

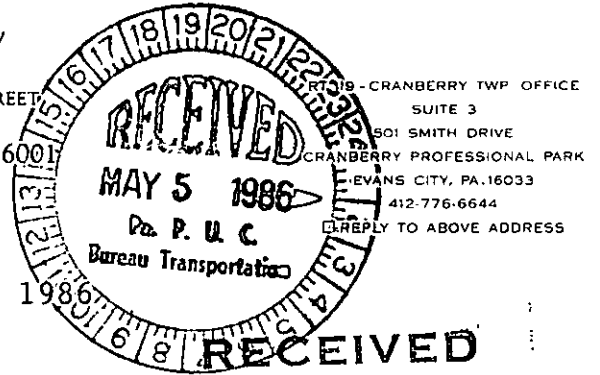
DILLON, McCANDLESS & KING

ATTORNEYS AT LAW

128 WEST DIAMOND STREET  
BUTLER, PENNSYLVANIA 16001  
412-283-2200

CHARLES E. DILLON  
RICHARD L. McCANDLESS  
THOMAS W. KING, III

LESTER S. BECKER  
JAMES P. COULTER  
DONALD P. GRAHAM



May 2, 1986

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

MAY 5 1986

SECRETARY'S OFFICE  
Public Utility Commission

RE: Toy Trucking Company, Inc.

Dear Sir or Madam:

Enclosed please find our Application for Temporary Authority and Permanent Authority which we are filing on behalf of Toy Trucking Company, Inc. Enclosed are our checks to cover the filing fee for the same.

Please note that we have previously applied for Emergency Temporary Authority by Application mailed April 23, 1986.

Please call if there are any questions in this regard.

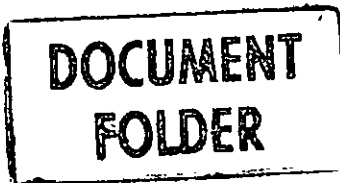
Very truly yours,

DILLON, McCANDLESS & KING

*James P. Coulter*  
James P. Coulter  
Attorney at Law

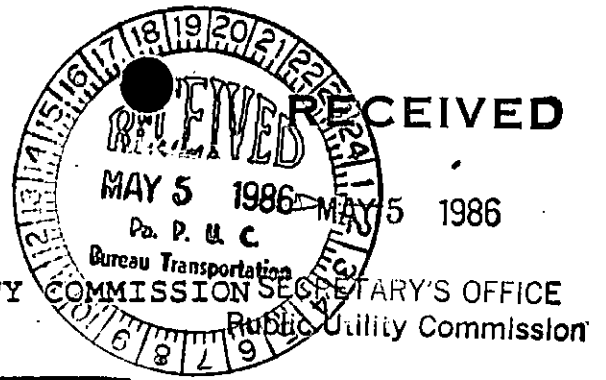
JPC:tjd

Enclosures 8



*5-16-86 per ph conv with attorney. Will send letter to the Commission for Cont - car rights + to retain clients Comm Care rights. Jm*

*A-99448 F.1 AM-B*



BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE  
Public Utility Commission

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

(see instructions before preparing application)

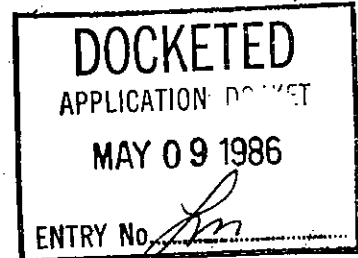
In re: Application of  
Toy Trucking Company, Inc.

APPLICATION DOCKET

No. A-99448

Folder No. 1 AM-B

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.



TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The name and address of applicant are:

Toy Trucking Company, Inc. ....  
(Applicant's or trade name, if any)  
R.D. #1, Box 103 ..... Worthington 16262  
(Street and number) ..... (City) ..... (Zip)  
Butler ..... Pennsylvania  
(County) ..... (State)

2. The name and address of applicant's attorney are:

Thomas W. King, III ..... 128 W. Diamond St., Butler, PA 16001  
(Name) ..... (Address) ..... (Zip)

3. Applicant designates Thomas W. King, III, 128 W. Diamond Street,  
(Name)

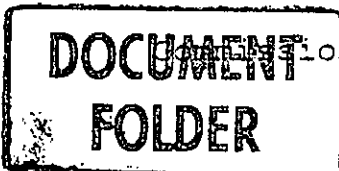
Butler, Pennsylvania 16001 ..... as the person upon whom  
(Address) ..... (Zip)

service of any notice, process or order of the Public Utility

Commission may be made for him or it.

F.1 AMENDMENT "B"

A-99448  
APPL. Public Utility  
COMPL. F.1 ACT  
MVIC. C1 2-4-76  
CHECKED BY [Signature]



4. Applicant is a corporation  
(Individual, partnership or corporation - if an individual, must be 18 years of age or over)

Applicant, if an individual or partnership, is doing business under the trade name of

The said trade name been registered with the Secretary of the Commonwealth on 19 and with the Prothonotary of (County)

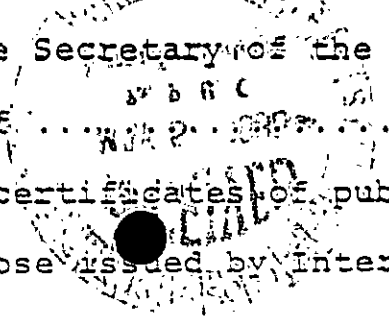
County on 19, in accordance with the provisions of the Fictitious Name Act of June 28, 1917, as amended.

