

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED
TOY TRUCKING COMPANY
DOCKETED

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

RECEIVED

DEC 5 1991

SECRETARY'S OFFICE
Public Utility Commission

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 and 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 and 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

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Ex. 1

PENGAD-Beyonne, M. J.
POE
A-00099448
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TMA
APPX. 1

(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: November 26, 1991

By: 

Parties of Record - A-00099448, F001, Am-C

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

Toy Trucking Company
R. D. #1, Box 103
Worthington, PA 16262

John A. Pillar, Esquire
Pillar & Mulroy
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222

David H. Radcliff, Esquire
Graf, Andrews & Radcliff, P.C.
407 North Front Street
Harrisburg, PA 17101

Dwight L. Koerber, Jr., Esquire
Kriner, Koerber & Kirk
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830

Sally Davoren, Esquire
1126 Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222

William J. Lavelle, Esquire
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219

John E. Fullerton, Esquire
Graf, Andrews & Radcliff, P.C.
407 North Front Street
Harrisburg, PA 17101

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

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

December 23, 1991

Commonwealth of Pennsylvania
Public Utility Commission
ATTN Richard H. White
Technical Review Section
Bureau of Transportation
P O Box 3265
Harrisburg PA 17105-3265

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

Dear Mr. White:

The verified statement of the applicant and support of application were due in the above matter on or before December 27, 1991. Due to the Holiday Season and the complexity of the affidavits, together with some flu I would respectfully request an additional thirty days to file these verified statements. If thirty days is too long, we will certain attempt to have them within a fifteen day extension, if granted, although thirty days would be much more appreciated at this particular time of the year.

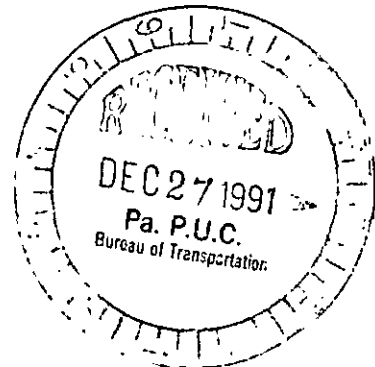
Respectfully submitted,

Blair F. Green
Blair F. Green
Counsel for Applicant

BFG/sb

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 27 1991
ENTRY No. *eg*





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

December 27, 1991

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-E - Application of Toy Trucking
Company

Dear Mr. Green:

In accordance with your request of December 23, 1991 for an extension of time to file verified statements, we are granting an additional thirty (30) days for filing of statements.

Please be advised that verified statements are now due on January 27, 1992. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

If you have any questions, please do not hesitate to contact us.

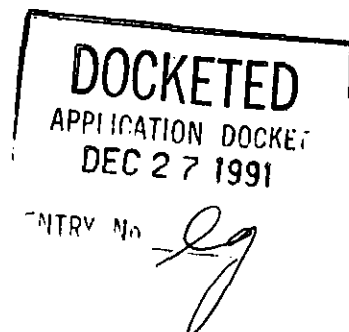
Very truly yours,

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

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RHW:kmb



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

January 24, 1992

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
ATTN Richard H. White
Technical Review Section
Bureau of Transportation
P O Box 3265
Harrisburg PA 17105-3265

Re: A-00099448, F. 1, Am-E
Toy Trucking Company

Dear Mr. White:

Enclosed find Statement in Support of Application,
Statement of Applicant and Statement of Applicant Supporting
its Application to Haul Property for Toy Trucking Company,
in the above matter.

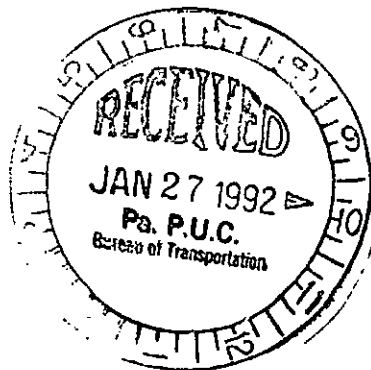
Thanking you for your courtesy and cooperation in this
matter, I remain,

Very truly yours,

Blair F. Green
Blair F. Green

BFG/sb

Enclosures



SO AS TO PERMIT the transportation of (1) property, in bulk, in dump vehicles, for Toy Trucking Company to and from its facilities in West Franklin Township, Armstrong County, to points in the State of Pennsylvania and vice versa; and (2) property in bulk, in dump vehicles from the facilities of A. A. Ryan Topsoil Company, located in the city of New Castle, Lawrence County and within an airline distance of twenty-five (25) statute miles of the limits of said city, to points in Pennsylvania, no haul to exceed a distance of one hundred twenty-five (125) statute miles from point of origin to points of destination.

(c) That there will be no dual operations resulting from the grant of this application.

4. Applicant is not affiliated with any other carrier and its main and only terminal facilities and communications base is located at R D #1, Worthington, PA 16262, in West Franklin Township, Armstrong County, PA.

5. Attached to this Statement as Exhibit "B" is a list of the equipment to be used to render the proposed service, as to make, model, year, owned or leased.

6. Applicant has qualified mechanics in its employ in its garages to inspect and maintain the said equipment at the terminal location noted above on a daily basis. These mechanics and deponent, who is also a trained mechanic, make

sure all of the vehicles owned or used by Applicant are completely roadworthy and conform to State Inspection Standards.

7. Applicant is now supplying to its supporting witness, A. A. Ryan Topsoil, trucks on a daily basis under the emergency temporary authority and temporary authority to do so granted by the PUC. Only a few other truckers, if any, have the right to haul topsoil as such and Applicant is fulfilling a need of the supporting witness as set forth in his statement.

8. The type of service to be offered by Applicant to its supporting witness, A. A. Ryan Topsoil, is the hauling of its topsoil, clay, loam, infield mix, golf course mix, field dirt and clay, in bulk, in dump vehicles from the points of origination within 25 miles of the City of New Castle, PA, to destinations, constantly changing, within 125 miles from point of origin.

9. Attached hereto is the latest Balance Sheet and Income Statement of Applicant as Exhibit "C".

10. There will be no additional environmental impact due to the additional authority sought by Applicant. At the present time, a back haul may

exist or not exist due to circumstances. If a haul is available for which Applicant has the rights, he will seek out the haul.

11. Applicant feels that the granting of the authority sought will enable Applicant to serve the supporting shipper well and permit it to increase the efficiency of its business.

TOY TRUCKING COMPANY

By David C. Toy
David C. Toy, Managing Officer
and Secretary-Treasurer

Sworn to and subscribed before me
this 24th day of January, 1992

Shirley J. Bowser
Notary Public



EXHIBIT "A"

TOY TRUCKING CO.
Operating Authority

A-00099448

To transport, as a Class D carrier, coal, lumber, lime, gravel and sand between points in the counties of Clarion, Armstrong, Butler, Venango, Allegheny and Crawford, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination; excluding the right to transport lumber from points within an airline distance of forty (40) statute miles of the limits of the borough of Brookville, Jefferson County.

