

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300
FAX: (412) 471-6068

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93 SEP 27 AM 9:39

PA PUC
BUREAU OF
TRANSPORTATION

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

September 22, 1993

Of Counsel:
ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

Re: Toy Trucking Company
Docket No. A-00099448, F.1, Am-F
File No. 1690

Tim Zeigler
Technical Review Section
Bureau of Transportation
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

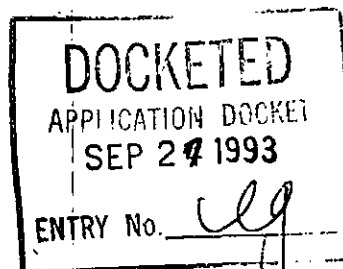
Dear Mr. Zeigler:

Verified statements in connection with the above docketed proceeding are due to be filed with the Commission on or before September 24, 1993. We are in the process of preparing these statements, but will be unable to file them by the current due date. Therefore, we respectfully request a 30 day extension of time in which to file applicant's verified statements in this matter. Your cooperation is appreciated.

Very truly yours,


JOHN A. PILLAR

SW
cc: Toy Trucking, Inc.





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

IN REPLY PLEASE
REFER TO OUR FILE

September 27, 1993

JOHN A PILLAR
ATTORNEY AT LAW
SUITE 700 312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222-1916

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

Dear Mr. Pillar:

In accordance with your request of September 22, 1993 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 October 25, 1993. 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.

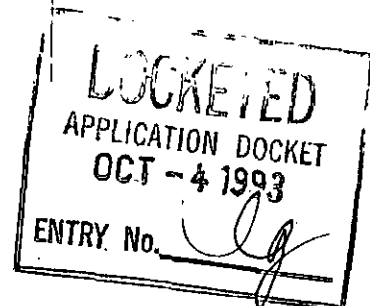
If you have any questions, please do not hesitate to contact us.

Very truly yours,

By Tim Zeigler
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TZ:lg



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00099448, F. 1, Am-F TZ

JOHN A PILLAR
 ATTORNEY AT LAW
 312 BOULEVARD OF THE ALLIES
 SUITE 700
 PITTSBURGH PA 15222

4a. Article Number

044078

4b. Service Type

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

7. Date of Delivery

30 SEP 1993

5. Signature (Addressee)

6. Signature (Agent)

[Handwritten Signature]

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

RETURN TO RECD/REV/1409 T

Thank you for using Return Receipt Service.

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

ORIGINAL

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

October 13, 1993

RLS

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

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OCT 15 1993

SECRETARY'S OFFICE
Public Utility Commission

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

Dear Mr. Alford:

In view of the Order of the Commission dated November 24, 1992, a new hearing having been set on the application for Tuesday, November 9, 1993, applicant withdraws the said application.

Respectfully submitted,

Blair F. Green

Blair F. Green
Counsel for Applicant

DOCKETED

OCT 19 1993

CC: John A. Pillar, Esq.
David H. Radcliff, Esq.
Dwight L. Koerber, Jr., Esq.
Sally Davoren, Esq.
William J. Lavelle, Esq.
John E. Fullerton, Esq.
Herbert Nurick, Esq.
Larry Gesoff, Adm. Law Judge

DOCUMENT
FOLDER

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
SUITE 700

312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300
FAX: (412) 471-6068

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TRANSPORTATION

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

Of Counsel:
ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

October 14, 1993

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

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OCT 18 1993

SECRETARY'S OFFICE
Public Utility Commission

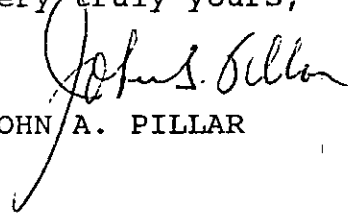
RE: Toy Trucking Company
File No. 1690
Docket No. A-00099448, F.1, Am-F

Dear Mr. Alford:

We enclose for filing the original and one copy of Applicant's **Verified Statements** in connection with the above docketed proceeding.

Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided.