Applicant, if a partnership, attaches hereto, as an exhibit, a copy of the partnership agreement and asserts that the names and addresses of the partners are as follows:

Table with 3 columns: Name, Post Office Address, County. Includes placeholder text '(Zip)' for address entries.

Applicant, if a corporation, was organized under the laws of the State of Pennsylvania, and attaches hereto as an exhibit a statement of its charter purpose(s). Applicant (if a foreign corporation) qualified to do business in Pennsylvania by registering in the office of the Secretary of the Commonwealth on the N/A day of 19

5. Applicant now holds the following certificates of public convenience or permits (include those issued by interstate



Filing Fee: \$75  
AIB-7

Articles of  
Incorporation—  
Domestic Business Corporation

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU

Secretary of the Commonwealth

In compliance with the requirements of section 294 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1204) the undersigned, desiring to be incorporated as a business corporation, hereby certifies (certify) that:

The name of the corporation is

Toy Trucking Company

The location and post office address of the initial registered office of the corporation in this Commonwealth is:

103  
Box 411A, R.D. #1

Worthington

Pennsylvania

16262

The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

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.

The term for which the corporation is to exist is: Perpetual

The aggregate number of shares which the corporation shall have authority to issue is:

1000 Shares, \$100.00 par value, Voting Class A Common

**POOR ORIGINAL**

c. The name(s) and post office address(es) of each incorporator(s) and the number and class of shares subscribed by such incorporator(s) is (are):

NAME ADDRESS (Including street and number, if any) NUMBER AND CLASS OF SHARES

Theresa A. Toy, R. D. #1, Worthington, Pennsylvania 16262 3 Shs.

**POOR ORIGINAL**

IN TESTIMONY WHEREOF the incorporator(s) has (have) signed and sealed these Articles of Incorporation this 19th day of February, 1975

(SEAL)



(SEAL)

(SEAL)

**INSTRUCTIONS FOR COMPLETION OF FORM**

- A. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 35 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- B. One or more corporations or natural persons of full age may incorporate a business corporation.
- C. Optional provisions required or authorized by law may be added as Paragraphs 7, 8, 9 . . . etc.
- D. The following shall accompany this form:
  - (1) Three copies of Form DSCB:BCL-206 (Registry Statement Domestic or Foreign Business Corporation).
  - (2) Any necessary copies of Form DSCB:17.2 (Consent to Appropriation of Name) or Form DSCB:17.3 (Consent to Use of Similar Name).
  - (3) Any necessary governmental approvals.
- E. BCL 5205 (15 Pa. S. 51205) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be delivered to the Department, but should be filed with the minutes of the corporation.

**POOR ORIGINAL**





# Amerikohl Mining Inc.

202 SUNSET DRIVE  
BUTLER, PENNSYLVANIA 16001  
TELEPHONE: (412) 282-2339

April 17, 1986

Pennsylvania Public Utility  
Commission  
Bureau of Non-Rail Transportation  
Harrisburg, PA

Dear Sirs:

Pursuant to Toy Trucking Company's application for Emergency Temporary Authority to service the Bruce Mansfield Station of Ohio Edison, Amerikohl, Inc. supports the issuance of such authority as necessary to maintain or expand our present level of business with this facility.

Amerikohl presently supplies 20,000-25,000 NT of coal to Bruce Mansfield each month. Purchase orders for exact tonnage requirements are issued for each calendar month and all coal ordered must be delivered in that month. Since purchased coal not delivered cannot be carried over to the following month, Amerikohl has lost business and been forced to inventory coal which was otherwise sold, due solely to an inability to move our product resulting from a lack of available trucks.

Even though Amerikohl maintains a list of 35 trucking companies, no more than six of these companies have operating rights to this facility of those only four: Gajda, Cartwright and Lollo, Cook, and Wayne Sell Trucking are willing to provide trucks to us on a regular basis. With nearly 1000 truckloads per month required to fulfill our obligations to this account, the available supply of trucks is strained under the most ideal operating conditions. Instances of bad weather or break-downs have cost Amerikohl nearly 3,500 NT of business since December 1985. The following is a listing of coal purchased from us but not delivered due to trucking problems: (Last four months)

December 1985	300 NT
February 1986	2,000 NT
March 1986	1,000 NT

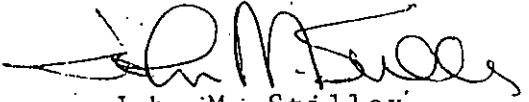
April 17, 1986  
Page (2)

During each of these months attempts we were made to secure additional equipment with the companies mentioned with no success. The result in just the last four months has been a loss of nearly \$100,000.00 in revenue to our mining company. At the same time, Toy Trucking had the trucks available but could not haul due to a lack of authority.

