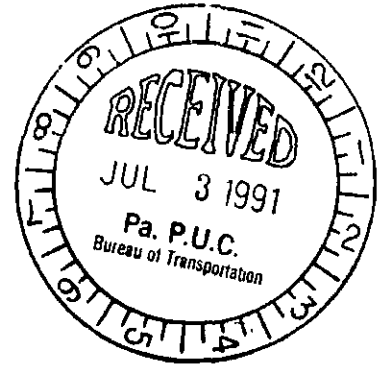


BLAIR F. GREEN
ATTORNEY AT LAW
125 NORTH MCKEAN STREET
KITTANNING, PA. 16201-1517

TEL (412) 543-2219

FAX (412) 543-2310

July 1, 1991



RECEIVED

JUL 3 1991

SECRETARY
Public Utility Commission

Pennsylvania Public Utility Commission
P O Box 3265
Harrisburg PA 17120

Re: Toy Trucking Company
A. 00099448

, FI, ~~AM-E~~ AM-E

Gentlemen:

Enclosed find Application for Emergency Temporary Authority and Temporary Authority and Application for Permanent Authority, in triplicate, in the above matter. Also, enclosed find check made payable to your order in the amount of \$550.00 for the filing fees.

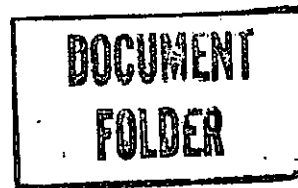
If anything further is desired, please advise.

Very truly yours,

Blair F. Green

BFG/sb

Enclosures



RECEIVED

JUL 3 1991

SECRET
Public Utility Commission

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

(SEE INSTRUCTIONS BEFORE PREPARING APPLICATION)

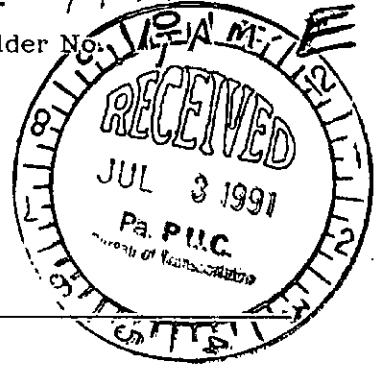
In re: Application of
TOY TRUCKING COMPANY

for a certificate of public convenience or a permit evidencing the Commission's approval of the right and privilege of operating motor vehicles as a motor carrier for the transportation of **PROPERTY**.

APPLICATION DOCKET

No. 99448

Folder No. _____



TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. _____
(Full and correct name of applicant)

2. Toy Trucking Company
(Trade name, if any)

The trade name has not been registered with the Secretary of the
(has or has not)

Commonwealth on _____ (attach copy of stamped registration form).
(date)

3. R D #1 Box 103
(Business Street Address) (P.O. Box, if any)

Worthington Armstrong PA 16262 (412) 297-3275
(City) (County) (State) (Zip) (Telephone)

4. Applicant's attorney (for this application) is:

Blair F. Green, 125 N McKean St, Kittanning PA 16201 (412) 543-2219
(Name) (Address) (Telephone)

5. Any notice, process or order of the PUC should be served upon:

Blair F. Green, 125 N McKean St, Kittanning PA 16201
(Name) (Address)

6. Applicant does hold Pa. PUC authority under Docket No. A-99448
(does or does not)

Applicant operates as a common carrier.
(common or contract)

DOCUMENT
FOLDER

F-1 AMENDMENT E

DOCKETED
APPLICATION DOCKET
JUL 11 1991
ENTRY No. four

7. Applicant does not hold Interstate Commerce Commission authority
(does or does not)

at Docket No. _____.

8. Applicant is (check one):

Individual.

Partnership. Attach copy of partnership agreement and list names and addresses of partners below (use additional sheet if necessary).

(Name)

(Address)

Corporation. Organized under the laws of the State of Pennsylvania and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on February 21, 1975 (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. Attach the following, as appropriate (check those attached):

A Partnership Agreement.

B Trade Name registration certificate.

C Certificate of Incorporation or Authority.

D Statement of corporate charter purpose.

E List of corporate officers and stockholders.

