and Amerikohl Mining, Inc., to or from the facilities of United Eastern Coal Sales Corp., White Star Coal Co., Inc., Kent Coal Mining Company, or Purco Coal Company, Inc.; and
- (C) **FURTHER PROVIDED THAT** no right, power or privilege shall be granted to provide service to, from or between points in Somerset, Cambria or Clarion Counties; and
- (D) **FURTHER PROVIDED THAT** no right, power or privilege shall be granted to provide service from or between points in Jefferson, Indiana, Fayette and Westmoreland Counties except as otherwise authorized.

TOY TRUCKING COMPANY

Dated: June 3, 1992

By: s/ David C. Toy

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

PITTSBURGH, PA. 15219-2383

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JOHN A. VUONO
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DENNIS J. KUSTURISS
CHRISTINE M. DOLFI
PETER J. SCANLON

June 8, 1992

TELECOPIER
(412) 471-4477

*ALSO MEMBER OF FLORIDA BAR

Re: Toy Trucking Company
Docket No. A-00099448, F. 1, Am-C
Our File 1773P-135

Blair F. Green, Esq.
125 North McKean Street
Kittanning, PA 16201-1517

Dear Mr. Green:

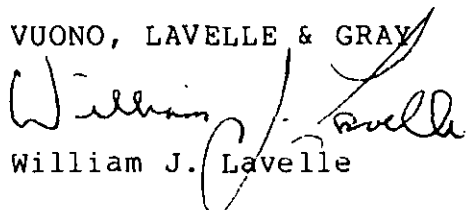
I have reviewed your letter dated June 4, 1992 and the proposed revised Restrictive Amendment which would change the conditions in part (1)(B) and (1)(C) of the Restrictive Amendment dated November 26, 1991 by changing the current language from "to and from the facilities of" to "to or from the facilities of".

On behalf of the protestants we represent, we have strong objections to this change. Throughout the negotiations which resulted in the November 26, 1991 Restrictive Amendment, the language "to and from" was employed. It was on the basis of that language, in part, that most of the protestants represented by this office withdrew their opposition to the application. Had the amendment been worded as it is now being proposed, they would not have withdrawn their protests at the hearing on November 26, 1991.

We therefore object to any change at this time in the Restrictive Amendment dated November 26, 1991. I am sending a copy of this letter to Mr. Peter S. Marzolf, Supervisor of the Technical Review Section.

Sincerely yours,

VUONO, LAVELLE & GRAY


William J. Lavelle

pz
cc: Mr. Peter S. Marzolf

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW

SUITE 700

312 BOULEVARD OF THE ALLIES

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FAX: (412) 471-6068

JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH

ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

June 9, 1992

Blair F. Green, Esq.
125 North McKean Street
Kittanning, PA 16201-1517

Re: Toy Trucking Company,
Docket No. A-00099448, F.1, Am-C

Dear Blair:

In response to your letter of June 4, 1992, I have no objection to the change in Paragraphs 1(B) and 1(C) referred to in your letter. As I understand it, the words "to and from" have been changed to "to or from."

Very truly yours,


John A. Pillar

JAP/lb

TW

KRINER, KOERBER & KIRK, P.C.

ATTORNEYS-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE (814) 765-9611

FAX (814) 765-9503

June 15, 1992

WILLIAM C. KRINER
DWIGHT L. KOERBER, JR.
ALAN F. KIRK

COUNSEL TO THE FIRM
WILLIAM T. DAVIS

ORIGINAL

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED

JUN 15 1992

SECRETARY'S OFFICE
Public Utility Commission

RLS

RE: TOY TRUCKING COMPANY
Docket No. A-99448, F.1, Am-C

Dear Mr. Alford:

I represent Kephart Trucking Co., a protestant in the above-referenced case, and wish to reaffirm that the restrictive amendment presented in this case, a copy of which is attached hereto, satisfies the interests of my client. Attached hereto is a copy of the new restrictive amendment that permits me to reaffirm that the interests of Kephart Trucking Co. have been satisfied and that its protest has been withdrawn.