Toy Trucking has proven their reliability as a service company and we feel the addition of them in this route will alleviate many of the problems we are now experiencing.

Yours truly,

Amerikohl Mining, Inc.



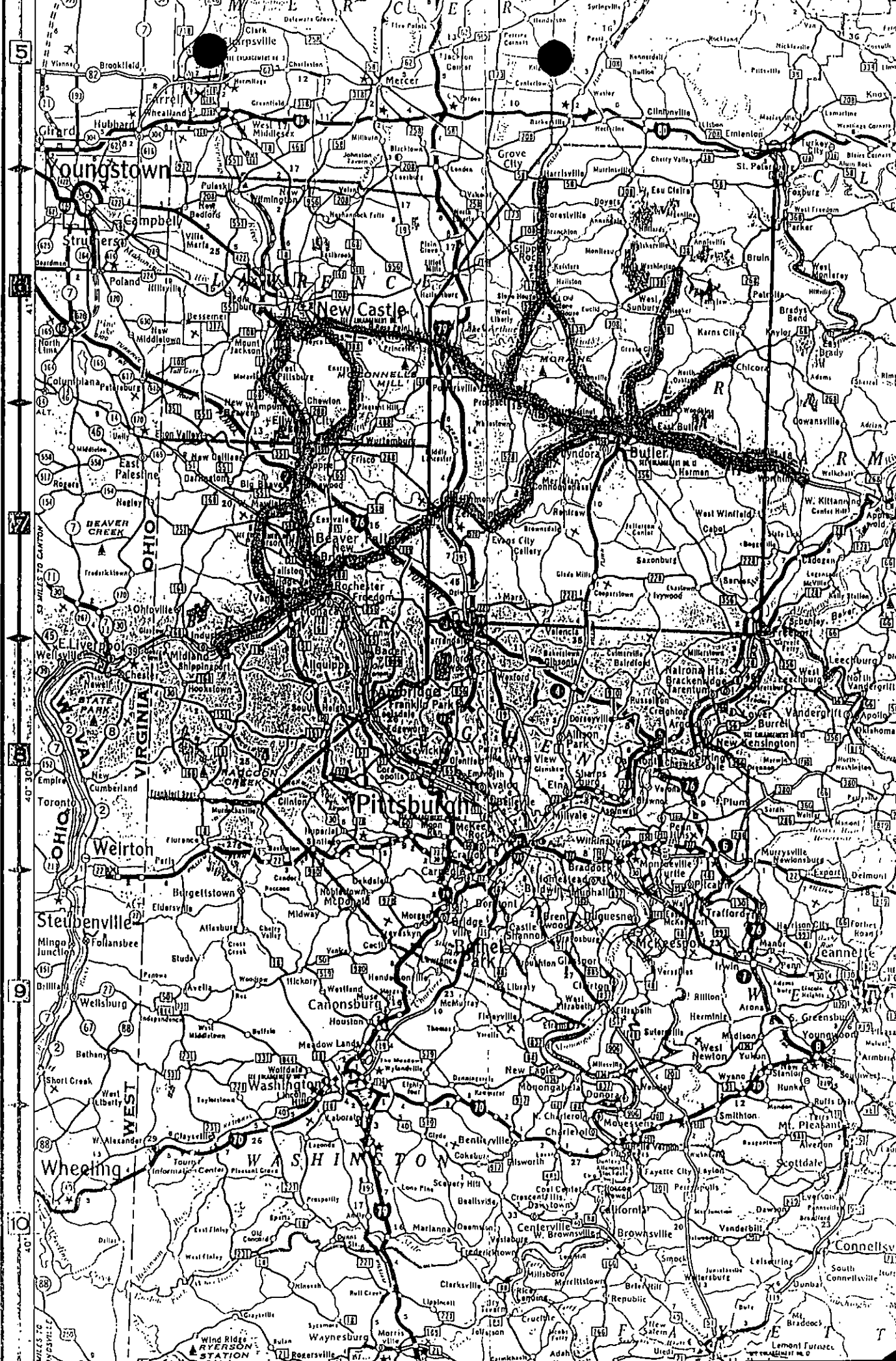
John M. Stilley  
President

JMS/pk

NATURE AND CHARACTER OF SERVICE

To transport, as a Class D carrier, coal for Amerikohl, Inc., and/or its subsidiaries, from its facilities in Butler, Lawrence, and Armstrong Counties to points in Beaver County and vice-versa.

322 WEST	283
322 EAST	283
PROGRESS	22
6 WEST	81
6 EAST	209
6H	6H
215	215
18	18
98	98
832	832
79	79
19	19
97	97
4	4
430	430
531	531
85	85
20	20
3491	3491
322W	322W
322E	322E
320-352	320-352
13	13
73	73
63	63
132	132
413	413
572	572
32	32
568	568
724-10	724-10
422	422
50	50
121	121
19	19
19-51	19-51
376-2230	376-2230
50	50
121	121
19	19
19-51	19-51
376-2230	376-2230



COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BUTLER SS

...Theresa A. Toy..... being duly sworn (affirmed)  
(Affiant)

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 her ~~own~~ knowledge, information and belief and she expects to be able to prove the same at the hearing hereof.