Very truly yours,



JOHN A. PILLAR

lz

Enclosures

cc: Toy Trucking Company (w/encl.)

RECEIVED
OCT 18 1993
Pa. P.U.C.
Bureau of Transportation

DOCUMENT
FOLDER

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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BUREAU OF
TRANSPORTATION

Application of
TOY TRUCKING COMPANY

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

RECEIVED
OCT 18 1993
SECRETARY'S OFFICE
Public Utility Commission

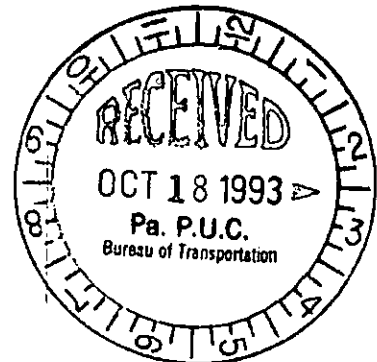
APPLICANT'S VERIFIED STATEMENTS

JOHN A. PILLAR, ESQ.
Attorney for
TOY TRUCKING COMPANY,
Applicant

PILLAR AND MULROY, P.C.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222

Due Date: October 25, 1993

DOCUMENT
FOLDER



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
TOY TRUCKING COMPANY

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

INTRODUCTORY STATEMENT

By this application, Toy Trucking Company (Toy Trucking or applicant) seeks authority to operate, as a common carrier, transporting:

- (1) coal, for Hays Run Coal Company, from its facilities located in the county of Armstrong, to points in that part of Pennsylvania on and west of U.S. Highway Route 15; and,
- (2) coal, for Brookport Resources Company, from its facilities located in the county of Armstrong, to points in Pennsylvania, and vice versa.

This application is unopposed. Applicant submits herewith its verified statements in support of the application.

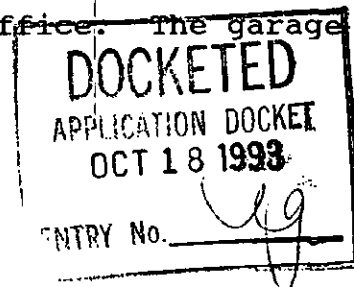


STATEMENT OF DAVID C. TOY
ON BEHALF OF TOY TRUCKING CO.

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93 OCT 18 PM 2:33

PA PUC
BUREAU OF
TRANSPORTATION

1. Toy Trucking Co. has its facilities located at Worthington, PA 16262, in Armstrong County.
2. My name is David C. Toy and I am the General Manager of Operations, as well as the Secretary/Treasurer, of Toy Trucking Co. As General Manager of Operations, I am familiar with the transportation capabilities and responsibilities of Toy Trucking Co. I am authorized by Toy Trucking Co. to make this statement to the Pennsylvania Public Utility Commission.
3. Toy Trucking Co. is not affiliated with other motor carrier companies.
4. By this application, the applicant seeks authority to transport as a common carrier:
 - (1) coal, for Hays Run Coal Company, from its facilities located in the county of Armstrong, to points in that part of Pennsylvania on and west of U.S. Highway Route 15; and,
 - (2) coal, for Brookport Resources Company, from its facilities located in the county of Armstrong, to points in Pennsylvania, and vice versa.
5. The applicant currently holds operating authority from the Pennsylvania Public Utility Commission at Docket No. A-00099448. A copy of that authority is attached as Appendix "A".
6. Toy Trucking maintains its office and terminal facilities in Worthington, Armstrong County, Pennsylvania. The mailing address corresponds to the office facility and the garage facility is maintained across the street from the office. The garage is



approximately 50' by 60' and it is located on a parcel of land that is nearly one acre, which is used for parking the vehicles. All of the vehicles are equipped with two-way radios and the vehicles are dispatched from the office location.

7. Attached as Appendix "B" is a list of our equipment. In addition to our own equipment, we have agreements with twenty-two owner operators, who provide us with twenty-one tri-axle vehicles and one tractor/trailer dump vehicle.