A-00099448, F. 1, Am-A

To transport, as a Class D carrier, coal, for Amerikohl, Inc., from its facilities located in the township of Fairview, Butler County, to points in the county of Lawrence; and to transport coal for Amerikohl, Inc., from the facilities of: Bracken Construction Company located in Concord Township, Butler County; Sunbeam Coal Company located in Marion Township, Butler County; and West Freedom Mining Corporation located in Clearfield Township, Butler County and West Franklin Township, Armstrong County, to point in the county of Lawrence.

To transport, as a Class D carrier, coal, for Pittsburgh and Shawmut Coal Company, from its facilities located in the township of East Franklin, Armstrong County, to the Pennsylvania Power Company in the city of New Castle, Lawrence County; and to transport coal for Pittsburgh and Shawmut Coal Company from the facilities of: Glacial Sand & Gravel Company located in East Franklin Township, Armstrong County; West Freedom Mining Corporation located in the township of Clearfield, Butler County and the township of West Franklin, Armstrong County; and the Roswell Coal Company located in the township of Fairview, Butler County; to the Pennsylvania Power Company in the city of New Castle, Lawrence County.

A-00099448, F. 1, Am-A (continued)

To transport, as a Class D carrier coal, for Roswell Coal Co., Inc., from its facilities located in the township of Fairview, Butler County, to points in the county of Lawrence;

the above three rights being subject to the following conditions:

1. That no right, power or privilege is granted to transport coal except in bulk in dump vehicles;
2. That no haul is to exceed an airline distance of seventy-five (75) statute miles from the point of origin to point of destination.

A-00099448, F. 1, Am-B

To transport, as a Class D carrier, coal, for Amerikohl, Inc. and Amerikohl Mining, Inc., from their facilities in the counties of Butler, Lawrence and Armstrong, to the Bruce Mansfield Station of Ohio Edison Power located in the borough of Shippingport, Beaver County.

A-00099448, F. 1, Am-D

To transport, as a Class D carrier, coal, coke, boney and other building materials, in bulk, (excluding brick), in dump trucks, from points in the borough of Springdale, Allegheny County, to points in the counties of Allegheny, Butler, Westmoreland and Armstrong, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal, coke, boney, slag and building materials, in bulk, (excluding brick), in dump vehicles, and which are

A-00099448, F. 1, Am-D (continued)

unloaded by dumping, between points in the counties of Butler, Westmoreland, Indiana and Armstrong, provided no haul shall exceed a distance of thirty-five (35) miles from point of origin to point of destination, excluding the transportation of coal and coke to or from points in Butler County, except as presently authorized.

To transport, as a Class D carrier, concrete blocks, haydite blocks and cinder blocks between points in the county of Allegheny.

To transport, as a Class D carrier, sand and gravel, in dump vehicles and which are unloaded by dumping, from the facilities of Davison Sand and Gravel Company, in the counties of Allegheny, Armstrong and Westmoreland, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, coal for domestic consumption and to railroad cars between points in the city of New Kensington, Westmoreland County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

To transport, as a Class D carrier, gravel, sand, soil, slag, cinders and building blocks, between points in the city of New Kensington, Westmoreland County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said city, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

with the above rights subject to the following condition:

That no right, power, or privilege is granted to transport construction and building sand and gravel, in dump vehicles, for the Davison Sand and Gravel Company, from its plant site in the city of New Kensington, Westmoreland County.

TOY TRUCKING COMPANY
Operating Authority

Page 4

Toy Trucking also has pending before the PUC the following application to expand its rights:

A-00099448, F. 1, Am-C

SO AS TO PERMIT the transportation as a Class D carrier, coal, from points within one hundred twenty-five (125) statute miles from the borough of Worthington, Armstrong County, Pennsylvania, to points in Pennsylvania, providing no haul shall exceed one hundred twenty-five (125) statute miles from point of origin to point of destination.

EXHIBIT "B"

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

EXHIBIT "C"

TOY TRUCKING CO.

STATEMENT OF ASSETS AND LIABILITIES - ESTIMATED CURRENT VALUES

DECEMBER 31, 1990

ASSETS

CURRENT ASSETS:

Cash in bank	\$ 39,037
Accounts receivable	66,288
Inventory - Parts and tires (Note 1)	26,785
	<u>\$132,110</u>

FIXED ASSETS: (Note 2)

Trucks	\$279,000
Tools	11,800
Building equipment	7,400
Office equipment	3,500
	<u>\$301,700</u>

TOTAL ASSETS \$433,810

LIABILITIES

CURRENT LIABILITIES:

Accounts payable	\$ 66,422
Equipment loans payable (Note 4)	33,000
	<u>\$ 99,422</u>

LONG-TERM LIABILITIES:

Loans payable - Shareholder (Note 3)	\$ 38,000
Equipment loans payable (Note 4)	67,556
Less: Current portion	(33,000)
	<u>\$ 72,556</u>

CAPITAL AND RETAINED EARNINGS:

Capital stock issued	\$ 20,000
Retained earnings	241,832
	<u>\$261,832</u>

TOTAL LIABILITIES, CAPITAL AND RETAINED EARNINGS \$433,810

"SEE ACCOUNTANTS' COMPILATION REPORT."

TOY TRUCKING CO.

NOTES TO FINANCIAL STATEMENT

DECEMBER 31, 1990

1. Inventory of parts and tires was estimated by the management of Toy Trucking Co. as of December 31, 1990.

2. FIXED ASSETS:

The value of nine trucks have been determined by consultation with a local truck dealer. The trucks are as follows: 1 - 1990 White, 1 - 1987 White, 2 - 1980 Fords, 2 - 1978 Autocars, 1 - 1976 Autocar, 1 - 1975 Ford and 1 - 1975 Autocar. All trucks are tri-axels.

Tools, building equipment and office equipment have been valued by management.

3. LOANS PAYABLE - SHAREHOLDER:

Loans due to principal shareholder are not payable on a scheduled repayment plan. Payments have been made periodically.

4. EQUIPMENT LOANS PAYABLE:

Balance due Merchants National Bank on 1990 White truck is \$47,556. Monthly payments of \$1,450.00 with final payment due March 1994.

Balance due P. L. Toy Coal Co. on 1976 Autocar and 1975 Autocar is \$20,000. Monthly payments of \$1,500.00 with final payment due February 1992.

Department of the Treasury Internal Revenue Service

For calendar year 1990 or tax year beginning 1990, ending 19

1990

Instructions are separate. See page 1 for Paperwork Reduction Act Notice.

Check if a— A Consolidated return B Personal holding co. C Personal service corp. (as defined in Temp. Regs. sec. 1.441-4T—see instructions)

Use IRS label. Other-wise, please print or type. ***** 5-DIGIT 16262 YA 25-1269355 DEC90 S28 4200 M TOY TRUCKING CO R D 1 WORTHINGTON PA 16262 117

D Employer identification number 25-1269355 E Date incorporated 2-21-75 F Total assets (see Specific Instructions) \$ 181,884 19

Check applicable boxes: (1) Initial return (2) Final return (3) Change of address

Income section table with rows 1a-11 and columns for descriptions and amounts.

Deductions section table with rows 12-29 and columns for descriptions and amounts.

Tax and Payments section table with rows 30-36 and columns for descriptions and amounts.

Please Sign Here Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge. Signature of officer: [Signature] Date: 1-24-92 Title: SEC.

Paid Preparer's Use Only Preparer's signature: [Signature] Date: 1-23-92 Check if self-employed: [X] Preparer's social security number: 17-45-1727 Firm's name (or yours if self-employed) and address: HAGY & HAGY, CPAs ID # 25-1580910 E.I. No. ZIP code

It also purchases building materials, topsoil and coal, etc. for storage and resale by Toy Trucking Company.

4. Since this activity is just beginning and Applicant has its own trucks to haul these property items, it is applying for the right to haul these items to and from its home facilities in West Franklin Township, Armstrong County, Pennsylvania, to and from points in Pennsylvania.

5. For the rest of Applicants facts needed to support application, see Affidavit of Applicant herewith submitted.

TOY TRUCKING COMPANY

By

David C. Toy
David C. Toy, Managing Officer
and Secretary-Treasurer

Sworn to and subscribed before me

this 24th day of January, 1992

Shirley J. Bowser
Notary Public

NOTARIAL SEAL
SHIRLEY J. BOWSER, Notary Public
Killbuck Borough, Armstrong County
My Commission Expires June 13, 1993

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF TOY TRUCKING : Application Docket
: No. A-00099448
COMPANY : Folder 1, Am-E

STATEMENT IN SUPPORT OF APPLICATION

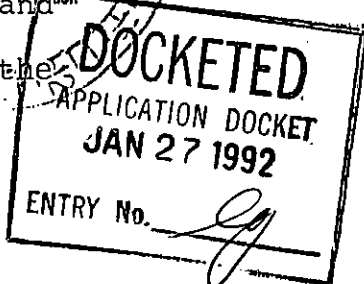
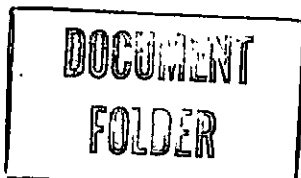
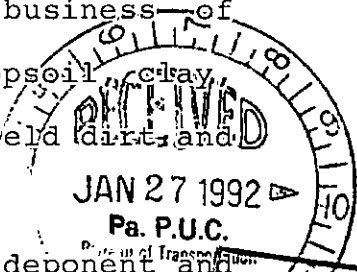
COMMONWEALTH OF PENNSYLVANIA)
(SS:
COUNTY OF ARMSTRONG)

BEFORE ME, a Notary Public in and for said County and State, personally appeared ANTHONY A. RYAN, owner and operator of A. A. Ryan Topsoil, who, being duly sworn according to law, deposes and says as follows:

1. That he is the owner and operator of A. A. Ryan Topsoil, conducting his business in North Beaver Township, Union Township and the City of New Castle, all in Lawrence County, Pennsylvania; his address being 133 East Wallace Avenue, New Castle, PA 16101.

2. Anthony A. Ryan, t/d/b/a A. A. Ryan Topsoil has been engaged in the business of selling various soils, including topsoil, clay, loam, infield mix, golf course mix, field dirt, and clay for over three years.

3. The soils are gathered by deponent and prepared and/or mixed for resale to suit the



various needs of my customers, my physical facilities being located adjoining each other, in North Beaver Township, Union Township and the City of New Castle, all in Lawrence County, PA.

4. The quantity of said topsoils or other soil and ground products mixed, produced and/or sold averages approximately 42,000 tons annually for commercial and residential landscape application.

5. I would be able to utilize the trucks of Applicant, on a daily and on call basis, to haul approximately 60% of said production, or about 25,200 tons per year of soil.

6. I am aware of the reliable and efficient service that Applicant has rendered to other shippers for whom it has hauled bulk products in dump vehicles under its other PUC certificates. Applicant enjoys the best reputation among these shippers and producers. I have used it to haul my products for the past several months under the grants of emergency and temporary authority Applicant received and are very pleased with Applicant's performance. It keeps its trucks and vehicles in excellent repair and in a very safe operating condition.

7. The type of service I require is the delivery of the topsoil and various mixtures of ground, clay and topsoil in bulk, in dump vehicles, from my facilities in North Beaver Township, Union Township, and the City of New Castle, in Lawrence County, Pennsylvania, and from points within 25 miles of the City of New Castle to points in Pennsylvania up to 125 miles which is the approximate limit of our service area. No one else has asked me to support a similar application for this type of rights.


8. Representative hauls, from points within 25 miles of New Castle, PA, and points within 125 miles of the point of origin, have included hauls to the following areas:

Sandy Creek Supply, Verona, PA
Penn Hills School District, Penn Hills, PA
Penn Hills Municipality, Penn Hills, PA
Castle Shannon Municipality, Castle Shannon, PA
Mele & Mele Landscaping, Rankin, PA
P.L.C. Landscaping, Perrysville, PA
Lawn Maintenance Service, Allison Park, PA
Imperial Nursery, Crafton, PA
Bellini Nursery & Landscaping, Perrysville, PA
Gumpf Nursery & Landscaping, Perrysville, PA
Cottage Gardens, Hermitage, PA
Shannon Country Club, Shannon, PA
New Castle Country Club, New Castle, PA
Lawson Lumber Co., Rochester, PA
Tuma Lawn Care, Monaca, PA
P. L. Ferguson Supply, Chippewa, PA
Leisure Lawn Service, Evans City, PA
Little Lawn Service, Mars, PA
Sakas Nursery, Pittsburgh, PA

Ferri Contracting, Murrysville, PA
Gonella Contracting, Ligonier, PA
Meadows Race Tract, Washington & Cannonsburg, PA
Tony Pampena Corp., Verona, PA
John Zottola Landscaping, Penn Hills, PA
City of Pittsburgh, Pittsburgh, PA
City of Pittsburgh Schools, Pittsburgh, PA

I am now getting some orders at greater distances and feel the 125 mile radius to be my approximate limit in the service area I need now or will need in the future.

9. I feel that Applicant is an excellent carrier and that the granting of the additional rights sought will enable me to utilize Applicant's trucks in my operations and better coordinate my operations. I am certainly very well pleased with Applicant's performance under its temporary authorities. It also has aided me in servicing new accounts and supplies trucks quickly and efficiently.

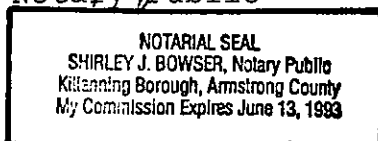


Anthony A. Ryan, t/d/b/a
A. A. Ryan Topsoil

Sworn to and subscribed before me
this 24th day of Janaury, 1992.



Notary Public





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

January 28, 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-E - Application of Toy Trucking Company

Dear Mr. Green:

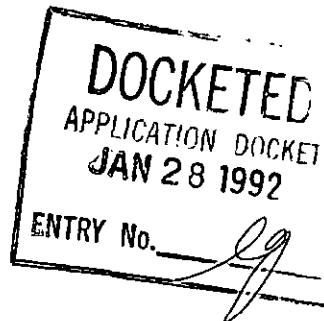
We have received the verified statements filed in the above referenced proceeding.

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:11





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

January 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~~f~~ - Application of Toy Trucking Company

Dear Mr. Green:

The above referenced application has been assigned for review without an oral hearing. In order to reach a determination on the application, you are being required to file verified statements in accordance with 52 Pa. Code §3.381(e)(1). You will be required to file:

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENTS IN SUPPORT OF APPLICATION.

The verified statements should be in paragraph form. Each heading contained in the attached minimum outline should be a separate section or paragraph.

You should be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Bluebird Coach Lines, Inc. A-00088807, F. 2, Am-K, which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application including requests for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description.

You are being granted an initial thirty (30) days to file verified statements. They will be due on or before March 2, 1992.

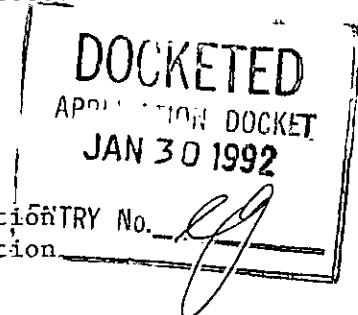
If additional time is required, it may be requested by telephone but must be followed in writing with the reasons for the extension stated.

Questions about your application should be directed to Richard H. White (717) 787-4387.

Very truly yours,



Richard H. White
Technical Review Section
Bureau of Transportation



RW:rs



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

January 30, 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-E - Application of Toy Trucking Company

Dear Mr. Green:

By our letter of January 28, 1992, we acknowledged receipt of the verified statements pertinent to the above-referenced application. In Part (1) of the proposed authority, Toy Trucking seeks to transport property, in bulk in dump vehicles, for Toy Trucking from its facilities in West Franklin Township, Armstrong County, to points in Pennsylvania, and vice versa.

Due to recent decisions regarding a certificated motor carrier's right to transport property for itself, it is necessary that Toy Trucking advise us of the specific points of destination for its products from its Armstrong County facilities, and the specific points of origin for the inbound freight to the Armstrong County facilities.

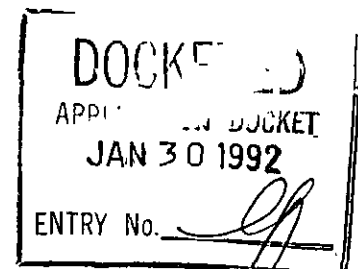
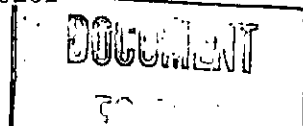
We cannot proceed any further with this application until this list of origins and destinations is made part of the record. Please allow us your response by March 2, 1992.

Very truly yours,

Richard H. White
Technical Review Section
Bureau of Transportation

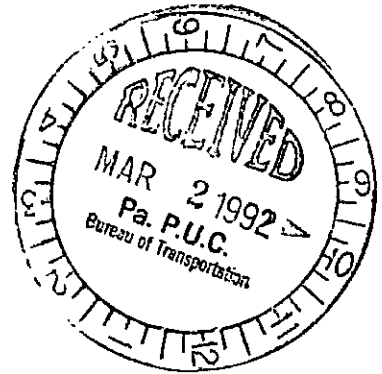
RW:rs

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



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

February 27, 1992



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
ATTN Richard H. White
Technical Review Section
P O Box 3265
Harrisburg PA 17120

Re: Toy Trucking Company
A-00099448
F-1, Am-C
Verified Statements

Dear Mr. White:

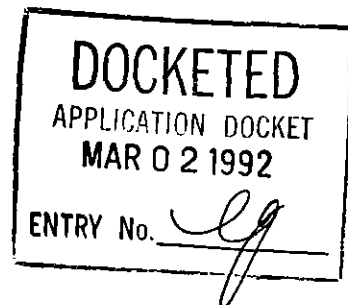
Pursuant to my telephone call to your office today and requested an additional thirty (30) days from March 2, 1992, to file the verified statements of applicant and his supporters.

Due to the complexity of what is required, vacations and the many points of origination and destination required from the three witnesses it has become almost impossible to file these by March 2, 1992. I would thus appreciate a 30-day extension of time to file these verified statements.

Very truly yours,

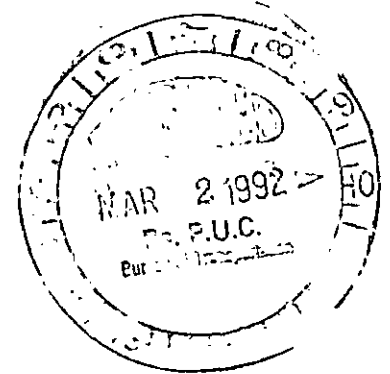
Blair F. Green

BFG/sb



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

February 27, 1992



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
ATTN Richard H. White
Technical Review Section
P O Box 3265
Harrisburg PA 17120

Re: Toy Trucking Company
A-00099448
F-1, Am-E

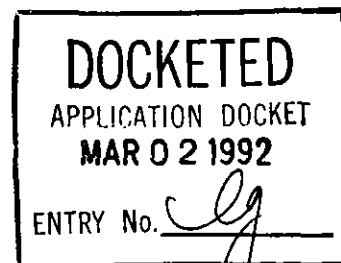
Dear Mr. White:

Pursuant to my telephone call to your office today as to your request Toy Trucking Company amend the applicant's statement as to its own property to show specific destination points thereof, due by March 2, 1991, I am respectfully requesting an extension of thirty (30) days, to file Toy's amended, verified statement. I would really appreciate this as we have had trouble getting together to get this out to you.

Very truly yours,

Blair F. Green
Blair F. Green

BFG/sb





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

March 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:

In accordance with your request of February 27, 1992 for an extension of time to file verified statements, we are granting an additional thirty (30) days for filing of statements.

Please be advised that verified statements are now due on April 1, 1992. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

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

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RHW:kmb

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
MAR 02 1992
ENTRY # - *lg*



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

March 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-E - Application of Toy Trucking Company

Dear Mr. Green:

In accordance with your request of February 27, 1992 for an extension of time to file verified statements, we are granting an additional thirty (30) days for filing of statements.

Please be advised that verified statements are now due on April 1, 1992. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

If you have any questions, please do not hesitate to contact us.

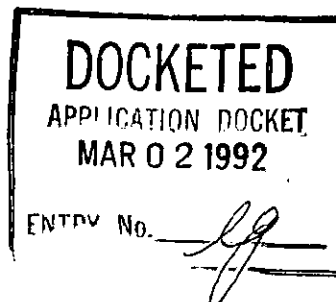
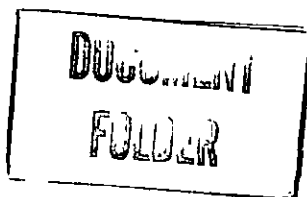
Very truly yours,

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

CERTIFIED MAIL

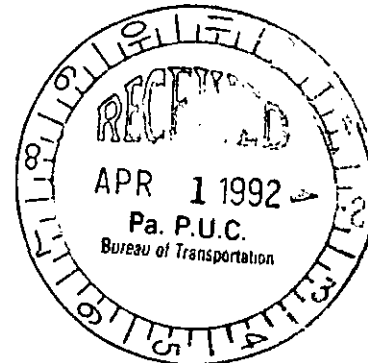
RETURN RECEIPT REQUESTED

RHW:kmb



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

March 30, 1992



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
ATTN Richard H. White
P O Box 3265
Harrisburg PA 17105-3265

Re: Toy Trucking Company
A-00099448, F. 1, Am-E

Dear Mr. White:

Enclosed find David C. Toy's Supporting Affidavit for just his property rights, Part 1, of the above application. As you know, the supporting affidavit of the other stripper were forwarded and accepted by you earlier.

If anything further is desired, please advise.

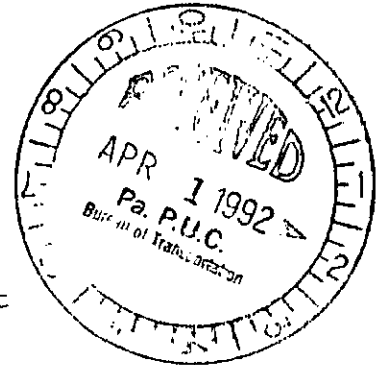
Very truly yours,

Blair F. Green
Blair F. Green

BFG/sb

Enclosure

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



APPLICATION OF TOY TRUCKING : Application Docket
: No. A-00099448
COMPANY : Folder 1, Am-E

STATEMENT OF APPLICANT SUPPORTING ITS APPLICATION
TO HAUL PROPERTY FOR TOY TRUCKING COMPANY

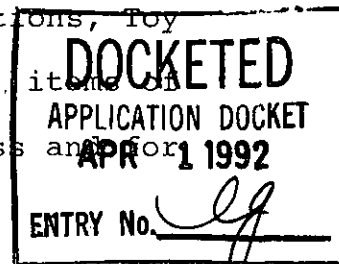
COMMONWEALTH OF PENNSYLVANIA)
(SS:
COUNTY OF ARMSTRONG)

BEFORE ME, a Notary Public in and for said County and State, personally appeared DAVID C. TOY, Managing Officer and Secretary-Treasurer, of Toy Trucking Company, a Corporation, who, being duly sworn according to law, deposes and says as follows:

1. That he is the Managing Officer and Secretary-Treasurer of Toy Trucking Company, a Pennsylvania Corporation, with its principal place of business at R D #1, Box 103, Worthington, PA 16262, in West Franklin Township, Armstrong County, PA.

2. Toy Trucking Company has been in business for many years and is a family business. The business was incorporated February 21, 1975.

3. During the course of its operations, Toy Trucking Company purchases a lot of items of property needed for its trucking business and for



the repair of its trucks, trailers and tractors. It also purchases building materials, topsoil and coal, etc., for storage and resale by Toy trucking Company.

4. Since this activity is just beginning and Applicant has its own trucks to haul these property items, it is applying for the right to haul these items to and from its home facilities in West Franklin Township, Armstrong County, Pennsylvania, to and from points in Pennsylvania. Property of Applicant for the past many years has been hauled by others into Applicant's principal place of business shown above at R D #1, Worthington, Pennsylvania, in West Franklin Township, Armstrong County, are from the following cities or towns: Butler and suburbs, Butler County; Pittsburgh and suburbs, Allegheny County; Johnstown and Ebensburg, Cambria County; Erie and suburbs, Erie County; New Castle and suburbs, Lawrence County; Washington, Washington County; Ridgway and St. Marys, Elk County; Oil City and Franklin, Venango County; Clarion, New Bethlehem and East Brady, Clarion County; New Kensington, Lower Burrell, Greensburg, Westmoreland County; Brookville, Jefferson County, Indiana and

Blairsville, Indiana County; Uniontown and Connellsville, Fayette County; Somerset, Somerset County; Dubois and Clearfield, Clearfield County; Altoona and Hollidaysburg, Blair County; Bedford, Bedford County; State College and Bellefonte, Center County; McConnellsburg, Clinton County; Williamsport, Lycoming County; Lewistown, Mifflin County; Chambersburg, Franklin County; Gettysburg, Adams County; Harrisburg and suburbs, Dauphin County; Mechanicsburg, Cumberland County; York, York County; Lancaster, Lancaster County; Scranton and suburbs, Lackawanna County; Wilkes Barre and suburbs, Luzerne County; Hazelton, Carbon County; Pottsville, Schuylkill County; Reading and suburbs, Berks County; Easton, Bethlehem and Allentown, Northampton County; Philadelphia and suburbs in Philadelphia County; Chester, Delaware County; Norristown and Pottstown, Montgomery County.

5. Applicant has had to have its property hauled by others for the past many years from its Worthington facilities into all of the points of origination shown above in Paragraph No. 4.

6. Based on the above and Applicant having a lot of trucking equipment, it applied to haul

property from its home facilities new Worthington,
Pennsylvania, to and from points in Pennsylvania.
Protests to this application have now all been
discontinued.

7. For the rest of Applicants facts needed
to support application, see Affidavit of Applicant
herewith submitted.

TOY TRUCKING COMPANY

By David C. Toy
David C. Toy, Managing Officer
and Secretary-Treasurer

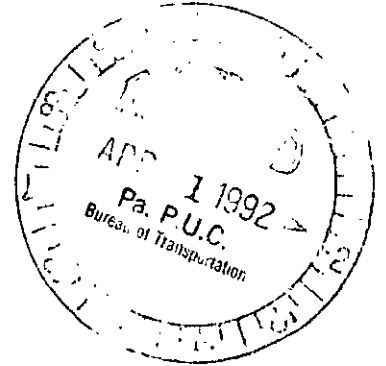
Sworn to and subscribed before me
this 30th day of March, 1992

Shirley J. Bowser
Notary Public

NOTARIAL SEAL
SHIRLEY J. BOWSER, Notary Public
Kittanning Borough, Armstrong County
My Commission Expires June 13, 1993

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

March 30, 1992



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
ATTN Richard H. White
P O Box 3265
Harrisburg PA 17105-3265

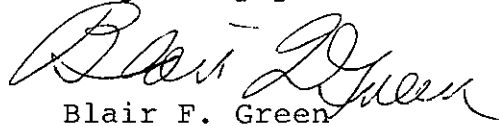
Re: Toy Trucking Company
A-00099448, F. 1, Am-C

Dear Mr. White:

Enclosed find Statement of Applicant and three Statements in Support of Application in the above matter.

If anything further is desired, please advise.

Very truly yours,

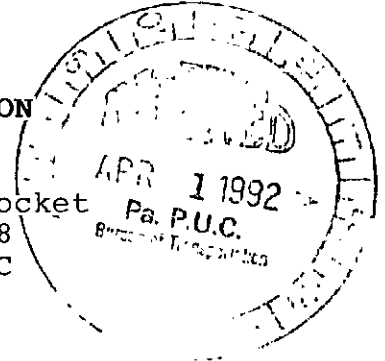

Blair F. Green

BFG/sb

Enclosure

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF TOY TRUCKING : Application Docket
: No. A-00099448
COMPANY : Folder 1, Am-C



STATEMENT OF APPLICANT

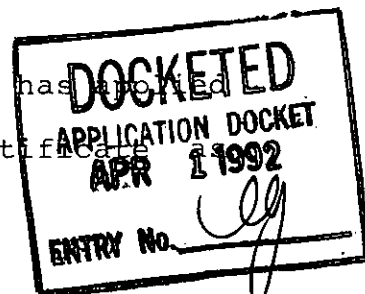
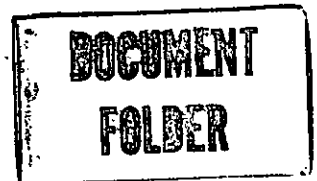
COMMONWEALTH OF PENNSYLVANIA)
(SS:
COUNTY OF ARMSTRONG)

BEFORE ME, a Notary Public in and for said County and State, personally appeared DAVID C. TOY, Managing Officer and Secretary-Treasurer, of Toy Trucking Company, a Corporation, who, being duly sworn according to law, deposes and says as follows:

1. That he is the Managing Officer and Secretary-Treasurer of Toy Trucking Company, a Pennsylvania Corporation, with its principal place of business at R D #1, Box 103, Worthington, PA 16262, in West Franklin Township, Armstrong County, PA.

2. That the said Applicant now possesses the following operative rights granted by the Pennsylvania Public Utility Commission: (See Exhibit "A" hereto attached).

3. (a) That the said Applicant has applied to amend its common carrier certificate 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 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 and 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 and 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 rights, 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.

(b) That there will be no dual operations resulting from the grant of this application.

4. Applicant is not affiliated with any other carrier and its main and only terminal facilities and communications base is located at R

D #1, Worthington, PA 16262, in West Franklin Township, Armstrong County, PA.

5. Attached to this Statement as Exhibit "B" is a list of the equipment to be used to render the proposed service, as to make, model, year, owned or leased. Exhibit "C" is the latest Balance Sheet and Income Statement of Applicant.

6. Applicant has qualified mechanics in its employ in its garages to inspect and maintain the said equipment at the terminal location noted above on a daily basis. These mechanics and deponent, who is also a trained mechanic, make sure all of the vehicles owned or used by Applicant are completely roadworthy and conform to State Inspection Standards.

7. Applicant has radio communications in its trucks and has appropriate and spacious indoor facilities for the upkeep and maintenance of its trucks.

8. Applicant is now supplying to its supporting witnesses, B & B Coal Associates, Inc., Pittsburgh & Shawmut Coal Company and Amerikohl, Inc., and Amerikohl Mining, Inc., its services in

hauling coal in dump vehicles under its present authorities as shown above in paragraph No. 5 and Exhibit "B".

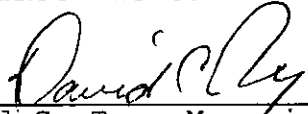
9. The type of service to be offered the supporting witnesses is the transportation of coal in dump vehicles from the facilities of the named shippers or the coal producers and operators where the supporting witnesses buy their coal to the points in Pennsylvania within 120 or 125 miles from point of origin of the haul, the detailed points of origin and destination being set forth in the supporting affidavits filed.

10. There will be no additional environmental impact due to the additional authority sought by Applicant. At the present time, a back haul may exist or not exist due to circumstances. If a haul is available for which Applicant has the rights, he will seek out the haul.

11. Applicant feels that the granting of the authority sought will enable Applicant to serve the supporting shipper well and permit it to increase the efficiency of its business.

TOY TRUCKING COMPANY

By


David C. Toy, Managing Officer
and Secretary-Treasurer

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

Shirley J. Bowser
Notary Public

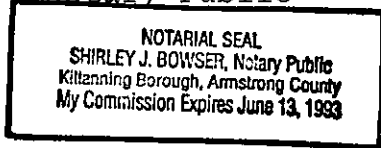


EXHIBIT "A"

TOY TRUCKING CO.
Operating Authority

A-00099448

To transport, as a Class D carrier, coal, lumber, lime, gravel and sand between points in the counties of Clarion, Armstrong, Butler, Venango, Allegheny and Crawford, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination; excluding the right to transport lumber from points within an airline distance of forty (40) statute miles of the limits of the borough of Brookville, Jefferson County.

A-00099448, F. 1, Am-A

To transport, as a Class D carrier, coal, for Amerikohl, Inc., from its facilities located in the township of Fairview, Butler County, to points in the county of Lawrence; and to transport coal for Amerikohl, Inc., from the facilities of: Bracken Construction Company located in Concord Township, Butler County; Sunbeam Coal Company located in Marion Township, Butler County; and West Freedom Mining Corporation located in Clearfield Township, Butler County and West Franklin Township, Armstrong County, to point in the county of Lawrence.

To transport, as a Class D carrier, coal, for Pittsburgh and Shawmut Coal Company, from its facilities located in the township of East Franklin, Armstrong County, to the Pennsylvania Power Company in the city of New Castle, Lawrence County; and to transport coal for Pittsburgh and Shawmut Coal Company from the facilities of: Glacial Sand & Gravel Company located in East Franklin Township, Armstrong County; West Freedom Mining Corporation located in the township of Clearfield, Butler County and the township of West Franklin, Armstrong County; and the Roswell Coal Company located in the township of Fairview, Butler County; to the Pennsylvania Power Company in the city of New Castle, Lawrence County.

A-00099448, F. 1, Am-A (continued)

To transport, as a Class D carrier coal, for Roswell Coal Co., Inc., from its facilities located in the township of Fairview, Butler County, to points in the county of Lawrence;

the above three rights being subject to the following conditions:

1. That no right, power or privilege is granted to transport coal except in bulk in dump vehicles;
2. That no haul is to exceed an airline distance of seventy-five (75) statute miles from the point of origin to point of destination.

A-00099448, F. 1, Am-B

To transport, as a Class D carrier, coal, for Amerikohl, Inc. and Amerikohl Mining, Inc., from their facilities in the counties of Butler, Lawrence and Armstrong, to the Bruce Mansfield Station of Ohio Edison Power located in the borough of Shippingport, Beaver County.

A-00099448, F. 1, Am-D

To transport, as a Class D carrier, coal, coke, boney and other building materials, in bulk, (excluding brick), in dump trucks, from points in the borough of Springdale, Allegheny County, to points in the counties of Allegheny, Butler, Westmoreland and Armstrong, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal, coke, boney, slag and building materials, in bulk, (excluding brick), in dump vehicles, and which are

A-00099448, F. 1, Am-D (continued)

unloaded by dumping, between points in the counties of Butler, Westmoreland, Indiana and Armstrong, provided no haul shall exceed a distance of thirty-five (35) miles from point of origin to point of destination, excluding the transportation of coal and coke to or from points in Butler County, except as presently authorized.

To transport, as a Class D carrier, concrete blocks, haydite blocks and cinder blocks between points in the county of Allegheny.

To transport, as a Class D carrier, sand and gravel, in dump vehicles and which are unloaded by dumping, from the facilities of Davison Sand and Gravel Company, in the counties of Allegheny, Armstrong and Westmoreland, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, coal for domestic consumption and to railroad cars between points in the city of New Kensington, Westmoreland County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

To transport, as a Class D carrier, gravel, sand, soil, slag, cinders and building blocks, between points in the city of New Kensington, Westmoreland County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said city, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

with the above rights subject to the following condition:

That no right, power, or privilege is granted to transport construction and building sand and gravel, in dump vehicles, for the Davison Sand and Gravel Company, from its plant site in the city of New Kensington, Westmoreland County.

Toy Trucking also has pending before the PUC the following application to expand its rights:

A-00099448, F. 1, Am-E

-
- (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 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 and 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 and 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 rights, 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.

EXHIBIT "B"

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

EXHIBIT "C"

TOY TRUCKING CO.

STATEMENT OF ASSETS AND LIABILITIES - ESTIMATED CURRENT VALUES

DECEMBER 31, 1990

ASSETS

CURRENT ASSETS:

Cash in bank	\$ 39,037
Accounts receivable	66,288
Inventory - Parts and tires (Note 1)	26,785
	<u>\$132,110</u>

FIXED ASSETS: (Note 2)

Trucks	\$279,000
Tools	11,800
Building equipment	7,400
Office equipment	3,500
	<u>\$301,700</u>

TOTAL ASSETS

\$433,810

LIABILITIES

CURRENT LIABILITIES:

Accounts payable	\$ 66,422
Equipment loans payable (Note 4)	33,000
	<u>\$ 99,422</u>

LONG-TERM LIABILITIES:

Loans payable - Shareholder (Note 3)	\$ 38,000
Equipment loans payable (Note 4)	67,556
Less: Current portion	(33,000)
	<u>\$ 72,556</u>

CAPITAL AND RETAINED EARNINGS:

Capital stock issued	\$ 20,000
Retained earnings	241,832
	<u>\$261,832</u>

TOTAL LIABILITIES, CAPITAL AND RETAINED EARNINGS

\$433,810

"SEE ACCOUNTANTS' COMPILATION REPORT."

TOY TRUCKING CO.

NOTES TO FINANCIAL STATEMENT

DECEMBER 31, 1990

1. Inventory of parts and tires was estimated by the management of Toy Trucking Co. as of December 31, 1990.

2. **FIXED ASSETS:**

The value of nine trucks have been determined by consultation with a local truck dealer. The trucks are as follows: 1 - 1990 White, 1 - 1987 White, 2 - 1980 Fords, 2 - 1978 Autocars, 1 - 1976 Autocar, 1 - 1975 Ford and 1 - 1975 Autocar. All trucks are tri-axels.

Tools, building equipment and office equipment have been valued by management.

3. **LOANS PAYABLE - SHAREHOLDER:**

Loans due to principal shareholder are not payable on a scheduled repayment plan. Payments have been made periodically.

4. **EQUIPMENT LOANS PAYABLE:**

Balance due Merchants National Bank on 1990 White truck is \$47,556. Monthly payments of \$1,450.00 with final payment due March 1994.

Balance due P. L. Toy Coal Co. on 1976 Autocar and 1975 Autocar is \$20,000. Monthly payments of \$1,500.00 with final payment due February 1992.

1120

U.S. Corporation Income Tax Return

OMB No. 1545-0123

Form Department of the Treasury Internal Revenue Service

For calendar year 1990 or tax year beginning 1990, ending 1990, ending 1990
Instructions are separate. See page 1 for Paperwork Reduction Act Notice.

1990

- Check if a--
A Consolidated return
B Personal holding co.
C Personal service corp. (as defined in Temp. Regs. sec. 1.441-4T--see Instructions)

Use IRS label. ***** 5-DIGIT 16262
Other- TOY TRUCKING CO
R D 1
WORTHINGTON PA 16262

D Employer identification number 25-1269355
E Date incorporated 2-21-75
F Total assets (see Specific Instructions) \$ 181,884 19

6 Check applicable boxes: (1) Initial return (2) Final return (3) Change of address

Income section table with rows 1a-11 and columns for descriptions and amounts.

Deductions section table with rows 12-29 and columns for descriptions and amounts.

Tax and Payments section table with rows 30-36 and columns for descriptions and amounts.

Please Sign Here
Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.
Signature of officer: [Signature] Date: 1-24-90 Title: SEC.

Paid Preparer's Use Only
Preparer's signature: [Signature] Date: 1-23-90
Check if self-employed [X] Preparer's social security number: 17-41-1947
Firm's name (or yours if self-employed) and address: MACY & MACY, CPAs, 10 # 25-1580910, KITTANNING, PA. 16201

COPY

COPY

coal is shipped from our mines and tipples to power plants and blending yards throughout the Commonwealth of Pennsylvania. B & B also buys from coal operators and producers coal produced and stockpiled at their mines and then ships it by truck to its tipples, or to destinations of purchasers, in Pennsylvania and elsewhere.

4. As of now we ship a lot of our coal and coal we purchase from others from our mines and the Butler County mines and tipples in Butler and Armstrong Counties. As brokers we also purchase coal from various producers and ship it from those points to points in Pennsylvania.

5. Our 1991 sales of coal of ours and others was about 380,000 tons and we anticipate at least a 10% increase in production, purchasing and sales in 1991. We will be able to use Applicant's trucks to haul at least 1,000 tons or more per week out of our total production of 7,000 plus tons per week.

6. Due to the need for a large number of trucks we will have a need for the services of the Applicant on a steady, daily basis as we have steady orders for our coal. Toy Trucking Company has had a standing relationship with B & B and has

provided us with dependable, efficient service. Applicant's base of operations at Worthington, Pennsylvania, is near to our Butler County tipple and mines and our Armstrong County tipple, also being in the center of the other producers B & B buys coal from.

7. The type of service required by B & B is the pickup, hauling and delivery of coal, in bulk, in dump vehicles from the facilities, inter alia, of B & B and the following named shippers hereinafter referred to, to points in Pennsylvania, up to and including about 120 miles from point of origin to point of destination.

8. Representative hauls for B & B are from the facilities of the producers listed below from the facilities of each as shown:

<u>Facilities of Origin</u>	<u>County location</u>
✓ B & B Coal Mining, Inc.	Butler & Armstrong
✓ BMB Management, Inc	Butler & Armstrong
· B & B Coal Assoc. Inc.	Butler & Armstrong
Bill Turner Enterprises, Inc.	Armstrong
Daybrook Coal Company	Armstrong
Atwell Coal Company	Butler, Mercer & Venango
Eastern Materials Corp	Armstrong & Butler
Cherep's Excavating	Armstrong & Indiana
Glacial Minerals	Armstrong
Walter L. Houser Coal Co	Armstrong
M.R.C. Mining	Armstrong
Reddinger Coal Co	Butler & Armstrong
Rosebud Mining Co	Armstrong
Triple K Coal Co	Indiana
Valley Coal Co	Indiana
✓ Van Leer Coal Co	Armstrong

9. These hauls are being made from the above facilities and locations to the following destinations in Pennsylvania:

<u>Purchaser</u>	<u>Destination</u>	<u>County</u>
Hammermill Paper	Erie	Erie
General Electric	Erie	Erie
Pennsylvania Electric	Erie	Erie
Pennsylvania Electric	Warren	Warren
Pennsylvania Electric	Shawville	Clearfield
Pennsylvania Electric	Seward	Indiana
Pennsylvania Electric	Homer City	Indiana
Penn Mining	Dilltown	Indiana
Glassport Transportation Co	Glassport	Allegheny
West Penn Power	Reesedale	Armstrong
Pennsylvania Power	New Castle	Lawrence

We are constantly securing new coal contracts to buy coal and ship it to locations up to and within the 120 mile authority sought by Applicant.

10. 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.

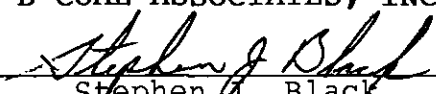
11. My Company is aware of the reliable and efficient service that Applicant has provided it with in hauling up to 12,000 tons of coal per day under his present rights. As we keep expanding our production we need someone like Applicant to expand with it. Applicant enjoys a very good

reputation amount the producers and shippers of coal. We require our haulers to make some day deliveries and Applicant has been exceptionally good at this in its service to B & B under the rights it already has. Also, Applicant has a very good reputation for being able to furnish extra trucks on short notice and we only load for 12 hours each day. We have quotas to meet and deadlines that Applicant is well qualified to help us to achieve.

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. We are anxious to have the applicant's service available up to the new range of 120 miles in Pennsylvania. We feel our continuing problem of having a lot of trucks available on short notice will be greatly alleviated due to Applicant's extremely capable efforts in securing extra trucks quickly for long, short and difficult hauls.

B & B COAL ASSOCIATES, INC.

By

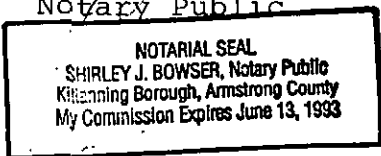


Stephen B. Black
President

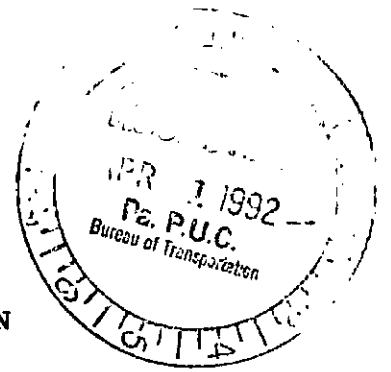
Sworn to and subscribed before me
this 30th day of March, 1992

Shirley J. Bowser

Notary Public



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



APPLICATION OF TOY TRUCKING : Application Docket
: No. A-00099448
COMPANY : Folder 1, Am-C

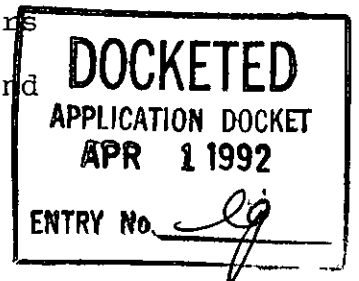
STATEMENT IN SUPPORT OF APPLICATION

COMMONWEALTH OF PENNSYLVANIA)
(SS:
COUNTY OF ARMSTRONG)

BEFORE ME, a Notary Public in and for said County and State, personally appeared GERARD P. BAROFFIO, Vice President of Amerikohl Mining, Inc., and Amerikohl Inc., who, being duly sworn according to law, deposes and says as follows:

1. That he is the Vice President of Amerikohl Mining, Inc., and Amerikohl, Inc., having its principal place of business at 202 Sunset Drive, Butler, Butler County, Pennsylvania 16001. I am familiar with the truck needs of my Company.

2. Amerikohl Mining, Inc., and Amerikohl, Inc., have been engaged in the business of bituminous coal production, sales and brokerage for over 14 years. We produce coal and, through sales agreements with independent coal operators and producers, we purchase the coal from them and



then resell the coal, delivering it from our, or their, facilities to various markets or destinations in the State of Pennsylvania and elsewhere.

3. As of now we are selling our coal and purchasing coal for resale from the facilities listed on the attached sheet as Exhibit "A"

4. Our 1991 sales of coal from our production and coal purchased from others at the places shown in paragraph 3, Exhibit "A", totaled 1,000,000 tons. My Company anticipates an increase in the amount of coal produced or purchased for resale of approximately 100,000 tons in 1992 for a total 1992 sales of 1,100,000 tons of coal. We anticipate using Applicant and his trucks, with the larger authority he seeks, to haul up to 1,000 tons of coal per day for us and sometimes in excess of that or 260,000 tons or so per year.

5. Due to our 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 under his present rights and has provided us with very dependable

FILE

CONTINUED