*Theresa A. Toy*  
.....  
(Signature of Affiant)

Sworn and subscribed before me this *30<sup>th</sup>* day of April...1986....

*Jean C. Cygan*  
.....  
(Signature of official administering oath)

My Commission expires *June 21,*  
*1987*

a permit as a contact carrier, or if applying for a permit, would be entitled to a certificate, as aforesaid, applicant agrees that the application may be considered by the Commission to be for the appropriate form of authority.

Wherefore, applicant prays your Honorable Commission to issue   O   a certificate of public convenience;   X   a permit; under the provisions of the Pennsylvania Public Utility Law, evidencing its approval of the right to operate motor vehicles for the transportation of property as described in Paragraph 8 of this application.

CORPORATE SEAL

TOY TRUCKING COMPANY, INC.  
.....  
(print name of corporation,  
partnership, trade-name or  
individual)\*

By:

*Theresa A. Toy*  
.....  
(Signature)

Theresa A. Toy, President

.....  
(Signature)

.....  
(Signature)

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

Reserve for depreciation - motor vehicles .... \$ .....

Reserve for depreciation - other ..... \$ .....

Capital stock (corporations only) .....,..... \$ .....

Surplus (corporations only) ..... \$ .....

Total Liabilities ..... \$ .....

NET WORTH

For corporations ..... \$ .....

    Capital stock ..... \$ .....

    Surplus ..... \$ .....

For individuals or partnerships ..... \$ .....

8. The nature and character of the service to be rendered by applicant as a   0   common carrier or as a   X   contract carrier under the terms of the attached contract or agreement, are as follows: (See instructions)

- 9. (a) If applicant seeks authority as a   0   common carrier, state information why the proposed service is necessary or proper for the service, accommodation and convenience of the public.
- (b) If applicant seeks authority as a   X   contract carrier, applicant certifies that he is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the lawful orders and regulations of this Commission, and that the proposed service will be consistent with the public interest and will not interfere with the service and regulations of common carriers by motor vehicles and the policy declared in Section 801 of the Public Utility Law.

10. 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 5) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.

11. If the evidence presented in support of this application shows that applicant, although applying for a certificate of public convenience as a common carrier, would be entitled to

Commerce Commission and any other states): .Certificate No....  
A-00099448

6. Applicant desires to operate motor vehicles as follows: (state type, size and quantity) . See attached Exhibit "A"

Number of vehicles now owned or to be purchased by applicant  
Five

Number of leased vehicles operated or to be operated by applicant . . . . . Up to five

7. Applicant is financially able to furnish adequate service to the public and submits the following statement of financial condition: . See attached Exhibit "A"

<u>ASSETS</u>	
Motor vehicle equipment	\$
Land, buildings and structures	\$
Other property	\$
Cash	\$
Notes and accounts receivable	\$
Materials and supplies	\$
Other assets (attach schedule)	\$
Total Assets	\$

LIABILITIES

Mortgages payable	\$
Equipment obligations	\$
Notes and accounts payable	\$
Other liabilities (attach schedule)	\$

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Public Meeting held December 2, 1975  
Harrisburg, Pennsylvania 17120

COMMISSIONERS PRESENT:

Chairman Carter  
Commissioner Kelly  
Commissioner Bloem

Application Docket No. 99448—Application of TOY TRUCKING COMPANY, a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING SERVICE AS A MOTOR CARRIER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of TOY TRUCKING COMPANY, a corporation of the Commonwealth of Pennsylvania, dated September 29, 1975, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matter and things involved having been had, and it appearing that the right granted herein is in effect a transfer of the right which had been held by DANNIE DEAN TOY & ELLA TOY, copartners, trading and doing business as DANIEL DEAN TOY, under report and order issued at A. 95661 on February 20, 1970 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by TOY TRUCKING COMPANY, a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following right:

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;

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

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose to fix a valuation on the property and right to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the right herein granted in excess of the actual cost of such right to the original holder thereof.

A. 99448

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

NOW, to wit, December 2, 1975, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

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

(SAL)

BY THE COMMISSION,

C. J. McELWEE  
Secretary

ORDER ADOPTED: December 2, 1975  
ORDER ENTERED: December 16, 1975

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held January 4, 1985

Commissioners Present:

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

Application of Toy Trucking Company, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, 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: SO AS TO PERMIT the transportation of coal, from the facilities of Glacial Sand & Gravel Company, located in the township of East Franklin, Armstrong County, from the facilities of Roswell Coal Company located in the township of Fairview, Butler County, from the facilities of Pittsburgh and Shawmut Railroad Company, located in the township of East Franklin, Armstrong County, from the facilities of West Freedom Mining Corporation, located in the township of Clearfield, Butler County, and in the township of West Franklin, Armstrong County, from the facilities of Amerikohl, Inc., located in the township of Fairview, Butler County, from the facilities of

A-00099448  
F. 1  
Am-A

Toy Trucking has the necessary experience, fitness and equipment to render the proposed service and is familiar with the shipper's facilities as it has been serving them under its currently held authority. The application was protested by two carriers, however, upon reconsideration they withdrew their protests. It is our conclusion that the applicant has demonstrated that a need exists for the proposed service as modified.