8. Toy Trucking Co. maintains a comprehensive safety program. We employ a full-time mechanic who performs major and minor maintenance on our equipment. All of our equipment is serviced weekly by our mechanic, and our eight drivers check the vehicles daily for mechanical problems. With respect to our drivers, we perform comprehensive recruitment and training procedures. Our drivers must have a clean MVR and background check and they must comply with all DOT regulations. We post regular safety bulletins from our insurance company and we comply with state and federal safety regulations.


9. Attached as Appendix "C-1" is a balance sheet for Toy Trucking Co. as of December 31, 1992. The company is presently financially fit to undertake the proposed operating activities and the information contained in the financial statement is true and correct to the best of my knowledge. I have also attached to my statement as Appendix "C-2" a copy of our profit and loss statement for the applicant for the 12 month period ending December 31, 1992.

10. We have requested operating authority to transport coal for both Hays Run Coal Company and Brookport Resources Company. We intend on offering service to these supporting shippers five or six days a week, depending on their respective needs. We expect to make 300-500 trips per month for Hays Run Coal Company and approximately 300-400 trips per month for Brookport Resources Company. We will provide both tri-axle and tractor-trailer dump vehicles for this proposed service. We will attempt to coordinate our inbound and outbound shipments in order to avoid any empty miles.

11. Toy Trucking Co. intends on developing a close working relationship with Hays Run Coal Company and Brookport Resources Company. We hope to develop a work environment that will foster the most efficient and reliable transportation service for the supporting shippers. Toy Trucking has the experience and the capacity to provide a high quality transportation service and we respectfully request that the Commission approve this application in its entirety.

The undersigned deposes and says that he is authorized to make this verification, that the facts set forth herein are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/24/93



DAVID C. TOY

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 points 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.

APPENDIX "A"

TOY TRUCKING COMPANY
Operating Authority

Page 2

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 Amerikhol, Inc. and Amerikhol 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 unloaded by dumping, between points in the counties

TOY TRUCKING CO.
Operating Authority

Page 3

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

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 CO.
Operating Authority

Page 4

A-00099448, F. Am-E

To transport, as a Class D carrier, property in bulk, in dump vehicles, for Toy Trucking Company, from its facilities in the township of West Franklin Armstrong County, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, 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) miles from point of origin to point of destination.

TOY TRUCKING CO.
R. D. 1
WORTHINGTON, PA 16262

TOY TRUCKING COMPANY
VEHICLES OWNED
(September 8, 1993)

<u>UNIT #</u> =====	<u>YEAR</u> =====	<u>MAKE</u> =====	<u>SERIAL #</u> (Last six digits) =====
5097	1975	Autocar Tri-Axle	076433
5054	1976	Autocar Tri-Axle	078078
8100	1978	Autocar Tri-Axle	086948
8683	1990	White Tri-Axle	634738
9346	1990	Ford Tri-Axle	A03207
9666	1990	White Tractor	629122
TR01	1982	Ti-Brook Trailer	021069
9331	1992	White Tri-Axle	651747
9736	1993	White Tri-Axle	667968

VEHICLES LEASED:
=====

20 Tri-Axles
1 Tractor/Trailer Combination

TOY TRUCKING CO.