Very truly yours,

Dwight L. Koerber, Jr.
Dwight L. Koerber, Jr.

Enclosure
cc: Blair F. Green, Esquire
Kephart Trucking Co.
DLK/jsr

JUN 18 1992

DOCUMENT
FOLDER

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOY TRUCKING COMPANY

Docket No. A-00099448, F. 1, Am-C

RESTRICTIVE AMENDMENT

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JUN 18 1992

**DOCUMENT
FOLDER**

Coal Company, Mahoning Mining,
Eastern Materials Corp., and
Canterbury Coal Company; and

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TOY TRUCKING COMPANY

Dated: June 3, 1992

By: s/ David C. Toy

ORIGINAL

DAVID H. RADCLIFF P.C.
407 NORTH FRONT STREET
HARRISBURG, PA 17101

DAVID H. RADCLIFF

TELEPHONE: (717) 236-9318

June 16, 1992
File: 809.119

RE: TOY TRUCKING COMPANY, A.99448, F.1, Am-C -
Protest of R. T. Merryman Trucking, Inc.

RECEIVED

John Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

RECEIVED JUN 16 1992

SECRETARY'S OFFICE
Public Utility Commission
Information Control Division

Dear Mr. Alford:

I am in receipt of a revised Restrictive Amendment under date of June 3, 1992 in the above-captioned proceeding. The protest of my client, R. T. Merryman Trucking, Inc. was previously withdrawn.

The revisions in the language in this restrictive amendment clarified the purpose of the previous amendment. The amendment, as revised, is acceptable to my client, and the withdrawal of the protest forwarded under date of July 2, 1991 remains effective.

RLS

Very truly yours,

David H. Radcliff
David H. Radcliff
RECEIVED
JUN 23 1992

DHR/kr
c:\wp51\letters\merryman.ltr

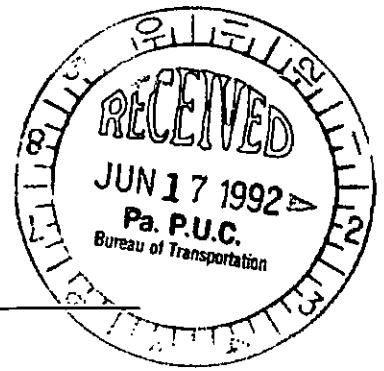
cc: Thomas Bertothy, President
R. T. Merryman Trucking, Inc.
P.O. Box 629
Philipsburg, PA 16866

Blair F. Green, Esquire
125 North McKean Street
Kittanning, PA 16201-1517

RECEIVED
JUN 17 1992
Pa. P.U.C.
Bureau of Inspection

DOCUMENT
FOLDER

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION



TOY TRUCKING COMPANY

Docket No. A-00099448, F. 1, Am-C

RESTRICTIVE AMENDMENT

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TOY TRUCKING COMPANY

Dated: June 3, 1992

By: s/ David C. Toy

SALLY A. DAVOREN

ATTORNEY AT LAW
201 PILGRAMS BUILDING
508 ALLEGHENY RIVER BOULEVARD
OAKMONT, PA 15139

(412) 826-1413

June 17, 1992

Blair F. Green, Esq.
125 North McKean Street
Kittanning, PA 16201-1517

Re: Application of Toy Trucking Company
Docket No. A-00099448, F.1, Am-C
File No. 358

Dear Blair:

As you know, I represent Coal Transport, Inc., a protestant to the above application. This is to confirm that, as we discussed in our telephone conversation on June 15, 1992, my client has no objection to the proposed Restrictive Amendment to the application that you circulated with your letter of June 4, 1992.

As we discussed, this Restrictive Amendment does not affect the withdrawal of my client's protest to the application, since it retains the restrictions on the authority sought that were present in the Restrictive Amendment of April 17, 1991, on the basis of which the protest of Coal Transport, Inc. was withdrawn. If you need anything further from me, please let me know.

Sincerely,



Sally A. Davoren

cc: Coal Transport, Inc. (w/enc.)

BG358CRP.062