We find that:

1. The applicant has offered sufficient evidence to establish necessity for the proposed service, as modified.
2. The applicant has the experience, equipment and fitness necessary to render the proposed service, as modified.
3. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as modified, be and is hereby approved and that the certificate issued to the applicant on February 4, 1976, be amended to include the following right:

1. 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 points in the county of Lawrence;
2. To transport, as a Class D carrier, coal, for Pittsburg 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 Pittsburg 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;

3. 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.

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

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

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

BY THE COMMISSION,

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: January 4, 1985

ORDER ENTERED: JAN 16 1985

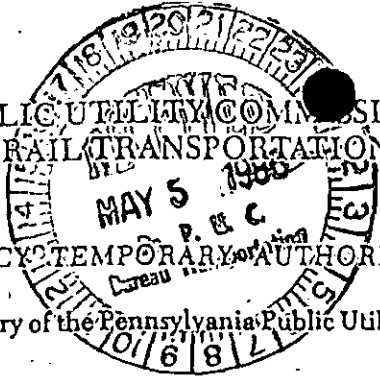
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
BUREAU OF NON-RAIL TRANSPORTATION

MAY 5 1986

SECRETARY'S OFFICE

APPLICATION FOR \_\_\_\_\_ EMERGENCY TEMPORARY AUTHORITY; X Public Utility Commission AUTHORITY; OR \_\_\_\_\_ EXTENSION THEREOF.

(File original and 2 copies of application with Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120)



1. Toy Trucking Company, Inc. A-99448 F.I.A.M.B  
(Name of applicant) (Trade name, if any)  
R.D. #1, Box 103 Worthington, PA 16262  
(Street address) (City) (State & Zip Code)

2. Applicant is an \_\_\_\_\_ individual \_\_\_\_\_ partnership X corporation. (If individual or partnership and using a trade name, applicant must submit evidence of compliance with the provisions of the Fictitious Names Act of June 28, 1917, as amended. Applicant corporations must submit articles of incorporation and charter purpose; and a foreign corporation must submit evidence that it is qualified to do business in Pennsylvania due to its registration with the Secretary of the Commonwealth.)

3. Applicant requests authority for 30 days together with any subsequent extensions thereof motor vehicle, \_\_\_\_\_ broker or \_\_\_\_\_ freight forwarder in intrastate commerce.  
(Give description of type of service and area to be served.)  
To transport, as a Class D carrier, coal for Amerikohl, Inc., and/or Amerikohl Mining, Inc., from its facilities in Butler, Lawrence, and Armstrong County to points in Beaver County and vice-versa.

In support of this request, applicant states:  
4. It  has  has not heretofore held emergency temporary authority or temporary authority for the service here proposed. If it has, specify docket number, total time granted, and expiration date.

5. It  is  is not now operating as a motor carrier under a certificate or permit. If so operating, give docket number.  
Certificate No. A-00099448

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 pending permanent application currently on file, application for permanent authority should be attached.

7. If this application is for emergency temporary authority, and not accompanied by an application for corresponding permanent authority, state when you intend to file the application for permanent authority.  
Permanent authority shall be applied for within 10 days

8. It  has  has not previously made application on which final action has been taken, for authority to perform the same service, in whole or in part, as that here proposed. If it has, state whether for emergency temporary authority, temporary or permanent authority, give docket number, and date and basis of final action.

9. It previously  has  has not opposed any other carrier's application for authority to perform the service here proposed; and/or  does  does not have knowledge of any such application. If answer is affirmative, give other applicant's name, address, docket number, or other information identifying that application.

10. It  does  does not intend to interline the authority here applied for with other carriers. If so intended, specify the point or points at which it is proposed to interline with another carrier and such other carrier's docket number.

11. It attaches to each copy of this application a map showing: The route or routes and points to be served or a description of the territory or territories in or between which service is proposed.

A-99448 F.I.A.M.-B

DOCUMENT FOLDER

DOCKET APPLICATION  
MAY 09 1986  
ENTRY No. LM

12. It attaches a letter or letters of shipper support, each statement of support will contain detailed information as provided by 52 Pa. Code § 3.382(c)(3) as follows:

Description of the specific commodity or commodities to be transported, points or areas to, from or between which the transportation will be provided; volume of traffic involved, frequency of movement, and how transported; how soon the service must be provided; how long the need for service likely will continue, and whether the persons supporting the ETA or TA will support a permanent authority application; specific explanation of consequences if service is not made available; circumstances which created an immediate need for the requested service; whether existing carriers have been contacted, dates of contacts and result of efforts; names and addresses of existing carriers, a list of those who have failed or refused to provide service, and reasons given for any failure or refusal; and whether the person supporting the application has supported any recent application for permanent authority, TA or ETA covering all or any part of the desired service within the year preceding the date of its statement; if yes, give the carrier's name, address, and docket number, if known, and state whether the application was granted or denied and the date of the action.