10. That the nature and character of the service to be rendered by applicant is the transportation of property as a **Common** **Contract carrier** by means of motor vehicles as follows:

SO AS TO PERMIT the transportation of property in Bulk, including topsoil, owned by Applicant, to points in Pennsylvania, and property in dump vehicles from the facilities of A. A. Ryan Top Soil Company within a 25 miles radius of New Castle, Pennsylvania, in Lawrence County, to points in the state of Pennsylvania, not to exceed a distance of 125 statute miles from point of origin to point of destination.

11. Applicant is not now engaged in any intrastate transportation of property for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 6) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.

CORPORATE SEAL

TOY TRUCKING COMPANY

(Print Name of Corporation, Partnership, Trade-Name or Individual)*

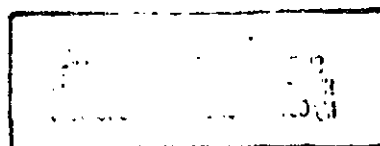
By:

Herica A. Toy - PRESIDENT
(Signature)

(Signature)

(Signature)

*If a partnership, each partner must sign; if a corporation, at least one officer must sign, and corporate seal affixed.



THIS MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
_____ County : ss:

_____, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____
day of _____ 19 _____
My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT OF APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
Armstrong County : ss:

Theresa A. Toy, being duly sworn (affirmed) according to law, deposes and says that she is President of _____
(Office of Affiant)

Toy Trucking Company; that he is authorized to and does make this
(Name of Corporation)

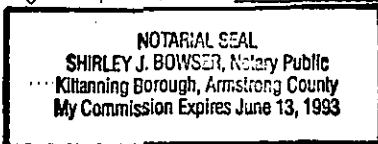
affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that she expects the said Toy Trucking Company to be able to prove the same
(Name of Corporation)

at the hearing hereof.

Theresa A. Toy - PRESIDENT

Signature of Affiant

Sworn and subscribed before me this 28th
day of June 19 91
My Commission Expires _____



Shirley J. Bowser
Signature of Official Administering Oath

3-1-75:05 667

Commonwealth of Pennsylvania



Department of State

Office of the Secretary of the Commonwealth

To all to whom these Presents shall come, Greeting:

WHEREAS, Under the provisions of the Business Corporation Law, approved the 5th day of May, Anno Domini one thousand nine hundred and thirty-three, P. L. 364, as amended, the Department of State is authorized and required to issue a

CERTIFICATE OF INCORPORATION

evidencing the incorporation of a business corporation organized under the terms of that law.

AND WHEREAS, The stipulations and conditions of that law have been fully complied with by the persons desiring to incorporate as

TOY TRUCKING COMPANY

THEREFORE, KNOW YE, That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, create, erect, and incorporate the incorporators of and the subscribers to the shares of the proposed corporation named above, their associates and successors, and also those who may thereafter become subscribers or holders of the shares of such corporation, into a body politic and corporate in deed and in law by the name chosen hereinbefore specified, which shall exist perpetually and shall be invested with and have and enjoy all the powers, privileges, and franchises incident to a business corporation and be subject to all the duties, requirements, and restrictions specified and enjoined in and by the Business Corporation Law and all other applicable laws of this Commonwealth.

GIVEN under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 21st day of February in the year of our Lord one thousand nine hundred and seventy-five and of Commonwealth the one hundred and ninety-ninth

E. McLaughlin Tucker

Secretary of the Commonwealth

ec

STATEMENT OF CHARTER PURPOSES

The corporate purposes of Toy Trucking Company, as filed with the Corporation Bureau of the Commonwealth of Pennsylvania are as follows:

To have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania.

Name of Incorporator: Theresa A. Toy

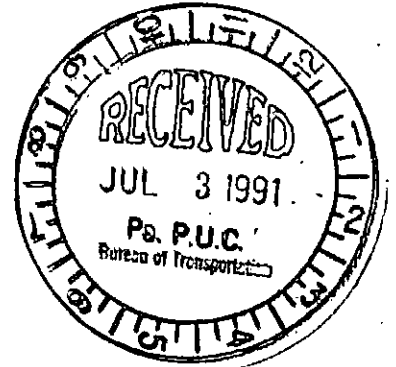
Names and titles of Officers: Theresa A. Toy, President
Dannie Dean Toy, Vice President
David C. Toy, Secretary-Treasurer