STATEMENT OF ASSETS AND LIABILITIES - ESTIMATED CURRENT VALUES

DECEMBER 31, 1992

ASSETS		
CURRENT ASSETS:		
Checking account - Armstrong Co. Trust Co.	\$ 9,481.00	
Savings account - Armstrong Co. Trust Co.	7,772.00	
- Merchants Nat'l. Bank	16,193.00	
Accounts receivable	207,491.00	
Inventory - Parts and tires (Note 1)	36,865.00	
Notes receivable (Note 5)	<u>12,000.00</u>	
		\$289,802.00
FIXED ASSETS: (Note 2)		
Trucks	\$400,000.00	
Tools	11,500.00	
Building equipment	7,400.00	
Office equipment	<u>3,500.00</u>	
		422,400.00
OTHER ASSETS:		
PUC license		16,000.00
LONG-TERM ASSETS:		
Notes receivable (Note 5)	\$ 42,992.00	
Less: Current portion	<u>(12,000.00)</u>	
		<u>30,992.00</u>
TOTAL ASSETS		<u>\$759,194.00</u>
LIABILITIES		
CURRENT LIABILITIES:		
Accounts payable	\$145,410.00	
Equipment loans payable (Note 4)	<u>45,000.00</u>	
		\$190,410.00
LONG-TERM LIABILITIES:		
Loans payable - Shareholder (Note 3)	\$ 47,000.00	
Equipment loans payable (Note 4)	175,520.00	
Less: Current portion	<u>(45,000.00)</u>	
		177,520.00
CAPITAL AND RETAINED EARNINGS:		
Capital stock issued	\$ 20,000.00	
Retained earnings	<u>371,264.00</u>	
		<u>391,264.00</u>
TOTAL LIABILITIES, CAPITAL AND RETAINED EARNINGS		<u>\$759,194.00</u>

"SEE ACCOUNTANTS' COMPILATION REPORT."

TOY TRUCKING CO.

NOTES TO FINANCIAL STATEMENT

DECEMBER 31, 1992

1. Inventory of parts and tires was estimated by the management of Toy Trucking Co. as of December 31, 1992.

2. FIXED ASSETS:

The value of nine trucks have been determined by consultation with a local truck dealer. The trucks are as follows: 1 - 1992 White, 1 - 1990 Ford, 2 - 1990 White, 1 - 1987 White, 2 - 1978 Autocars, 1 - 1976 Autocar, 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 1990¹ White truck is \$19,669. Monthly payments of \$1,450.00 with final payment due March 1994.

Balance due Armstrong Co. Trust Co. on 1990¹ Ford is \$47,369. Monthly payments of \$1,534.11 with final payment due December 1995.

Balance due Dollar Leasing on truck radios is \$3,525. Monthly payments of \$261.26 with the final payment due April 1994.

Balance due Merchants National Bank on 1992¹ White truck is \$80,648. Monthly payments of \$2,400.00 with final payment due April 1996.

Balance due Merchants National Bank on 1990¹ White truck is \$24,310. Monthly payments of \$856.67 with final payment due November 1995.

5. NOTES RECEIVABLE:

Toy Trucking sold (2) 1980 Ford tri-axels in 1992. Toy Trucking is financing the sale of these two vehicles and will receive approximately \$1,217.00 a month for 42 months.

1120

U.S. Corporation Income Tax Return

OMB No. 1545-0123

Form Department of the Treasury Internal Revenue Service

For calendar year 1992 or tax year beginning 1992, ending 1992. Instructions are separate. See page 1 for Paperwork Reduction Act Notice.

1992

- A Check if a: (1) Consolidated return (attach Form 851) (2) Personal holding co. (attach Sch. PH) (3) Personal service corp. (as defined in Temporary Regs. sec. 1.441-4T see instructions)

Use IRS label. YA 25-1269355 DEC92 S28 4200 M ***** 5-DIGIT 16262 Other-wise, please print or type. TOY TRUCKING CO RR 1 BOX 103 WORTHINGTON PA 16262

B Employer identification number 25-1269355 C Date incorporated 2-21-75 D Total assets (see Specific Instructions) 319,174.36

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

Income section table with rows 1a-11 and columns for gross receipts, less returns, and total income.

COPY

Deductions section table with rows 12-29 and columns for various deduction categories and total deductions.

Tax and Payments section table with rows 30-36 and columns for taxable income, total tax, and payments.

COPY

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.

Signature of officer, Date, Title

Paid Preparer's Use Only Preparer's signature, Date, Check if self-employed, Preparer's social security number, Firm's name, E.I. No., ZIP code

ID #25-1580910 NAGY & NAGY, CPAs 425 MARKET STREET KITTANNING, PA 16201

STATEMENT OF DANE POTTS
ON BEHALF OF HAYS RUN COAL COMPANY

1. Hays Run Coal Company is a corporation having its facilities located in Spaces Corner, Pennsylvania, and its mailing address is R.D. 8, Box 46, Kittanning, Pennsylvania 16201.