(Attach plain white sheet for description and/or statements)

Applicant further states that:

- 13. It is aware that a grant of the authority here requested will create no presumption that corresponding permanent authority will hereafter be granted.
- 14. If the authority here requested is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.
- 15. It  does  does not desire telephoned notice, collect, of the action taken on this application.

WHEREFORE, The Applicant herein prays that the Commission grant to Applicant Temporary Authority as herein requested. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Applicant sign here By: Theresa A. Toy  
TOY TRUCKING COMPANY, INC.  
SS: President

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Butler

Personally appeared before me, a Notary Public in and for said County and Commonwealth: Theresa A. Toy, President, who being duly sworn according to law doth depose and say that the facts as contained in the foregoing application are true and correct to the best of applicant's knowledge and belief.

Sworn and subscribed before me this

21st day of April, 1986

Jean C. Cygan  
(Signature of official authorized to administer oaths)  
Notary Public

My-Commission Expires: June 21, 1987

\*Automatic extension is requested in the event the within emergency temporary authority is granted.



# Amerikohl Mining Inc.

202 SUNSET DRIVE  
BUTLER, PENNSYLVANIA 18001  
TELEPHONE: (412) 282-2339

April 17, 1986

Pennsylvania Public Utility  
Commission  
Bureau of Non-Rail Transportation  
Harrisburg, PA

Dear Sirs:

Pursuant to Toy Trucking Company's application for Emergency Temporary Authority to service the Bruce Mansfield Station of Ohio Edison, Amerikohl, Inc. supports the issuance of such authority as necessary to maintain or expand our present level of business with this facility.

Amerikohl presently supplies 20,000-25,000 NT of coal to Bruce Mansfield each month. Purchase orders for exact tonnage requirements are issued for each calendar month and all coal ordered must be delivered in that month. Since purchased coal not delivered cannot be carried over to the following month. Amerikohl has lost business and been forced to inventory coal which was otherwise sold, due solely to an inability to move our product resulting from a lack of available trucks.

Even though Amerikohl maintains a list of 35 trucking companies, no more than six of these companies have operating rights to this facility of those only four: Gajda, Cartwright and Lollo, Cook, and Wayne Sell Trucking are willing to provide trucks to us on a regular basis. With nearly 1000 truckloads per month required to fulfill our obligations to this account, the available supply of trucks is strained under the most ideal operating conditions. Instances of bad weather or break-downs have cost Amerikohl nearly 3,500 NT of business since December 1985. The following is a listing of coal purchased from us but not delivered due to trucking problems: (Last four months)

December 1985	300 NT
February 1986	2,000 NT
March 1986	1,000 NT

April 17, 1986  
Page (2)

During each of these months attempts we were made to secure additional equipment with the companies mentioned with no success. The result in just the last four months has been a loss of nearly \$100,000.00 in revenue to our mining company. At the same time, Toy Trucking had the trucks available but could not haul due to a lack of authority.

Toy Trucking has proven their reliability as a service company and we feel the addition of them in this route will alleviate many of the problems we are now experiencing.

Yours truly,

Amerikohl Mining, Inc.



John M. Stilley  
President

JMS/pk

Filing Fee: \$75  
A18-7

Articles of  
Incorporation—  
Domestic Business Corporation

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU

Secretary of the Commonwealth

In compliance with the requirements of section 294 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1204) the undersigned, desiring to be incorporated as a business corporation, hereby certifies (certify) that:

1. The name of the corporation is:

Toy Trucking Company

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

<sup>103</sup>  
Box 411A, R. D. #1

(NUMBER)

(STREET)

Worthington,

Pennsylvania

16262

(CITY)

(ZIP CODE)

3. The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

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.

4. The term for which the corporation is to exist is: Perpetual

5. The aggregate number of shares which the corporation shall have authority to issue is:

1000 Shares, \$100.00 par value, Voting Class A Common

6. The name(s) and post office address(es) of each incorporator(s) and the number and class of shares subscribed by such incorporator(s) is (are):

NAME

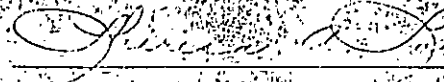
ADDRESS  
(Including street and number, if any)

NUMBER AND CLASS OF SHARES

Theresa A. Toy, R. D. #1, Worthington, Pennsylvania 16262 3 Shs.

IN TESTIMONY WHEREOF, the incorporator(s) has (have) signed and sealed these Articles of Incorporation this  
19th day of February, 1975

(SEAL)



(SEAL)