Authorized Shares and Amount: 1000 shares, \$100.00 par value

Shareholder and shares issued: Theresa A. Toy, 3 shares

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF TRANSPORTATION

See Instructions before Completing Application



A-99448
F.L.M.-E

Application For:

- EMERGENCY TEMPORARY AUTHORITY
- TEMPORARY AUTHORITY
- EXTENSION OF EMERGENCY TEMPORARY AUTHORITY

1. Toy Trucking Company (Name of applicant) Toy Trucking Company (Trade name, if any).
R D #1, Box 103 (Street address) Worthington (City) PA 16262 (State & Zip Code)

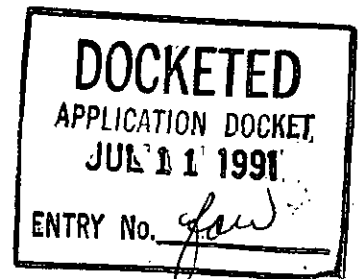
2. Blair F. Green, 125 N McKean St., Kittanning PA 16201 (412) 543-2219
 (Name, Address & Telephone Number of Applicant's Attorney, if any)

3. Applicant is an individual partnership X corporation.

4. Applicant requests authority to provide service as a X common or contract carrier by motor vehicle, broker or freight forwarder in intrastate commerce; or is proposing to acquire authority by transfer. Give a description of type of service to be provided and area to be served:

SO AS TO PERMIT the transportation of property, including topsoil, in bulk, in dump vehicles, from the facilities of A. A. Ryan Topsoil Company, from points within a 25 miles radius of New Castle, Pennsylvania, in Lawrence County, to points in the State of Pennsylvania, not to exceed a distance of 125 statute miles from point of origin to point of destination. *of said facilities*

5. Applicant does hold Pa. PUC authority under Docket No. A-00099448 and (does or does not) operates as a common carrier. (common or contract)



6. If this application is for temporary authority, applicant does does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have a pending permanent application currently on file, application for permanent authority must be enclosed.
7. If this application is for emergency temporary authority, and not accompanied by applications for corresponding temporary and permanent authority, state when the applications for temporary and permanent authority will be filed.
All applications for emergency temporary authority and temporary authority and permanent authority are all filed together.
8. "Applicant's Statement" shall be prepared by the applicant or authorized representative of the applicant and shall contain the information as stated at Appendix A.
9. "Statements of Supporting Shippers or Witnesses" shall be prepared by the shipper or witness, or an authorized representative of the shipper or witness and shall contain the information as stated at Appendix B.

Applicant further declares that:

10. It is aware that a grant of the requested authority will create no presumption that corresponding permanent authority will be granted.
11. If the requested authority is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.

Theresa A. Day

(Signature)

President

(Corporate Title)

6/28/91

(Date)

MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :

_____ County : ss:

_____, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____

day of _____ 19 _____

My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT OF APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :

Armstrong County : ss:

Theresa A. Toy, being duly sworn (affirmed) according to law, deposes and says that she is President of Toy Trucking Company
(Office of Affiant)

_____; that she is authorized to and does make this
(Name of Corporation)

affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that she expects the said Toy Trucking Company to be able to prove the same
(Name of Corporation)

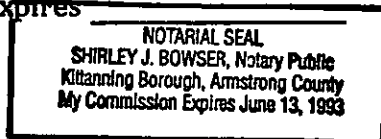
at the hearing hereof.

Theresa A. Toy - PRESIDENT
Signature of Affiant

Sworn and subscribed before me this 28th

day of June 19 91

My Commission Expires _____



Shirley J. Bowser
Signature of Official Administering Oath

Appendix A

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF TOY TRUCKING : Application Docket No. A.00099448
COMPANY : Folder 1

STATEMENT OF APPLICANT

COMMONWEALTH OF PENNSYLVANIA)
(SS
COUNTY OF ARMSTRONG)

BEFORE ME, a Notary Public in and for said County and State, personally appeared DAVID C. TOY, Secretary - Treasurer, of Toy Trucking Company, R D #1, Box 103, Worthington, PA, who, being duly sworn according to law, deposes and says as follows:

1. A list of the equipment to be used to render this service is attached hereto as Exhibit "A".

2. The terminal facilities and communications base is located at R D #1, Box 103, Worthington, Armstrong County, Pennsylvania.