2. My name is Dane Potts, and I am employed by Pittsburgh & Shawmut Coal Company which is a coal sales agency. I am also the Traffic Manager for our client, Hays Run Coal Company. As such, I am responsible for, and familiar with, the transportation needs and requirements of Hays Run Coal Company. I am authorized by Hays Run Coal Company to make this statement on their behalf to the Pennsylvania Public Utility Commission.

3. Hays Run Coal Company is in the coal mining business with a deep mine located in Spaces Corner, Armstrong County, and a reserve of coal located in Clinton, which is in South Buffalo Township, Armstrong County. The company mines coal and then ships it to a processing facility or directly to coal customers.

4. Hays Run Coal Company requires tri-axle and tractor-trailer dump vehicles to transport the coal to various destinations. Hauls will be made in full loads, and we require a carrier who will make daily pickups at the mining facility. We anticipate needing the applicant to transport 15,000 to 20,000 tons of coal per month from this location.

5. In addition to the origin points of Spaces Corner, where Hays has its deep mine, and our reserve coal in Clinton, Hays also

purchases some coal from other suppliers located in Kittanning, Echo, and Distant, all of which are in Armstrong County. Representative destinations of Hays Run's coal are set forth on Appendix "A" to my statement which lists present and future destinations for coal. These are representative points and do not include such other points that Hays Run may be called upon to service in the future. We need a carrier with PUC authority to meet our actual and potential transportation needs for service to points on and west of U. S. Route 15.

6. Hays Run Coal Company is not currently supporting any other applications for Pennsylvania Public Utility Commission operating authority.

7. We have utilized the services of the applicant in the past and their service has always been reliable. We are confident that Toy Trucking Company will be able to satisfy our transportation needs and we request that the Commission grant this application in its entirety.

The undersigned deposes and says that he is authorized to make this verification, that the facts set forth herein are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Oct 10, 1993


DANE POTTS

APPENDIX "A"

Hays Run Coal Company
List of Current/Potential Destinations

Penelec	Shawville
Penelec	Seward
Penelec	Warren
Penelec	New Florence
Penelec	Homer City
Pennview Yard	Blairsville
W J M Coal Co.	Shelocta
Challenger Yard	Seward
P B S Coal Co.	Reels Corners
Canterbury Coal Co.	Avonmore
West Penn Power Co.	Reesedale
PA Power Co.	New Castle
Erickson Coal Co.	Windber
Doverspike Bros. Coal Co.	Dora
Waroquier Coal Co.	Clearfield
General Electric	Erie
International Paper	Erie
International Paper	Lock Haven
Petrowax	Emlenton
Petrowax	Smethport
Centre Lime	Pleasant Gap
Bellefonte Lime	Bellefonte
Appleton Paper	Roaring Spring
Duquesne Light	Cheswick
H. J. Heinz	Pittsburgh
Lady Jane Collieries	Penfield
Penntech Paper	Johnsonburg
Coal Co.	Cresson
E. P. Bender	Caroltown

STATEMENT OF DANE POTTS
ON BEHALF OF BROOKPORT RESOURCES COMPANY

RECEIVED
93 OCT 18 PM 2:33

1. Brookport Resources Company is a corporation domiciled in Distant, Armstrong County, Pennsylvania. Its mailing address is R.D. 8, Box 46, Kittanning, Pennsylvania 16201.

2. My name is Dane Potts, and I am employed by Pittsburgh & Shawmut Coal Company, which is a coal sales agency. One of the responsibilities of my job is to oversee the transportation needs of Brookport Resources Company for which we act as a sales agent. I am familiar with the daily operations of Brookport Resources Company and I am responsible for handling their transportation requirements. I am authorized by Brookport Resources Company to make this statement to the Pennsylvania Public Utility Commission.

3. Brookport Resources Company is in the business of coal processing. Daily shipments of coal are delivered to our washing plant in Distant, Armstrong County, and then we wash and otherwise process the coal. The processed coal is then transported to individual customers.

4. Brookport Resources Company requires a carrier who can make both inbound and outbound deliveries to and from Brookport's processing plant. The processed and unprocessed coal is transported in full loads in either tri-axle or tractor-trailer dump vehicles. If this application is approved, we will expect the applicant to make daily deliveries to and from our facility and we

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
OCT 18 1993
ENTRY No. 109

anticipate requiring transportation services for 5,000-15,000 tons of coal per month.

5. A list of representative destinations of our shipments is attached to my statement as Appendix "A". These include points to which we intend to ship in the future and points to which we currently ship. We need a carrier with broad statewide authority, and we requested applicant to seek such authority to serve Brookport Resources.

6. Brookport Resources Company is not currently supporting any other Pennsylvania Public Utility Commission applications for operating authority.

7. We have worked with Toy Trucking Company in the past and the service that they provide is more than satisfactory. We believe that Toy Trucking Company has the experience and the expertise necessary to provide us with high quality transportation service. For these reasons, we request that the Commission approve this application its entirety.

The undersigned deposes and says that he is authorized to make this verification, that the facts set forth herein are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: Oct 10, 1993

Dane Potts
DANE POTTS

APPENDIX "A"

Brookport Resources Company
Current/Potential Destinations

Penelec	Shawville
Penelec	Seward
Penelec	Warren
Penelec	New Florence
Penelec	Homer City
Pennview Yard	Blairsville
W J M Coal Co.	Shelocta
Challenger Yard	Seward
West Penn Tipple	Marion Center
Canterbury Coal Co.	Avonmore
West Penn Power Co.	Reesedale
PA Power Co.	New Castle
Erickson Coal Co.	Windber
Doverspike Bros. Coal	Dora
Warquier Coal Co.	Clearfield
General Electric	Erie
International Paper	Erie
International Paper	Lock Haven
Petrowax	Emlenton
Petrowax	Smethport
Center Lime	Pleasant Gap
Bellefonte Lime	Bellefonte
Appleton Paper	Roaring Spring
Duquesne Light	Cheswick
H. J. Heinz	Pittsburgh
Lady Jane Collieries	Penfield
Penntech Paper	Johnsonburg
Essroc Cement	Nazareth
Essroc Cement	Bessemer
Allentown Cement	Blandon
P. P. & I.	Shamokin Dam
Metropolitan Edison	Portland
Phildelphia Electric	Eddystone
Merck & Co., Inc.	Danville
Warner Company	Devault
American Home Foods	Milton
Keystone Cement	Bath
Bucknell University	Lewisburg
P B S Coal Co.	Reels Corners
Cooney Bros. Coal Co.	Cresson
E. P. Bender	Caroltown
Hays Run Coal Co.	Spaces Corner
Eastern Material	Kittanning
D W I Coal Co.	Cherry Valley
Rosebud Mining	Bruin

APPENDIX "A" (Cont'd.)

Crispen Contracting	Rimersburg
Crispen Contracting	Shannondale
Reichard Contracting	New Bethlehem
C & K Coal Company	Sligo
Energy Resources	Brockway
Hepburnia Coal Co.	Brockway
Hepburnia Coal Co.	Grampian
Mahoning Mining	Burnside
Valley Coal Co.	Heilwood
T L H Coal Co.	Marion Center
Waleski Terminal	Tarentum

CONCLUSION

On the basis of the foregoing verified statements, applicant submits that the evidence warrants the conclusions that (a) applicant is fit, willing and able to provide the service proposed; and (b) there is a public need or demand for the proposed service in the application area to the extent authority is requested.

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

JOHN A. PILLAR
Attorney for
TOY TRUCKING COMPANY,
Applicant

PILLAR AND MULROY, P.C.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222

Due Date: October 25, 1993



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

IN REPLY PLEASE
REFER TO OUR FILE

October 19, 1993

JOHN A PILLAR
ATTORNEY AT LAW
SUITE 700 312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222-1916

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

Dear Mr. Pillar:

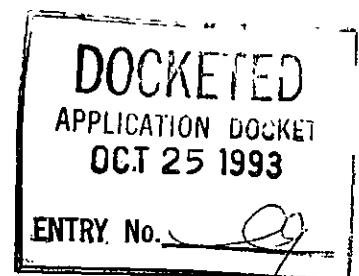
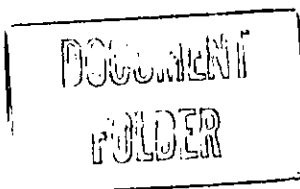
We have received the verified statements filed in the above
referenced proceeding.

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 Tim Zeigler
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

TZ:lg



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
October 22, 1993

In Re: A-00099448, F0001, Am-C

RLS

(See letter of 9/7/93)

Application of Toy Trucking Company

For amendment so as to permit the transportation of coal, from points within one hundred twenty-five (125) statute miles from the borough of Worthington, Armstrong county, to points in Pennsylvania, provided no haul shall exceed one hundred twenty-five (125) statute miles from point of origin to point of destination.

NOTICE

This is to inform you that at the request of counsel for the applicant, the hearing on remand now scheduled to be held on Tuesday, November 9, 1993 in the subject proceeding has been cancelled. The application is to be withdrawn.

cc: Judge Gesoff
John Frazier - PIO
Norma Lewis
Susan Licon
Beth Plantz
Docket Room

DOCKETED
OCT 26 1993

RECEIVED
93OCT 25 AM 10:04
PA. P. U. C.
INFO. CONTROL DIV.

**DOCUMENT
FOLDER**

DATE: November 4, 1993

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

TO: Janet Patrick
Secretary's Bureau

FROM: Patricia A. Young, Scheduling Officer
Office of Administrative Law Judge

PA

On October 15, 1993, a Petition for Leave to Withdraw was filed in the above-captioned proceeding by Blair F. Green, Esquire. If no objection is filed to this petition within ten (10) days of service pursuant to 52 Pa., Code 5.94, this proceeding will be closed at that time.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

ATTACHMENT

cc: Michael Ciarvella
Bud Huntington
ALJ Gesoff

DOCKETED
NOV 09 1993

DOCUMENT
FOLDER

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

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

COPY

RECEIVED October 13, 1993

OCT 15 1993

Office of A. L. J.
Public Utility Commission

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

RECEIVED

OCT 15 1993

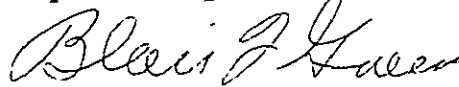
SECRETARY'S OFFICE
Public Utility Commission

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

Dear Mr. Alford:

In view of the Order of the Commission dated November 24, 1992, a new hearing having been set on the application for Tuesday, November 9, 1993, applicant withdraws the said application.

Respectfully submitted,



Blair F. Green
Counsel for Applicant

CC: John A. Pillar, Esq.
David H. Radcliff, Esq.
Dwight L. Koerber, Jr., Esq.
Sally Davoren, Esq.
William J. Lavelle, Esq.
John E. Fullerton, Esq.
Herbert Nurick, Esq.
Larry Gesoff, Adm. Law Judge



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

IN REPLY PLEASE
REFER TO OUR FILE

November 5, 1993

BLAIR F GREEN ESQ
125 NORTH MCKEAN STREET
KITTANNING PA 162011517

~~A-00099488, F.1, Am-C~~

A-00099448 F0001 AMC

APPLICATION OF TOY TRUCKING CO

Dear Mr. Green:

This is to advise that the Commission granted the request to withdraw the above entitled proceeding.

Accordingly, the case in this proceeding has been marked closed.

Very truly yours,

Janet E Patrick / las

for John G. Alford
Secretary

RLS

cc: Office of Administrative Law Judge
TOY TRUCKING CO
JOHN A PILLAR, ESQ
DAVID H RADCLIFF, ESQ
DWIGHT L KOERBER JR ESQ
SALLY A DAVOREN ESQ
WILLIAM J LAVELLE ESQ
JOHN FULLERTON ESQ
HERBERT R NURICK ESQ

DOCKETED
NOV 09 1993

DOCUMENT
FOLDER

JEP:las