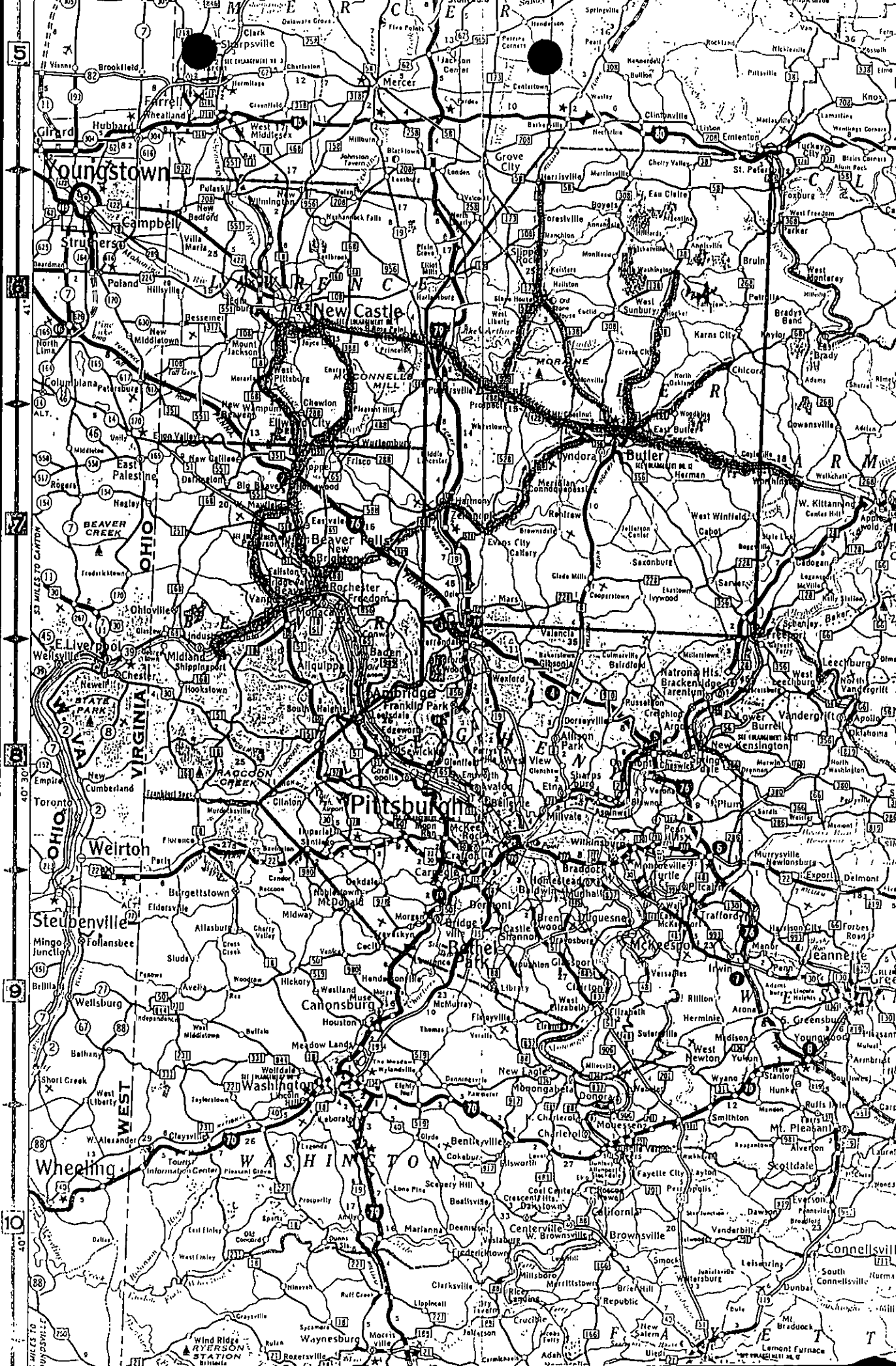
(SEAL)

#### INSTRUCTIONS FOR COMPLETION OF FORM

- A. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 35 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- B. One or more corporations or natural persons of full age may incorporate a business corporation.
- C. Optional provisions required or authorized by law may be added as Paragraphs 7, 8, 9 ... etc.
- D. The following shall accompany this form:
  - (1) Three copies of Form DSCB:BCL-206 (Registry Statement Domestic or Foreign Business Corporation).
  - (2) Any necessary copies of Form DSCB:17.2 (Consent to Appropriation of Name) or Form DSCB:17.3 (Consent to Use of Similar Name).
  - (3) Any necessary governmental approvals.
- E. BCL §205 (15 Pa. S. §1205) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be delivered to the Department, but should be filed with the minutes of the corporation.



322 WEST	10-230
322 EAST	283
322 WEST	22
322 EAST	81
322 WEST	6H
322 EAST	215
322 WEST	18
322 EAST	98
322 WEST	79
322 EAST	19
322 WEST	97
322 EAST	8
322 WEST	430
322 EAST	531
322 WEST	89
322 EAST	20
322 WEST	491
322 EAST	322W-452
322 WEST	322W
322 EAST	322E
322 WEST	320-352
322 EAST	13
322 WEST	73
322 EAST	63
322 WEST	132
322 EAST	413
322 WEST	1
322 EAST	322
322 WEST	32
322 EAST	568
322 WEST	724-10
322 EAST	422
322 WEST	50
322 EAST	121
322 WEST	19
322 EAST	19-31
322 WEST	376-2230
322 EAST	50
322 WEST	121
322 EAST	19
322 WEST	19-31
322 EAST	376-2230
322 WEST	50
322 EAST	121
322 WEST	19
322 EAST	19-31
322 WEST	376-2230