3. The filing of this application came about because applicant was stopped by the Commission on a road check and informed that he did not have the rights to haul the property he had on the vehicle, i.e., top soil, under his present rights.

4. The applicant may be contacted at Telephone No. (412) 297-3275, or you may contact Blair F. Green, Attorney, at (412) 543-2219.

5. The proposed rates to be charged are Ninety (.90¢) cents per ton for the first mile and nine (.09¢) cents per additional ton mile.

6. There are no rates, fares or charges of applicant under suspension and there has been no applications for special provisions to file rates, fares or charges on less than thirty (30) days' notice in connection with any other emergency temporary authority, temporary authority or permanent authority application covering the said territory.

7. Applicant has on file with the Commission the full and complete insurance requirements of the Commission.

8. There are no labor unions involved with our employees nor have any labor unions, to my knowledge, filed a petition to represent our employees with the National Labor Relations Board or Pennsylvania labor Relations Board.

TOY TRUCKING COMPANY

By David C. Toy
David C. Toy
Secretary-Treasurer

Sworn to and subscribed before
me this 28th day of June, 1991

Shirley J. Bowser
Notary Public

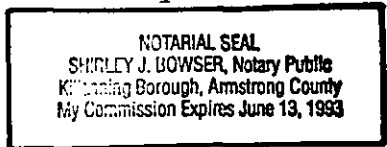


EXHIBIT "A"

LIST OF TRUCKS OWNED BY TOY TRUCKING COMPANY

<u>YEAR</u>	<u>MAKE</u>	<u>SERIAL NO.</u>	<u>LICENSE NO.</u>
1975	Ford Tri-axle	U90KVV90753	47185 CJ
1975	Autocar Tri-axle	YO17RH1076433	YK-38144
1976	Autocar Tri-axle	QO1FTGH078078	YK-38145
1978	Autocar Tri-axle	PSIFRHH-086948	YM-45539
1978	Autocar Tri-axle	PSIFRHI-085301	YD-07894
1980	Ford Tri-axle	U90WVGG8574	YM-45540
1980	Ford Tri-axle	U90XVGJ6052	YH-85555
1987	White Tri-axle	1WXBCCCHOHN121933	YA-60093
1990	White Tri-axle	4V2BCBCG9LN634738	YK-38141

Appendix B.

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF TOY TRUCKING : Application Docket No. A.00099448
COMPANY : Folder 1

STATEMENT IN SUPPORT OF APPLICATION

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ARMSTRONG)

BEFORE ME, a Notary Public in and for said County and State, personally appeared ANTHONY A. RYAN, owner of A. Ryan Topsoil Company, of 1332 Wallace Avenue, New Castle, PA, 16105, who, being duly sworn according to law, deposes and says as follows:

1. We have a need for transportation of property in bulk, including topsoil.

2. Transportation of the property will be from points within a twenty-five (25) mile radius of New Castle, in Lawrence County, Pennsylvania as follows:

From points near New Castle, PA, to Gumpf Garden Center, at Beaver Falls, Beaver County, PA, and in Pittsburgh, Allegheny County, PA; from points near New Castle, PA, to Leisure Lawn Services, Inc., at Evans City, Cranberry Township, Butler County, PA; from points near New Castle, PA, to Zuppi Lawn Service, at Aliquippa, Beaver County, PA, and Pittsburgh, Allegheny County, PA; from points near

New Castle, PA, to Tuma Lawn Care, in Rochester, Beaver County, PA; from points near New Castle, PA, to Mele and Mele Landscaping, at Rankin, Swissvale and Monroeville, Allegheny County, PA, Washington, Washington County, PA, and Irwin, Westmoreland County, PA; from points near New Castle, to Lawson Lumber, at Monaca, Beaver County, PA; from points near New Castle, PA, to Lifetime Wood Products, at Homestead, Allegheny County, PA; from points near New Castle, PA, to Verona Boro, Allegheny County, and Penn Hills, Allegheny County; from points near New Castle, PA, to Penn Hills School District, at Penn Hills, Allegheny County, PA; from points near New Castle, PA, to Sandy Creek Supply, at Verona, Penn Hills, and Pittsburgh, Allegheny County, Greensburg, Westmoreland County, PA, and Somerset, Somerset County, PA; from points near New Castle, PA, to Sharon Country Club, at Sharon, Mercer County, PA; from points near New Castle, PA, to Pinehurst Lawn Care, at Sharpsville, Mercer County, PA; from points near New Castle, PA, to New Castle Country Club, at New Castle, Lawrence County, PA; from points near New Castle, PA, to Imperial Nursery, at Imperial, Allegheny County, PA, and Washington,

Washington County, PA; from points near New Castle, PA, to Lawn Maintenance Supply, Allison Park, Allegheny County, PA; from points near New Castle, PA, to Little Lawn Care, Wexford, Allegheny County, PA; from points near New Castle, PA, to Greenlawn Nursery, at Ford City, and Kittanning, Armstrong County, PA, and Indiana, Indiana County, PA; and from points near New Castle, PA, to Franklin Nursery, at Sewickley, Allegheny County, PA.

3. As a shipper I have the need to ship approximately 2500 tons monthly of top soil to the points set forth in paragraph 2 above. Recent needs have been to transport some 400 tons of top soil and bulk property per day, approximately 17 loads per day in dump vehicles.

4. The services shall be provided between the hours of 7:30 o'clock a.m. until 5:00 o'clock p.m.

5. The need for this service will continue indefinitely and this shipper will support the permanent authority application for said authority being filed by applicant, Toy Trucking Company.

6. If the service is not available I will lose customers and money. Right now I cannot get enough trucks from anybody claiming to have the rights to haul my materials and I am losing business and money.

7. Because of the lack of and non-availability of authorized trucks in this summer season which is the main season especially for topsoil and some bulk materials I am losing customers and money.

8. Efforts have been made to obtain the service from existing carriers with the proper certificates as follows:

<u>Date contacted</u>	<u>Person contacted</u>	<u>Resultant efforts</u>
6/22/91	Kevin Gennero of McClymonds Trucking	Ordered 2 received 1
5/14/91	Gary Bloom of T. L. Ferguson	Busy on construction work
4/16/91	Bob Williams of Robert Williams Trucking	Hauling for McClymonds
4/16/91	Jeff Woodring, of J. W. Woodring	Insufficient, no trucks

9. The names and addresses of existing carriers who failed or refused to provide the service and the reasons given for said failure or refusal are as follows:

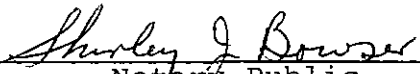
<u>Name of carrier</u>	<u>Reasons for refusal</u>
McClymonds Trucking	requested trucks periodically but they said too busy working on road construction; sent trucks a few times
T. L. Ferguson	requested trucks periodically but they said too busy working on road construction; sent trucks a few times
Robert Williams Trucking	working for McClymonds and no trucks available
J. D. Woodring	contacted quite a few times - indicated he did not have enough trucks for the number of accounts - although he occasionally had a few trucks available

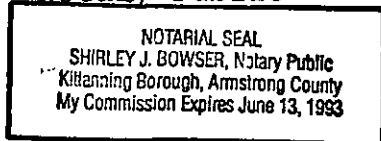
10. My company has not supported a recent application for permanent, temporary or emergency temporary authority covering all or part of the requested emergency temporary authority or temporary authority or permanent authority being requested by this applicant.

11. There are no labor unions which represent, or within the last twelve (12) months have represented, or have filed a petition to represent my employees with the National Labor Relations Board or Pennsylvania Labor Relations Board.


A. Ryan

Sworn to and subscribed before me
this 28th day of June, 1991.


Notary Public



APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00099448, F001, Am-C
CASE NAME Toy Trucking Company

HEARING LOCATION Pittsburgh, PA.
HEARING DATE July 11, 1991.
ALJ Gesoff

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 ___

RECEIVED

JUL 10 8 1991

Office of A. L. J.
Public Utility Commission

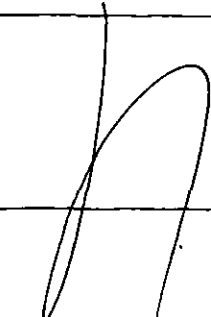
**DOCUMENT
FOLDER**

REMARKS: Further hearing postponed
at request of Applicant

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	
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	

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


Reporter