- |   |   |                                |
|---|---|--------------------------------|
| 1. <u>REPORT DATE:</u>  | : | 2. <u>BUREAU AGENDA NO.</u>    |
| April 30, 1986  | : | MAY-86-T-573*                  |
| 3. <u>BUREAU:</u>   | : |                                |
| Transportation  | : |                                |
| 4. <u>SECTION(S):</u>   | : | 5. <u>PUBLIC MEETING DATE:</u> |
| Technical Review  | : |                                |
| 6. <u>APPROVED BY:</u>  | : | May 15, 1986                   |
| Director: Ernst 7-2154  | : |                                |
| Supervisor: Bigelow/Marzolf 3-5945                                      | : |                                |
| 7. <u>MONITOR:</u>  | : |                                |
|   | : |                                |
| 8. <u>PERSON IN CHARGE:</u>   | : |                                |
| Tim Zeigler 3-5946  | : |                                |
| 9. <u>DOCKET NO:</u>  | : |                                |
| A-00099448, F. 600  | : |                                |
| 10. (a) <u>CAPTION (abbreviate if more than 4 lines)</u>                |   |                                |
| (b) <u>Short summary of history &amp; facts, documents &amp; briefs</u> |   |                                |
| (c) <u>Recommendation</u>   |   |                                |

(a) Application of Toy Trucking Company, a corporation of the Commonwealth of Pennsylvania, Worthington, Armstrong County, for emergency temporary authority to transport coal for Amerikohl Inc. and Amerikohl Mining, Inc., from its facilities in the counties of Butler, Lawrence and Armstrong, to points in Beaver County, and vice versa.

(b) The applicant seeks emergency temporary authority so that it may begin to immediately provide service for its supporting shipper. The supporting shipper has indicated that it has experienced a shortage of trucks to meet its contracts for coal at the power station operated by Ohio Edison near Shippenport, Beaver County. The applicant has, in large measure, met Commission requirements to support an emergency temporary authority application as outlined at 52 Pa. Code §33.383(c). It is our determination that a grant of emergency temporary authority is in the public interest.

(c) The Bureau of Transportation recommends the Commission adopt the proposed order granting emergency temporary authority.

- |                                    |              |
|------------------------------------|--------------|
| 11. <u>MOTION BY:</u> Commissioner | Commissioner |
|                                    | Commissioner |
| <u>SECONDED:</u> Commissioner      | Commissioner |

CONTENT OF MOTION:

DOCUMENT  
FOLDER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 15, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman  
Frank Fischl  
Bill Shane

Application of Toy Trucking Company, a corporation of the Commonwealth of Pennsylvania, for emergency temporary authority to transport coal for Amerikohl, Inc. and Amerikohl Mining, Inc., from its facilities in the counties of Butler, Lawrence and Armstrong, to points in Beaver County, and vice versa.

A-00099448  
F. 600

R.D. 1, Box 103  
Worthington, PA 16262

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James P. Coulter for Toy Trucking Company.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application for emergency temporary authority filed April 25, 1986. The applicant requests emergency temporary authority and extension thereof pending disposition of applications for temporary authority and permanent authority which will be filed within 15 days.

The applicant seeks emergency temporary authority so that it may begin to immediately provide service for the supporting shipper transporting coal to the Bruce Mansfield Station of Ohio Edison Power which is located near Shippingport, Beaver County. A letter of support from John M. Stilley, president of Amerikohl Mining, Inc., indicates that the shipper has had difficulty finding enough trucks to provide the high levels of service required to meet the needs of the power station.

The shipper provides examples of failure to deliver contracted coal during the months of December, February and March totalling some 3,300 net tons. The supporting shipper indicates that in the last four months, it has lost nearly \$100,000 due to the unavailability of sufficient trucks.

The applicant now holds authority to provide service for the supporting shipper, but the authority currently held does not allow the transportation required. Upon review of all evidence submitted, we determine that the applicant has, in large measure, met the requirements of the Commission's regulations at 52 Pa. Code §33.383(3) regarding the information necessary to base a decision in this emergency temporary authority matter. It is our determination that the applicant has provided sufficient evidence which warrants a grant of emergency temporary authority pending the filing and disposition of the application for temporary authority; THEREFORE,

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

To transport, as a Class D carrier, coal for Amerikohl, Inc., and Amerikohl Mining, Inc., from its facilities in the counties of Butler, Lawrence and Armstrong, to the Bruce Mansfield Station of Ohio Edison Power, at or near Shippingport, Beaver County, with the right to return refused, rejected or damages shipments to the point of origin.

IT IS FURTHER ORDERED: That the authority granted herein will be effective for a period of thirty (30) days from the date this order is adopted unless the applicant has complied with 52 Pa. Code §3.383(c)(4)(iv)(A). Compliance with said section automatically extends the authority pending disposition of the temporary authority application.

IT IS FURTHER ORDERED: That within 10 days of the date of entry of the order, the applicant shall file a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That our action in this matter shall have no bearing on the applications for temporary authority and permanent authority.

BY THE COMMISSION,

(SEAL)

Jerry Rich  
Secretary

ORDER ADOPTED: May 15, 1986

ORDER ENTERED: