

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW

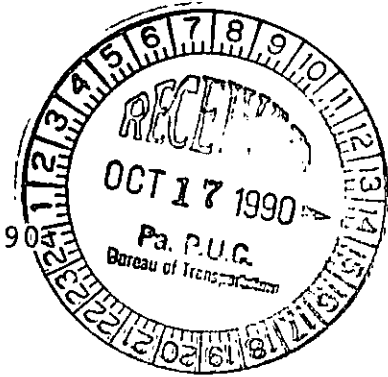
SUITE 700

312 BOULEVARD OF THE ALLIES

PITTSBURGH, PA 15222

TELEPHONE (412) 471-3300

FAX: (412) 471-6068



October 11, 1990

JOHN A. PILLAR
THOMAS M. MULROY
ANTHONY A. SEETHALER, JR.

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

RECEIVED

OCT 17 1990

SECRETARY'S OFFICE
Public Utility Commission

Hon. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

FILE

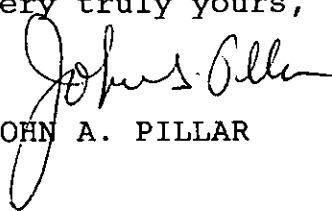
Dear Mr. Rich:

Enclosed is a protest filed on behalf of the following
to the above-captioned application:

Wayne W. Sell Corporation
Don Martin Trucking Co.
Gajda Trucking Company
David Tesone Trucking, Inc.
McCleary-Christie Trucking, Inc.
William P. Mauthe, d/b/a DGB Trucking

A copy of this protest has been served on applicant's
representative named below in accordance with the Commission's
Rules of Practice.

Very truly yours,


JOHN A. PILLAR

SW
Enclosure
cc: Blair F. Green, Esq.

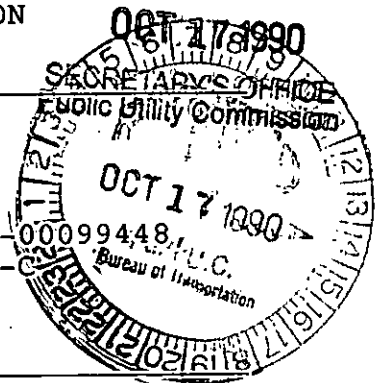


Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

In re: APPLICATION OF
TOY TRUCKING COMPANY

)
)
) Docket No. A-00099448
) Folder 1, Am-C
)



PROTEST

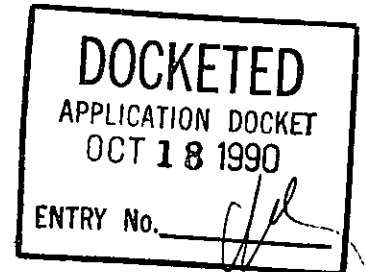
FILE

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. The name and address of the protestant(s) are set forth in Appendix "A" hereto.

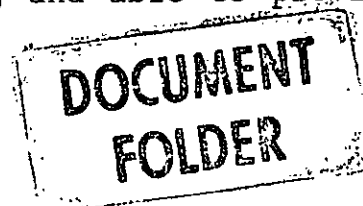
2. The name, address and telephone number of protestant(s)' attorney:

PILLAR AND MULROY, P.C.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
(412) 471-3300



3. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix "A" attached hereto. A true and correct copy of the pertinent portions of authority held by protestant(s), or a summary thereof, is attached hereto as Appendix "B".

4. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such



service. To the extent of protestant(s) authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) so as to have a substantial adverse impact upon the public.

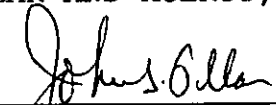
5. Protestant(s) hereby request(s) that the application be set for oral hearing. If an oral hearing is held, protestant(s) represent(s) that it/they will appear and present evidence pertinent to the application.

6. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), protestant(s) hereby request(s) a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant(s).

7. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix "C".

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

JOHN A. PILLAR

Attorney for Protestant(s)

Due Date: October 29, 1990

APPENDIX "A"

Re: TOY TRUCKING COMPANY
Docket A-00099448,
Folder 1, Am-C

The foregoing protest to the above application is filed on behalf of:

WAYNE W. SELL CORPORATION
236 Winfield Road
Sarver, PA 16055

GAJDA TRUCKING COMPANY
R. D. #3
Volant, PA 16156

DON MARTIN TRUCKING CO.
278 North Pike Road
Sarver, PA 16055

DAVID TESONE TRUCKING, INC.
5374 William Flynn Highway
Gibsonia, PA 15044

MCCLEARY-CHRISTIE TRUCKING, INC.
R. D. #2, Box 195A
Emlenton, PA 16373

WILLIAM MAUTHE, t/d/b/a DGB TRUCKING
R. D. #1
Strattanville, PA 16258

Wayne W. Sell Corporation holds authority from this Commission at Docket A.93415. As pertinent herein, Sell holds authority to transport coal in a defined area of Pennsylvania, including between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler and within 50 miles of the limits thereof; and between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler, no haul to exceed 25 miles. Sell also holds authority to transport property, in bulk, in dump vehicles, between points within 50 miles of Homestead Borough, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa. The authority of Sell is more fully described in Appendix B-1.

Gajda Trucking Company is authorized, at Docket A-00104751, to transport coal from mines in the counties of Lawrence, Butler, Venango, Clarion and Mercer to points within 70 statute miles of the limits of Franklin, Venango County. Gajda also holds authority to transport coal from the Pennsylvania facilities of Amerikohl

Management Corp. to points in Pennsylvania, and vice versa. The authority of Gajda is summarized in Appendix B-2 hereto.

Don Martin Trucking Co. is authorized, at Docket A.91941, to transport coal between points in the counties of Clarion, Butler, Venango, Mercer, Erie, Allegheny, Crawford, Lawrence and Armstrong, no haul to exceed 25 miles. Martin is also authorized to transport coal between points in the Village of Natrona Heights, Allegheny County, and within 25 miles thereof, no haul to exceed 25 miles. Martin holds other authority which may be in conflict with that sought herein, as more fully set forth in Appendix B-3.

David Tesone Trucking, Inc. holds authority from this Commission at A.93140. As pertinent herein, Tesone is authorized to transport coal between points in the Counties of Allegheny, Butler, Beaver, Washington, Westmoreland, Lawrence, Mercer and Armstrong, no haul to exceed 75 miles. Tesone holds other authority which is in conflict with that sought herein, as more fully set forth in Appendix B-4.

McCleary-Christie Trucking, Inc. holds authority, at A.00108713, to transport coal in a defined area of western Pennsylvania, including from points in the Counties of Clarion and Armstrong to points in Butler County, no haul to exceed 25 miles. The authority of McCleary-Christie is more fully set forth in Appendix B-5.

William P. Mauthe, t/d/b/a DGB Trucking, is authorized, at A-00105296, to transport coal between points in the counties of Clarion, Jefferson and Armstrong, no haul to exceed 25 miles; coal from points in Clarion County to points within 100 miles of said county, excluding Allegheny County; coal from points in the counties of Clarion, Armstrong, Jefferson, Butler and Indiana, no haul to exceed 75 miles. DGB holds other authority which is in conflict with that sought herein, as more fully described in Appendix B-6.

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

The provisions published herein, or as amended, are limited in their application to Pennsylvania Intrastate Commerce to the extent of the operating rights set forth below.

CERTIFICATE NO. 93415

Folder 1

1. To transport, as a Class D carrier, coal or coke for domestic consumption, between points in the County of Allegheny, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal from mines or stripping operations in the County of Allegheny to railroad sidings, coke ovens, docks or stockpiles in the said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, building materials, in bulk in dump trucks, between points in the County of Allegheny, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
4. To transport, as a Class D carrier, property moving under bills of lading, waybills and tariffs of The Pennsylvania Railroad Company, within the collection and delivery area designated in said company's collection and delivery tariffs for the station of the said company in the Borough of Tarentum, Allegheny County.
5. To transport, as a Class D carrier, sand, gravel, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken concrete, broken tile and used brick, in bulk in dump trucks, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
6. To transport, as a Class D carrier, sand, gravel, lime, soil, limestone, coal, clay in bulk, stone, sod, cinders, broken glass, broken tile and used brick, in bulk, between points in the Counties of Armstrong, Clarion, Indiana, Westmoreland, Allegheny and Butler and within fifty (50) miles of the limits thereof.

With right No. 6 above, to be subject to the following conditions:

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Allegheny, except as authorized in paragraphs (1) through (5) above.

That no right, power or privilege is granted to transport coal, sand, gravel, crushed stone and limestone to, from or between points in the County of Washington.

That no right, power or privilege is granted to render any service to, from or between points in the County of Butler, except as authorized in paragraphs (1) through (5) above.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

CERTIFICAT NO. 93415

Folder 1 (Continued)

That no right, power or privilege is granted to render any service to, from or between points in the Counties of Beaver, Lawrence and Mercer.

That no right power or privilege is granted to render any service to or from the plants of The Freeport Brick Company in the Borough of Freeport, Armstrong County, Kittanning Brick Company in the Village of Reesedale, Armstrong County, Haws Refractories Company in the Village of Bridgeburg, Armstrong County, Howe Sound Company in the Township of Rayburn, Armstrong County, and Allegheny Brick Company in the Township of East Deer, Allegheny County, except as hereinabove authorized.

7. To transport, as a Class D carrier, property from the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County, to points in Pennsylvania, and vice versa.

Subject to the following condition:

That no right, power or privilege is granted to transport lime and lime products, limestone and limestone products, concrete mix, mortar mix, sand mix and masonry cement, from the Warner Company in the Townships of Charlestown, East Whiteland, and Tredyffrin, Chester County, to the plant of Mitchell and Westerman Manufacturing Contractors in the Township of Jefferson, Butler County.

8. To transport, as a Class D carrier, brick, clay products, tile, cement, lime, lumber, stone, laths and concrete blocks from points within one hundred (100) miles of the Borough of Wilkinsburg, Allegheny County, to points in the Borough of Wilkinsburg and within fifty (50) miles by the usually traveled highways of the limits of said borough.
9. To transport, as a Class D carrier, brick, clay products, tile, stone, cement, lime, lumber, laths and concrete blocks, between points in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
10. To transport, as a Class D carrier, equipment and building materials in bulk in dump trucks, between points in the County of Allegheny.
11. To transport, as a Class D carrier, brick tile and other clay products from points in the County of McKean to points in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.
12. To transport, as a Class D carrier, brick in truckload lots from the plant of Alwine Brick Company in Oxford Township, Adams County, to job and construction sites in the Borough of Wilkinsburg, Allegheny County, and within fifty (50) miles by the usually traveled highways of the limits of said borough.

(Continued on next page)

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

CERTIFICATE NO. 93415

Folder 1 (Continued)

With the rights at 8, 9, 10, 11 and 12 above to be subject to the following conditions:

That no right, power or privilege is granted to transport household goods or office furnishings, in use.

That no right, power or privilege is granted to pick up or deliver any property except contractors' supplies and building materials on the William Penn Highway east of the Allegheny County line.

Folder 1 Am-E

To transport, as a Class D carrier, fresh and processed meats, in temperature controlled vehicles, for Jiffy Foods Corporation, from the facilities of said company located in the Borough of North East, Erie County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments to the point of origin.

Folder 1 Am-F

To transport, as a Class D carrier, dry salt, in bulk in tank vehicles, from the facilities of Standard Terminals, Inc., in the cities of New Kensington and Arnold, Westmoreland County, to points in Pennsylvania lying on and west of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Blair and Bedford, and the return of refused, rejected or damaged shipments to the point of origin.

Folder 1 Am-G

To transport, as a Class D carrier, salt, in tank vehicles, from the facilities of Morton Salt Company in the Borough of West Elizabeth, Allegheny County, to points in Pennsylvania.

Folder 1 Am-H

To transport, as a Class D carrier, calcilox (dry processed slag), in tank vehicles, between points in the Township of Neville, Allegheny County, and from points in said township to points in Pennsylvania.

Folder 1 Am-I

To transport, as a Class D carrier, salt and salt products for Cargill, Inc., from the cities of Arnold, New Kensington and Lower Burrell, Westmoreland County, to points in Pennsylvania.

Subject to the following condition:

That no right, power or privilege is granted to transport rock salt and/or calcium chloride, for de-icing purposes, in bulk, to points in Pennsylvania on and east of U. S. Highway route 15.

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: JULY 13, 1984

EFFECTIVE: AUGUST 13, 1984

ISSUED BY: JAMES BEECHY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not effected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

SCOPE OF CARRIER'S OPERATING AUTHORITY

Folder 1 Am-J

To transport, as a Class D carrier, coal between points in Butler and Allegheny Counties and from points in said Counties to points in Pennsylvania within a radius of 50 miles of the limits of said Counties and vice versa, for Bethlehem Mines Co., United Coal and Commodities Co., American International Co., Sechan Coal Co., Energy Engineering Co., Kitt Coal Co., and Clinton Fuel and Transport, Inc.

Subject to the following condition:

That no right, power or privilege is hereby granted to transport coal or coke from the facilities of Carpentertown Coal and Coke Company at or near Templeton, Armstrong County, except as presently authorized.

Folder 1 Am-K

To transport, as a Class D carrier, property in bulk in dump vehicles, and which is unloaded by dumping, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa.

Subject to the following conditions:

That no right, power or privilege is granted to transport steel in sheets, bars, coils, plates and rods to or from points within thirty-five (35) miles of the City of Philadelphia.

That no right, power or privilege is granted to transport sand in bulk from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.

That in the rendition of the service herein authorized the container to be used and employed in the transportation of bulk commodities shall be the vehicle itself and not a separate container.

Folder F-1 Am-N

To transport, as a Class D carrier, property, in bulk, in dump vehicles, for Buffalo Builders, Inc., between points in Pennsylvania.

Folder F-1 Am-O @ *

To transport, as a Class D carrier, property for Armstrong Cement and Supply Corporation from its facilities located in the township of Winfield, Butler County, to points in Pennsylvania, and vice versa.

* Issued under authority PA Title 52, Section 23-42

For explanation of abbreviations, reference marks and symbols not explained on page, refer to Rule 120 of tariff.

ISSUED: OCTOBER 2, 1985

EFFECTIVE: INTERSTATE - OCTOBER 3, 1985
INTRASTATE - OCTOBER 8, 1985 *

ISSUED BY: JAMES BEECHY, VICE PRESIDENT, 236 WINFIELD ROAD, SARVER, PA 16055

Human environmental qualities not affected by provisions published herein. MCS

WAYNE W. SELL CORPORATION

Docket A-00093415, F.l, Am-P

To transport, as a Class D carrier, property, from the facilities of Pittsburgh Intermodal Terminals, Inc., located in the borough of Ambridge, Beaver County, to points in Pennsylvania, and vice versa;

To transport, as a Class D carrier, property, from the facilities of Freeport Terminals, Inc. located in the borough of Freeport, Armstrong County, to points in Pennsylvania, and vice versa;

with both rights subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles.

GAJDA TRUCKING COMPANY

Docket No. A-00104751

To transport, as a Class D carrier, millscale from the Pennsylvania facilities of P. Pettler Company, to points in Pennsylvania, and vice versa; coal, from the Pennsylvania facilities of Amerikohl Management Corp., to points in Pennsylvania, and vice versa; and scrap metals, from the Pennsylvania facilities of National Nickel Alloy Corp., to points in Pennsylvania, and vice versa.

Docket No. A-00104751, F.1, Am-A

1. To transport, as a Class D carrier, building materials, in bulk in dump trucks, slag and coal between points in the counties of Venango, Butler, Mercer, Crawford, and Clarion, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, lumber between points in the counties of Butler, Mercer, Crawford and that part of the county of Venango located west of but including the city of Franklin, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, coal and slag from mines in the counties of Lawrence, Butler, Venango, Clarion and Mercer to points within an airline distance of seventy-five (75) statute miles of the limits of the city of Franklin, Venango County.
4. To transport, as a Class D carrier, scrap metal, scrap steel, waste papers, rags and scrap batteries from the counties of Venango and Crawford to points within an airline distance of seventy-five (75) statute miles of the limits of the city of Franklin, Venango County.
5. To transport, as a Class D carrier, slag, sand, gravel, limestone and amesite from points in the counties of Butler, Venango, Clarion, Mercer and Warren to other points in said counties.
6. To transport, as a Class D carrier, limestone from the township of Rockland, Venango County, to points in the counties of Venango, Mercer, Crawford, Warren, Forest, Clarion and Erie.

GAJDA TRUCKING COMPANY

Docket No. A-00104751, F.1, Am-A (Cont'd.)

7. To transport, as a Class D carrier, scrap steel, waste paper, rags and scrap batteries from points in the county of Venango to points within an airline distance of one hundred twenty-five (125) statute miles of the limits of the city of Franklin, Venango County, and vice versa.

8. To transport, as a Class D carrier, slag, fill, gravel, cinders, lime, amesite, limestone and building materials, in bulk in dump vehicles, from points in the city of Franklin, Venango County, and within an airline distance of twenty-five (25) statute miles of the limits of said city to points within an airline distance of one hundred twenty-five (125) statute miles of the limits of said city, and vice versa;

with rights Nos. 7 and 8 immediately above to be subject to the following conditions:

(a) That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

(b) That no right, power or privilege is granted to transport the aforesaid commodities to or from points in the city of Pittsburgh, Allegheny County, and within twenty-five (25) miles by the usually traveled highways of the limits of said city, except as hereinbefore authorized, provided, however, that scrap steel may be transported from points within the said city and within twenty-five (25) miles by the usually traveled highways of the limits thereof to points in the county of Venango.

(c) That no right, power or privilege is granted to transport the aforesaid commodities to or from points in the city of Johnstown, Cambria County, and within an airline distance of twenty-five (25) statute miles of the limits of said city, except as hereinbefore authorized.

(d) That no right, power or privilege is granted to transport limestone, limestone products and lime from points in the counties of Lycoming and Clinton.

(e) That no right, power or privilege is granted to transport brick to or from points in the counties of Lawrence, Beaver, Butler, Allegheny, Armstrong, Indiana, Clearfield, Cambria, Blair, Westmoreland, and Somerset, except as hereinbefore authorized.

GAJDA TRUCKING COMPANY

Docket No. A-00104751, F.1, Am-A (Cont'd.)

9. To transport, as a Class D carrier, salt and other highway defrosting materials, having a prior movement by water, in bulk in dump trucks, between points in the counties of Erie, Crawford and Venango.

10. To transport, as a Class D carrier, sand, slag, gravel, limestone and amesite between points in the counties of Erie, McKean, Elk, Forest, Jefferson, Crawford and Cameron.

11. To transport, as a Class D carrier, sand for the Pennsylvania Glass Sand Corporation from the township of Canal, Venango County, to points in the county of Allegheny.

12. To transport, as a Class D carrier, millscale, in bulk, in dump vehicles, for P. Pettler Company, from points in the borough of Wheatland and the cities of Sharon and Farrell, Mercer County and the boroughs of Midland, Koppel, West Mayfield and Big Beaver, the city of Beaver Falls and the township of Chippewa, Beaver County, to points in the borough of Aliquippa, Beaver County and the city of Duquesne, Allegheny County.

13. To transport, as a Class D carrier, zinc concentrates, in bulk, in dump vehicles, for Falconbridge U.S., Inc., from the city of Erie, Erie County, to points in Center Township, Beaver County.

14. To transport, as a Class D carrier, scrap metal, in bulk in dump vehicles, for Azcon Scrap Corp., from its facilities in the city of Sharon, Mercer County, to points in the counties of Allegheny, Beaver, Washington and Westmoreland.

15. To transport, as a Class D carrier, flourspar briquets, millscale and soda ash, from the facilities of Cametco, Inc., in Allegheny County, to points in Pennsylvania, and vice versa.

GAJDA TRUCKING COMPANY

Docket No. A-00104751, F.1, Am-D

To transport, as a Class D carrier, scrap metals for Luria Brothers, a subsidiary of Connell, a limited partnership, Mercer Company Liberty Iron and Metal Company, Penn Iron and Metal Co., Inc., and the Burstein Company, between points in Pennsylvania.

Docket No. A-00104751, F.1, Am-E

To transport, as a Class D carrier, scrap metals from the facilities of Segel & Son, Inc., in the county of Warren, to points in Pennsylvania, and vice versa.

OPERATING AUTHORITYCertificate No. A-91941 F.1

To transport, as a Class D Carrier, coal, limestone, slag, amesite, gravel, cement, lumber, blocks, sand and reddog, in bulk in dump trucks, between points in the Counties of Clarion, Butler, Venango, Mercer, Erie, Allegheny, Crawford, Lawrence and Armstrong, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination; excluding the transportation of slag between steel mills.

To transport, as a Class D Carrier, building materials (excluding brick), in bulk in dump trucks, for John W. Snyder of Eau Claire, Butler County, between points in the Counties of Butler, Clarion, Venango, Armstrong, Mercer, Allegheny, Westmoreland, Crawford, Lawrence, Beaver, Forest, Jefferson, Erie, Warren and Indiana, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

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

FIRST; That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the Equipment Certificate to be subsequently issued.

SECOND: That no right, power or privilege is granted to transport cement in tank vehicles, or hopper-type vehicles.

F1, Am-A

To transport, as a Class D Carrier, coal and coke for domestic consumption between points in the City of Pittsburgh, Allegheny County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, in the Counties of Allegheny and Washington, 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, coal from mines or stripping operation in the Counties of Allegheny, Fayette and Washington to railroad sidings in the said counties, 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 and coke from mines, tipples, stripping operations or railroad cars in the Counties of Allegheny, Washington and Fayette to orphan asylums, laundries and schools and to mills not served by railroad sidings in said Counties, 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 from coal yards in the City of Pittsburgh and from the Village of Library, Allegheny County, to power plants in the said City.

(Continued on next page)

Fl, Am-A

To transport, as a Class D Carrier, sand, gravel, slag, mortar, rough lumber, concrete and cinder blocks, scrap metals, cinders, lime, limestone, cement, stone, boney and red dog, in bulk in dump trucks and unloaded by dumping, between points in the Counties of Allegheny, Westmoreland, Fayette, Beaver and Butler, provided no haul shall exceed a distance of fifty (50) miles by the nearest traveled highways from point of origin to point of destination.

Fl, Am-C

To transport, as a Class D Carrier, coal, limestone, slag, amesite, gravel, sand and blocks, in dump vehicles, between points in the Counties of Armstrong, Allegheny and Butler, for Bill Heilman Pavement Specialties Company of Freeport, DuBrook Builders Supply Company of Butler, and Western Pennsylvania Processing Company of Butler; excluding the transportation of slag between steel mills.

Fl, Am-D

To transport, as a Class D Carrier, coal, coke, wood, building materials and building construction materials, such as are usually transported in dump trucks, between points in the Village of Natrona Heights, Allegheny County, and within twenty-five (25) miles by the usually traveled highways of the limits of said village, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport cement in tank vehicles or hopper-type vehicles.

Fl, Am-F

To transport, as a Class D Carrier, lime from points in the Township of Slippery Rock, Butler County, to points within an airline distance of fifty (50) statute miles of the point of origin.

Fl, Am-G

To transport, as a Class D Carrier, coal, coke cinders and debris, building materials and supplies, excavated materials, road and building construction materials and other materials such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of construction or disposal in the Counties of Beaver, Butler and Lawrence.

(Continued on next page)

F1. Am-H.

To transport, as a Class D Carrier, lime and limestone products, for the Mercer Lime and Stone Company, from the plant site of the said company in Slippery Rock Township, Butler County, to points in Pennsylvania and the return of refused, damaged or rejected shipments to the point of origin; excluding the transportation of lime and limestone products in bulk in dump vehicles.

F2

1. To transport as a Class D Carrier, property between points on the west side of the Allegheny River and within ten (10) miles by the usually traveled highways of the limits of the Borough of Brackenridge, Allegheny County.

2. To transport, as a Class D Carrier, household goods and office furniture, in use, from points in the area as described in the above right (right 1) excluding the Borough of New Kensington, to points in Pennsylvania, and vice versa.

3. To transport, as a Class D Carrier, road building materials, machinery and equipment, between points within fifteen (15) miles by the usually traveled highways of the Borough of Brackenridge.

4. To transport, as a Class D Carrier, road building materials, machinery and equipment from points in the area as described in the above right (right 3), to points in Pennsylvania within thirty (30) miles by the usually traveled highways of the Borough of Brackenridge, and vice versa.

with the above rights subject to the following conditions:

That no right, power or privilege is granted to transport property between points served by Pittsburgh Railways Company.

That no right, power or privilege is granted to transport cement in tank vehicles or in hopper-type vehicles.

5. To transport, as a Class B Carrier, property between points in the Borough of Brackenridge, Allegheny County.

6. To transport, as a Class C Carrier, property from points in the Borough of Brackenridge, to points within eight (8) miles by the usually traveled highways of the limits of the said borough, and vice versa.

7. To transport, as a Class B Carrier, household goods and office furniture, in use, between points in the Borough of Brackenridge, and within five (5) miles by the usually traveled highways of the limits of the said borough.

8. To transport, as a Class D Carrier, road building and construction materials, machinery and equipment between points in the Borough of Brackenridge and within fifteen (15) miles by the usually traveled highways of the limits of the said borough.

(Continued on next page)

For explanation of abbreviations and reference marks, see last page of Tariff.

F2

9. To transport, as a Class C Carrier, emergency shipments from the plant of the Allegheny Steel Company located in the Borough of Brackenridge, Allegheny County, to points in Pennsylvania within one hundred fifty (150) miles by the usually traveled highways of said plant, provided specifically that all such emergency shipments shall be reported immediately to the Commission;

with the rights of 5, 6, 7, 8, and 9 subject to the following conditions:

That all transportation shall originate or end in the Borough of Brackenridge, Allegheny County, or within eight (8) miles by the usually traveled highways of the limits of said Borough.

That the transportation of household goods and office furniture, in use, shall be limited and restricted to points in the Borough of Brackenridge, Allegheny County, and within 5 (5) miles by the usually traveled highways of the limits of said borough.

That no right, power or privilege is granted to transport cement in tank vehicles or in hopper-type vehicles.

F2, Am-B

To transport, as a Class D Carrier, salt and salt products for Cargill, Inc., from its facility in the City of Arnold, Westmoreland County, and from the facilities of Standard Terminals, Inc. in the cities of New Kensington, and Lower Burrell, Westmoreland County, to points in Pennsylvania:

subject to the following condition:

That no right, power or privilege is granted to transport rock salt or calcium chloride, for deicing purposes, in bulk, to points on and east of U. S. Highway Route 15.

To transport, as a Class D Carrier, concrete mixes, flyash and chromite sand, in bags or box for Standard Terminals, Inc., from its facilities in the cities of New Kensington and Lower Burrell, Westmoreland County, to points in Pennsylvania lying on and west of U. S. Highway Route 15, excluding transportation to or from the plants of Bethlehem Steel Corporation in the County of Cambria.

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Docket No. A-91941, F.1, Am-I

To transport scrap metals, between points in that part of Pennsylvania on and west of U. S. Highway 15;

EXCLUDING transportation of swarf, scale, fines, and turnings (except as presently authorized);

EXCLUDING transportation between points in the Borough of Nanty Glo, Cambria County, and within 25 miles of the limits of the said Borough (except as presently authorized);

EXCLUDING transportation to the facilities of Bethlehem Steel Corp., located in Cambria County and Dauphin County;

EXCLUDING transportation of scrap metals for the accounts of the following four companies:

1. Hickman and Williams Company
2. Luria Brothers & Company
3. Franklin Steel Company
4. Jones & Laughlin Steel Corp.

(except as presently authorized);

EXCLUDING service to and from the facilities of Cerro Metal Products in the Borough of Bellefonte and the Township of Spring, Centre County; and

EXCLUDING service to and from the facilities of Hodes Industries, Inc., located in Centre County, City of Lock Haven, Clinton County, Borough of Tyrone, Blair County.

Refer to Operating Authority on Pages 3 thru 6 of Tariff, and add the following:

OPERATING AUTHORITY

@ Certificate No. A-91941, F.1, Am-J

To transport, as a Class D Carrier, Scrap Metal between points in that part of Pennsylvania on and west of U.S. Highway Route 219 and from points in the said territory to points in Pennsylvania, and vice versa;

subject to the following conditions:

That no right, power or privilege is granted to transport property for Luria Brothers, Atlantic States Cast Iron Pipe Company, S. I. Handling Systems, Inc., Victaulic Company of America and Union Camp Corporation.

That no right, power or privilege is granted to transport property to points in the borough of Milton, Northumberland County, and points within ten (10) miles of the limits thereof.

That no right, power or privilege is granted to transport scrap metal between points in the borough of Nanty Glo, Cambria County, and points within an airline distance of twenty-five (25) statute miles of the limits of the said borough which are west of U.S. Highway Route 219, and from points in the said territory to points east of U.S. Highway Route 219 which are within an airline distance of twenty-five (25) statute miles of the limits of the borough of Nanty Glo, and vice versa; except from the city of Altoona, Blair County.

That no right, power or privilege is granted to transport scrap metal in bulk in dump vehicles, from points in Pennsylvania to the facilities of Bethlehem Steel Corporation in the counties of Cambria and Dauphin.

Docket No. A-0091941, F.1, Am-K

To transport, as a Class D carrier, clay, in bulk in dump vehicles, from points in Pennsylvania, to the facilities of Freeport Brick Company in the Counties of Armstrong and Allegheny.

Docket No. A-0091941, F.2, Am-C

To transport, as a Class D carrier, property, between the plants and other facilities of Allegheny Ludlum Steel Corporation located in the counties of Allegheny, Armstrong and Westmoreland, and from said plants or facilities to points in Pennsylvania, and vice versa;

subject to the following conditions:

(1) that all service rendered under the authority granted herein shall be provided with flatbed trailers, dump trucks or dump trailers;

(2) that no right, power or privilege is granted to transport commodities which, because of size or weight, require special handling or the use of special equipment;

(3) that no right, power or privilege is granted to transport property to or from the facilities of Bethlehem Steel Corporation.

Docket No. A-00091941, F.2, Am-D

To transport, as a Class D carrier, property, in dump vehicles, for Mercer Lime & Stone Company, from its facilities in the township of Slippery Rock, Butler County, to points in Pennsylvania, and vice versa.

Docket No. A-0091941, F.1, Am-L

To transport, as a Class D carrier, scrap metals, in dump vehicles, for Luria Brothers, a division of Connell Limited Partnership, between points in Pennsylvania;

subject to the following conditions:

(a) That no right, power or privilege is granted to transport between points in the borough of Nanty Glo, Cambria County, and within an airline distance of twenty-five (25) miles of the limits of said borough;

(b) that no right, power or privilege is granted to transport to the facilities of Bethlehem Steel Corporation, located in the counties of Cambria and Dauphin.

CARRIER'S OPERATING AUTHORITY

As a Class D carrier, coal, coke, sand, gravel, slag, crushed stone and limestone, in bulk in dump trucks, between points in the Counties of Allegheny, Butler, Beaver, Washington, Westmoreland, Lawrence, Mercer and Armstrong, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination.

As a Class D carrier, soil and building materials, in bulk in dump trucks, between points in the Counties of Allegheny, Butler, Beaver, Washington, Westmoreland and Fayette, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination; excluding the transportation of bricks to, from or between points in Allegheny County.

As a Class D carrier, coal from mines or stripping operations in the County of Clarion to points in the said county, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

Folder 1, Am-A

To transport, as a Class D carrier, asphalt and amesite, in bulk in dump trucks, between points in the Counties of Allegheny, Butler, Beaver, Washington, Westmoreland, Lawrence, Mercer and Armstrong, no haul to exceed a distance of seventy-five (75) miles from point of origin to point of destination.

To transport, as a Class D carrier, cinders for use as anti-skid materials on public roads from points in the County of Allegheny to points within an airline distance of one hundred twenty-five (25) statute miles of the point of origin; excluding points on Highway Route 220 north of the City of Altoona, Blair County, and excluding the Borough of State College, Centre County.

Folder 1, Am-B

To transport, as a Class D carrier, lumber, coal, lime, fertilizer, sand, farm products and supplies, contractors' equipment and building materials in bulk in dump trucks, between points in the Borough of Smicksburg, Indiana County, and within an airline distance of twenty-five (25) statute miles of the limits of the said Borough, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, materials used by the Pennsylvania Department of Highways between points in the County of Indiana.

To transport, as a Class D carrier, in dump vehicles, limestone, sand, gravel, coal and slag from points in the Counties of Clarion, Armstrong, Butler, Indiana and Cambria to points in the said counties, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination.

To transport, as a Class D carrier, in dump vehicles, limestone, sand and gravel from the plant of the Interstate Amesite Corp., in the Township of Morris, Huntingdon County, and the plant of the New Enterprise Lime and Stone Co., Inc., in the Township of Taylor, Blair County, to points in the Counties of Clarion, Armstrong, Butler, Indiana and Cambria, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination.

(Continued on next page)

Folder 1, Am-B (Continued)

To transport, as a Class D carrier, in dump vehicles, coal from points in the County of Armstrong to the plant of the Interstate Amesite Corporation in the Township of Morris, Huntingdon County, and the plant of the New Enterprise Lime and Stone Co., Inc., in the Township of Taylor, Blair County, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination.

To transport, as a Class D carrier, in dump vehicles, sand, gravel and limestone from points in the Counties of Armstrong and Clarion to the plant of the Interstate Amesite Corporation in the Township of Winslow, Jefferson County, and the Howrey Lumber Company in the Borough of Sykesville, Jefferson County.

To transport, as a Class D carrier, in dump vehicles, coal from points in the County of Armstrong to the Borough of Punxsutawney, Jefferson County.

Folder 1, Am-C

To transport, as a Class D carrier, foundry coke in containers from Neville Island, Neville Township, Allegheny County, to points in Pennsylvania, and empty coke containers from points in Pennsylvania to Neville Island, Neville Township, Allegheny County; excluding transportation to or from the plants of Bethlehem Steel Corporation in the County of Cambria.

Folder 1, Am-D

To transport, as a Class D carrier, salt, purchased and owned by Rochez Bros., Inc., in bulk in dump vehicles, from the facilities of Rochez Bros., Inc., located at Brunots Island in the City of Pittsburgh and the Borough of Draddock, Allegheny County, the Borough of Rochester, Beaver County, and the Borough of New Eagle, Washington County, to points in Pennsylvania; no haul to exceed a distance of two hundred (200) miles from point of origin to point of destination, with the right to return refused, damaged or rejected materials, excluding the transportation of salt to the plants of Bethlehem Steel Corporation in the County of Cambria.

Folder 1, Am-F

To transport, as a Class D carrier, coal, in dump vehicles, for the Penn Allegh Coal Company, Inc., from points in the county of Allegheny to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, mining equipment and supplies, for the Penn Allegh Coal Company, Inc., from its mine in the township of Fawn, Allegheny County, to points in Pennsylvania, and vice versa;

Folder 1, Am-G

To transport, as a Class D carrier, coal in dump vehicles, between points in the county of Clarion and from points in the said county to points within an airline distance of seventy-five (75) statute miles of the point of origin;

Folder 1, Am-H

To transport, as a Class D carrier, coal, in dump vehicles for Tesone Coal Company, from points in the Counties of Armstrong and Butler to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, mining equipment for Tesone Coal Company, from points in the Counties of Armstrong and Butler to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, mining supplies, in dump vehicles, for Tesone Coal Company, from points in the Counties of Armstrong and Butler to points in Pennsylvania, and vice versa.

and subject to the following conditions:

That no right, power or privilege is permitted to transport property which, because of size or weight, requires special handling or the use of special equipment such as winch trucks or tractors, pole or extendible trailers or carryalls, or which requires a permit from the Department of Transportation of the Commonwealth of Pennsylvania.

That no right, power or privilege is granted to transport iron, steel, or iron or steel articles to or from points in Beaver County.

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Folder 1, Am-I

To transport, as a Class D carrier, coal and coke for domestic consumption between points in the city of New Castle, Lawrence County, and within fifteen (15) miles by the usually traveled highways of the limits of said city in the counties of Lawrence; Butler and Mercer, 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, coal from mines or stripping operations in the counties of Lawrence, Mercer, Crawford and Butler to railroad sidings in the said counties, 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, sand and gravel, in bulk in dump trucks, between points in the counties of Lawrence, Mercer, Crawford and Butler, 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, cement blocks, in bulk in dump trucks, from the plant of John Andia near East Brook, Hickory Township, Lawrence County, to points in the counties of Lawrence, Mercer and Butler within twenty-five (25) miles by the usually traveled highways of said plant.

To transport, as a Class D carrier, agricultural lime from points in the counties of Lawrence, Mercer, Crawford and Butler to farms in the said counties, 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 from mines or stripping operations in the counties of Lawrence, Mercer, Beaver and Butler to the Pennsylvania Power Company plant in the borough of West Pittsburgh, Lawrence County, 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, building materials, in bulk in dump trucks, mine refuse, reddog and limestone between points in the counties of Lawrence, Mercer, Beaver and Butler, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

Folder 1, Am-J

To transport, as a Class D carrier, scrap iron and scrap metals in dump vehicles from the facilities of Max Silver & Sons in the City of Erie, Erie County, to points in the City of Pittsburgh and the Township of Neville, Allegheny County.

CARRIER'S OPERATING AUTHORITY

Folder 1, Am-K

To transport, as a Class D carrier, materials usually transported in dump trucks, between points not to exceed a distance of thirty-five miles from point of origin to point of destination in the city of Pittsburgh and within thirty-five miles, by the usually traveled highways, of the City-County Building, in the said city;

with the above right subject to the following condition:

That no right, power or privilege is granted to transport between points served by the Alko Express Lines and connections as of April 21, 1936 (authority now certificated to Motor Freight Express), except materials usually transported in dump trucks.

To transport, as a Class D carrier, property, in bulk, in dump vehicles, and which is unloaded by dumping, between points in the counties of Allegheny and Beaver and from points in said counties to points in Pennsylvania, and vice versa;

with the above right subject to the following conditions:

That no right, power or privilege is granted to transport pig iron, coke and ammonium sulfate, in dump vehicles, from the plant of Alan Wood Steel Company in the townships of Upper Merion and Plymouth, Montgomery County, to customers of said company, and on the return, clay in bulk and coal, in dump vehicles, to the said plant.

That no right, power or privilege is granted to transport ferro-manganese, in dump vehicles, from the plant of E. J. Lavino Company in the township of Millcreek, Lebanon County.

That no right, power or privilege is granted to transport coal and coke between points in the counties of Allegheny and Beaver and from points in said counties to points in the counties of Butler, Washington, Westmoreland, Lawrence, Mercer and Armstrong, and vice versa, except as presently authorized.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF

McCLEARY-CHRISTIE TRUCKING, INC., a corporation
of the Commonwealth of Pennsylvania

CERTIFICATE
OF
PUBLIC CONVENIENCE

A. 00108713
Folder 1

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 21st day of SEPTEMBER, 19 89.

Attest:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION



Secretary



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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 25, 1985

Commissioners Present:

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

Application of Sherwell D. Christie,
t/d/b/a McCleary-Christie Trucking
for approval of the transfer to him
of all of the operating rights held
by Freeman McCleary and Sherwell
Christie, copartners, t/d/b/a
McCleary and Christie at A-00097843.

A-00106064

O R D E R

BY THE COMMISSION:

By application docketed February 27, 1985, Sherwell D. Christie, t/d/b/a McCleary-Christie Trucking seeks approval of the transfer to him of all the rights granted to Freeman McCleary and Sherwell Christie, copartners, t/d/b/a McCleary and Christie under the certificate issued at A-00097843.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Freeman McCleary and Sherwell Christie, copartners, t/d/b/a McCleary and Christie at A-00097843 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, coal, in dump vehicles, from points in the counties of Clarion and Armstrong to points in the county of Butler, no haul to exceed an airline distance of twenty-five (25) statute miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal, in dump vehicles, for Glacial Minerals, Inc., C & K Coal Company, Shannon Coal Company and Vantage Coal Company between points in the county of Clarion, no haul to exceed an airline distance of twenty-five (25) statute miles from point of origin to point of destination.

3. To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Clarion, Jefferson, Venango, Forest and Warren to points in the said counties; provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
4. To transport, as a Class D carrier, lime, in bulk in dump trucks, from points in the county of Clarion, to points in said county and within an airline distance of twenty-five (25) statute miles of the limits of said county.
5. To transport, as a Class D carrier, coal from points in the county of Clarion to points in the counties of Tioga and Erie.
6. To transport, as a Class D carrier, coal, in dump vehicles, for Glacial Minerals, Inc., C & K Coal Company, and Sunbeam Coal Company, from the mines and stripping operations and facilities of said companies, in the counties of Clarion, Armstrong and Butler to points in said counties.
7. To transport, as a Class D carrier, coal in dump vehicles, from the mines, stripping operations and other facilities of Glacial Minerals, Inc., C & K Coal Co., and Vendale Coal Company, Inc., in the counties of Clarion, Armstrong, Butler and Venango, to points in the said counties.
8. To transport, as a Class D carrier, salt, from the facilities of Morton Salt Company in Clarion Township, Clarion County, to points in the counties of Clarion, Jefferson, Armstrong, Warren, Butler and Venango.
9. To transport, as a Class D carrier, salt, for Morton Salt Division of Norwich Products, Inc., from its facilities in the township of Clarion, Clarion County, to points in the counties of Elk, Forest, Mercer, Crawford, Lawrence and McKean.
10. To transport, as a Class D carrier, coal, in dump vehicles from the mines and facilities of Glacial Minerals, Inc., in the county of Clarion to points in said county and within an airline distance of seventy-five (75) statute miles of said county.

11. To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from mines, facilities and stripping operations of C & K Coal Co. and Glacial Minerals, Inc., located in the counties of Clarion, Armstrong, Butler, Jefferson and Venango, to points in the counties of Mercer, Crawford and Erie, and vice versa.
12. To transport, as a Class D carrier, property, in bulk, in dump vehicles, from the facilities of Tionesta Sand and Gravel, Inc., located in the counties of Forest and Warren, to points located within an airline distance of one hundred (100) statute miles of the limits of the borough of Tidioute, Warren County.
13. To transport, as a Class D carrier, coal, in bulk in dump vehicles, from mines, facilities and stripping operations of C & K Coal Company in the county of Clarion, to points in the county of Indiana, and vice versa.
14. To transport, as a Class D carrier, coal in bulk in dump vehicles, from mines, facilities and stripping operations of Glacial Minerals, Inc., in the county of Clarion, to points in Pennsylvania on and west of U.S. Highway Route 220 and to the facilities of Pennsylvania Power & Light Company in the county of Northumberland;

with right no. 14 above subject to the following condition:

That no right, power or privilege is granted to transport coal from mines, facilities and stripping operations of Glacial Minerals, Inc., in the county of Clarion to points within 50 miles of the limits of the city of Pittsburgh, Allegheny County, except points in the county of Indiana;

with rights no. 13 and 14 above subject to the following condition:

That no right, power or privilege is granted to provide service for Bradford Coal Company;

With all of the above rights further subject to the following general conditions:

1. 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 rights 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.

2. That applicant shall not record in his utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. 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 his utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.

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

IT IS FURTHER ORDERED: That issuance of the certificate shall be withheld pending submission of transferor's Assessment due for fiscal year 1985-1986.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending satisfaction of the complaints against the transferor at A-00097843C841.

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

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor Freeman McCleary and Sherwell Christie, copartners, t/d/b/a McCleary and Christie at A-00097843 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 25, 1985

ORDER ENTERED: JUL 31 1985

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 8, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Sherwell D. Christie,
t/d/b/a McCleary-Christie Trucking,
for amendment to his common carrier
certificate, which grants the right
to transport, by motor vehicle, coal,
in dump vehicles, from points in the
counties of Clarion and Armstrong to
points in the county of Butler, no haul
to exceed an airline distance of twenty-five
(25) statute miles from point of origin
to point of destination: SO AS TO PERMIT
the transportation of (1) coal, in dump
vehicles, from the facilities of C & K
Coal Company in the counties of Clarion,
Jefferson, Butler, Venango, Armstrong,
Elk and Mercer, to the tipplers of C & K
Coal Company in Clarion County; (2) building
materials, (excluding brick), in bulk in
dump trucks, between points in the counties
of Clarion, Venango, Jefferson, Indiana
and Mercer, provided no haul shall exceed
a distance of twenty-five (25) miles from
point of origin to point of destination;
(3) limestone, sand and gravel between
points in the counties of Clarion, Armstrong,
Butler, Venango, Jefferson, Indiana and
Mercer, provided no haul shall exceed a
distance of twenty-five (25) miles from
point of origin to point of destination;
with rights nos. 2 and 3 subject to the
following condition: That no right, power
or privilege is granted to transport
cement and/or lime, in bulk in tank vehicles;
and excluding the transportation of sand
to, from or between points in the borough
of Falls Creek, township of Washington
and township of Winslow, Jefferson
County, Pennsylvania; (4) coal from
mines or stripping operations in the
counties of Clarion, Armstrong, Butler,
Venango, Jefferson, Indiana and Mercer

A-00106064

F. 1

Am-A

to tipples, railroad sidings and consumers in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination; and (5) coal, in dump vehicles, between points in the counties of Clarion, Venango, Forest, Crawford, Warren and Erie, provided no haul shall exceed a distance of one hundred (100) miles from point of origin to point of destination; which is to be a transfer of the rights authorized under the certificate issued at A-00097755, F. 2 to Kenneth G. Myers, t/d/b/a Kenneth G. Myers Trucking Company, subject to the same limitations and conditions.

Pillar and Mulroy by John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 10, 1986. Public notice of the application was given in the Pennsylvania Bulletin of March 1, 1986. No protests have been filed and the record is certified to the Commission without an oral hearing.

Sherwell D. Christie, t/d/b/a McCleary-Christie Trucking (applicant or transferee), R.D. 2, Box 159A, Emlenton, Venango County, is a currently certified common carrier engaged in intrastate and interstate commerce. It is the intent of the applicant to purchase all of the operating authority held by Kenneth G. Myers, t/d/b/a Kenneth G. Myers Trucking Company at A-00097755, F. 2. On February 2, 1986, the applicant paid the transferor a total consideration of \$3,000 for said authority.

The transferor will be responsible for any and all unpaid business debts, as well as due assessments. All reports and filings have been made. The transferor's annual reports show gross intrastate operating revenue for 1982 of \$93,756, \$74,289 for 1983 and \$80,769 for 1984.

We find:

1. That the applicant is a currently certificated common carrier.
2. That there is a continuing necessity for the rights herein involved.

3. That approval of the instant application is necessary for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of the rights held by Kenneth G. Myers, t/d/b/a Kenneth G. Myers Trucking Company at A-00097755, F. 2, be and is hereby approved, and that the certificate issued to the applicant on December 17, 1985, be amended to include the following rights:

1. To transport, as a Class D carrier, coal, in dump vehicles, from the facilities of C & K Coal Company in the counties of Clarion, Jefferson, Butler, Venango, Armstrong, Elk and Mercer, to the tipples of C & K Coal Company in Clarion County.
2. To transport, as a Class D carrier, building materials, (excluding brick), in bulk in dump trucks, between points in the counties of Clarion, Venango, Jefferson, Indiana and Mercer, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, limestone, sand and gravel between points in the counties of Clarion, Armstrong, Butler, Venango, Jefferson, Indiana and Mercer, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

with rights nos. 2 and 3 above subject to the following condition:

That no right, power or privilege is granted to transport cement and/or lime, in bulk in tank vehicles; and excluding the transportation of sand to, from or between points in the borough of Falls Creek, township of Washington and township of Winslow, Jefferson County, Pennsylvania.

4. To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Clarion, Armstrong, Butler, Venango, Jefferson, Indiana and Mercer to tipples, railroad sidings and consumers in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

5. To transport, as a Class D carrier, coal, in dump vehicles, between points in the counties of Clarion, Venango, Forest, Crawford, Warren and Erie, provided no haul shall exceed a distance of one hundred (100) miles from point of origin to point of destination.

subject to the following conditions:

1. 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 rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in his utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the \$3,000 consideration paid by applicant for the rights and/or going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. 52 Pa. Code §31, as now existing or as may hereafter be amended, 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.

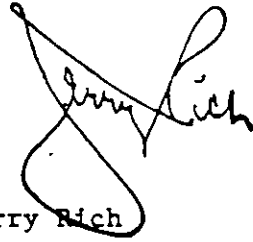
IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor, Kenneth G. Myers, t/d/b/a Kenneth G. Myers Trucking Company, at A-00097755, F. 2 be cancelled and the record marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over a circular stamp or seal.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: May 8, 1986

ORDER ENTERED: MAY 13 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 17, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Sherwell D. Christie, t/d/b/a
McCleary-Christie Trucking, for the right to
begin to transport, as a common carrier, by motor
vehicle, (1) coal, for Malinski Mining Co., Inc.,
from its facilities located in the county of
Butler, to points in that part of Pennsylvania
on and west of U.S. Highway Route 220, and vice
versa; and (2) coal, for Glacial Minerals, Inc.,
Keystone Coal Company and Forrester Coal Sales,
Inc., between points in that part of Pennsylvania
on and west of U.S. Highway Route 220.

A-00106064
F. 2

John A. Pillar and Kevin W. Walsh for the applicant.
Dwight L. Koerber, Jr., for Kephart Trucking Co.
Herbert R. Nurick for Samuel J. Lansberry, Inc.
William A. Gray for Bruce W. Trent, Homer R. Sleek & Sons, Inc.,
and Wayne W. Friedline.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by way of an application filed on April 3, 1985. Public notice of the application appeared in the Pennsylvania Bulletin of April 20, 1985 and prompted five protests from certificated carriers. All protests were withdrawn when the applicant restricted all of the proposed service from originating in Cambria, Indiana, Clearfield, Westmoreland and Bedford Counties, and from originating or ending in Somerset County; authority for Foreston Coal Sales, Inc.,* was limited from, to or between points in Centre and Clearfield Counties; and authority for Foreston Coal Sales, Inc. and Glacial Minerals, Inc., was restricted from originating in Jefferson County to the city of Erie and the borough of Warren. Service for Keystone Coal Company was

* Correct spelling of this shipper's name is Foreston Coal Sales, Inc.

also deleted from the proposed transportation. The now unprotested application has been certified to the Commission for disposition under modified proceedings. The record consists of the applicant's verified statement and statements from the three remaining shippers.

The verified statement of the applicant, Sherwell D. Christie, t/d/b/a McCleary-Christie Trucking (Christie or applicant) a sole proprietor, whose major place of business is located at R.D. 2, Emlenton, Pennsylvania 16373, sets forth the following information. The applicant was formerly a partner of Freeman McCleary, certificated by this Commission at A-00097843. Said authority is in the process of being transferred to the applicant at A-00106064, Folder 1. Christie has acquired 15 years of experience in the intrastate transportation of bulk commodities pursuant to his initial authority as one of a partnership. Under said authority, some service was rendered to the shippers in the instant application. There is also pending before the Interstate Commerce Commission, an application to authorize Christie contract carriage nationwide for various bulk commodities.

The applicant's terminal in Emlenton is convenient to Interstate Highway 80. This site consists of a large building where administration and dispatch functions are conducted, and two service bays. Dispatch is handled via radio contact with all drivers, thus minimizing empty and deadhead miles and maximizing efficiency. Ten tri-axle dump vehicles, four tractors and four dump trailers comprise the equipment fleet owned and operated by Christie. He also will lease 50 dump units from owner/operators. All of this equipment is appropriate for the subject transportation. The applicant has 14 drivers and a full-time mechanic on his staff. He also maintains a safety and preventative maintenance program and is cognizant of all Federal and State regulatory requirements.

To establish his fiscal fitness, Christie enters a balance sheet dated December 31, 1984, showing total current assets of \$2,098.06 and total assets of \$867,374.39; total current liabilities of \$5,984, total liabilities of \$780,984 and a total equity of \$86,390.39. An income statement dated December 31, 1984, reflects total sales of \$4,825,580.41, total direct expenses of \$3,918,564.79; total business expenses of \$882,478.44 and income from operations of \$24,537.18.

A support statement on behalf of Malinski Mining, Inc., of R.D. 4, Slippery Rock, Pennsylvania, is set forth by its president, Charles Malinski. This shipper is engaged in the mining, processing and sale of bulk coal. It has its own stripping operations, but also receives at its tipple approximately 50,000 tons of coal annually from other producers. Malinski has a total need of over 100,000 tons of coal per annum from Clay Township, Butler County, of which approximately 10 truckloads daily will be tendered the applicant. Malinski purchases coal from points in Mercer, Lawrence, Butler, Armstrong and Allegheny Counties. Representative points of origin include Pardoe, Clintonville,

Wildwood, Ratigan, Hooker, North Washington and New Castle destined for delivery to the shipper's tipple and preparation plant in Butler County. Outbound shipments are sent to customers in such representative points as Erie, Warren, New Castle, Kittanning, Shippingport, Pittsburgh, Slippery Rock, Reesedale, Bath, Clarion and Bradford, as well as cement producers in Lawrence County. Potential customers are also located at Homer City and Williamsburg.

All shipments are in bulk and truckload in nature. Deliveries are normally on schedule. The shipper believes that Christie has the experienced personnel and equipment required to satisfy its transportation needs. The close proximity of the applicant's terminal to Malinski's tipple and stripping operations will assure prompt and efficient service.

The president of Glacial Minerals, Inc., Juan C. Henkes, states the following in support of the applicant. Glacial is located in Strattanville, Pennsylvania 16258, and is involved in producing, processing and selling bulk coal. It will tender approximately 20 to 25 truckloads of coal daily to the applicant. Glacial presently uses the service of the partnership, McCleary and Christie, and now desires the applicant serve its transportation needs in a broader geographic territory. Glacial estimates it will tender Christie approximately 20 to 25 truckloads daily moving within the area proposed herein. Origin points include the shipper's various facilities in Armstrong, Clarion and Jefferson Counties from which 90 percent of its traffic emanates. The remaining 10 percent of its shipments will move directly from Glacial mine sites in Clarion, Jefferson, Butler and Venango Counties to customers in the territory proposed herein. Representative destination points include Erie, Butler, Blair, Clearfield, Warren, Venango, Armstrong, Jefferson, Centre, Lawrence, Tioga, Northumberland, McKean, Elk, Indiana and Westmoreland Counties. Pick-ups and deliveries from mine sites will be necessary. All shipments move in dump vehicles and in truckload quantities. Service is required five days a week with some weekend deliveries as necessary. The shipper is convinced, based on its past experience with the partnership of McCleary and Christie that the applicant will be in a position to provide a high level of service.

The verified statement of Foreston Coal Sales, Inc., of New York, New York 10016, is presented by its assistant vice president, Gregory F. Licata. Foreston is a coal wholesaler which buys and sells bulk coal. Approximately 3,000 to 8,000 tons per month of its transportation needs will be offered to Christie. This is a significant portion of Foreston's total needs. Coal is purchased by this shipper from producers in Butler, Armstrong, Lawrence, Venango, Elk, Jefferson, Cameron, Clearfield, Fayette and Centre Counties, and is destined for

customers in Erie, Indiana, Allegheny, Butler, McKean, Northumberland, Clearfield, Venango, Cambria and Montour Counties. There are potential customers throughout the Commonwealth and the shipper requires flexibility in its transportation needs. Shipments will be in dump vehicles and in truckload quantities. Scheduled deliveries are generally required and mine site pick-ups are also necessary. The shipper believes that approval of the subject application will benefit it substantially.

DISCUSSION AND FINDINGS

In the proceeding before us, the applicant is presently in the process of converting from a partnership to a sole proprietorship. The partnership of McCleary and Christie at A-00097843 has been certificated for many years and Christie is certainly no newcomer to the transportation business. His fleet of equipment is appropriate for the instant transportation and his balance sheet, showing total equity of \$86,390.39, reflects a firm financial posture. In addition, the applicant has terminal facilities conveniently located and a staff of experienced personnel. In view of the foregoing, we believe that Christie has demonstrated his fitness to render the transportation proposed herein, as amended.

As originally captioned, Christie sought authority to transport coal for four named shippers. As a result of five timely protests, one shipper, Keystone Coal Company, was stricken from the proposed authority. The remaining transportation was restricted from service in various named counties and all protests were subsequently withdrawn.

Verified statements from the three remaining shippers indicate all are involved in the buying and selling of bulk coal. Glacial Minerals, Inc. and Malinski Mining Co., also mine and process coal and require service from mining operations to processing plants and tipples in western Pennsylvania. A substantial amount of the total shipping needs of these three shippers will be tendered Christie should the instant application be approved. A need in excess of 40 loads per day has been expressed by the three shippers. Malinski Mining Co. requires service to and from its Butler County facilities to the territory west of U.S. Highway Route 220 and the other two shippers have shown a need for service between mine sites, tipples, preparation plants and other coal producers and customers in said territory. We believe from the evidence in the record that a necessity exists for the transportation of coal on behalf of the three named shippers in the territory as specified.

We find that:

1. All three named shippers have established a necessity for the subject transportation.
2. The applicant has the experience, equipment and resources to render the service proposed herein, as amended.

3. Approval of the application is in the public interest and is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved granting the following right:

- (1) To transport, as a Class D carrier, coal for Malinski Mining Co., Inc., from its facilities located in the county of Butler, to points in that part of Pennsylvania west of U.S. Highway Route 220, and vice versa.
- (2) To transport, as a Class D carrier, coal for Glacial Minerals, Inc., between points in that part of Pennsylvania on and west of U.S. Highway Route 220.
- (3) To transport, as a Class D carrier, coal for Foreston Coal Sales, Inc., between points in that part of Pennsylvania on and west of U.S. Highway Route 220.

subject to the following conditions:

- (a) That no right, power or privilege is granted under Paragraphs (1), (2) and (3) above to transport coal from points in the counties of Cambria, Indiana, Clearfield, Westmoreland or Bedford; or to transport coal to or from points in the county of Somerset.
- (b) That no right, power or privilege is granted under Paragraph (3) above to transport coal to, from or between points in the counties of Centre and Clearfield.
- (c) That no right, power or privilege is granted under Paragraphs (2) and (3) above to transport coal from points in the county of Jefferson to the city of Erie, Erie County, or the borough of Warren, Warren County.

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.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relating to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate 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 sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 17, 1985

ORDER ENTERED: OCT 24 1985

WILLIAM P. MAUTHE, T/D/B/A
DGB TRUCKING

RATES AND RULES

GOVERNING THE

TRANSPORTATION OF

To transport, as a Class D carrier, coal, from mines or stripping operations in the counties of Clarion, Venango, Forest and Warren to points in the said counties, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.

To transport, as a Class D carrier, lime and building materials, in bulk in dump trucks, excluding tile and tile building materials, between points in the county of Clarion.

To transport, as a Class D carrier, coal between points in the counties of Clarion, Jefferson and Armstrong, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

Issued: July 30, 1984

Effective: August 1, 1984

Issued by: William P. Mauthe, t/d/b/a
DGB Trucking
R. D. 1
Strattanville, PA 16258

Telephone: 814 764-3935

Appendix B-6

Certificate No. A. 00105296,
Folder 1, Am-A

Freight-Pa. P.U.C. No. 2

WILLIAM P. MAUTHE, T/D/B/A
DGB TRUCKING

RATES AND RULES
GOVERNING THE
TRANSPORTATION OF

To transport, as a Class D carrier, coal and coal products
between points in the county of Clarion.

To transport, as a Class D carrier, coal, in dump vehicles,
from points in the county of Clarion to points within an airline
distance of one hundred (100) statute miles of the limits of said
county, excluding points in the county of Allegheny.

Issued: July 30, 1984

Effective: August 1, 1984

Issued by: William P. Mauthe, t/d/b/a
DGB Trucking
R. D. 1
Strattanville, PA 16258
Telephone: 814 764-3935

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 24, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of William P. Mauthe,
t/d/b/a DGB Trucking for approval of
the transfer to him of all of the
operating rights held by John E.
Bowser at A-00099227.

A-00105296
F. 1
Am-B

Pillar & Mulroy by John A. Pillar for applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 2, 1986. Notice of the application was filed in the Pennsylvania Bulletin of May 17, 1986. No protests were filed and this record is certified to the Commission without oral hearing.

Applicant shows assets of \$407,847, subject to liabilities of \$323,614, and a capital account of \$84,233.

The applicant proposes to purchase all of the transferor's motor carrier common carrier trucking rights at A-00099227 for a total consideration of \$1,000 allocated as follows:

PUC rights	\$1,000
Other Assets	NONE
Total	\$1,000

Buyer agrees to pay seller, for the operating rights, the total consideration of one thousand (\$1,000) dollars in cash or by certified check upon PUC approval of the transfer.

Transferor shows gross revenue for 1985 of \$ - 0 - and 1984 of \$ - 0 -. All of the transferor's due assessments have been paid and all reports have been filed.

We find that:

1. Applicant holds a certificate of public convenience.
2. There is a continuing necessity for the rights herein involved.
3. Approval of the instant application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by John E. Bowser at A-00099227 be and is hereby approved and that the certificate issued on August 3, 1984, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Armstrong, Clarion, Butler, Jefferson and Venango to railroad sidings in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, building materials in bulk in dump trucks between points in the counties of Armstrong, Clarion, Butler, Jefferson and Venango, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

subject to the following conditions:

1. 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 rights 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.
2. That applicant shall not record in his utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

3. That the \$1,000 consideration paid by applicant for the rights and/or going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa.52 Pa. Code §31, as now existing or as may hereafter be amended, 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.

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.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he has complied with the requirements of the Pennsylvania Public Utility Law 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor, John E. Bowser, at A-00099227 be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 24, 1986

ORDER ENTERED: AUG 4 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 3, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of William P. Mauthe,
t/d/b/a DGB Trucking, for amendment
to its common carrier certificate,
which grants the right, inter alia,
to transport, by motor vehicle, coal
and coal products between points in
the county of Clarion: SO AS TO
PERMIT the transportation of (1) coal
from mines or stripping operations
in the county of Clarion to points
in the counties of Warren, McKean,
Venango, Clarion, Forest and
Crawford, provided no haul shall
exceed a distance of fifty (50)
miles from point of origin to point
of destination; (2) asphalt and
building materials, in bulk in
dump trucks, between points in the
counties of Clarion, Warren, McKean,
Venango, Forest, Elk, Crawford,
Cameron, Mercer, Potter and Erie,
provided no haul shall exceed a
distance of twenty-five (25) miles
from point of origin to point of
destination; (3) as a Class C
carrier, coal, limestone, sand and
gravel from points in the counties
of Venango and Clarion to points
in the borough of Shippenville,
Clarion County, and within an airline
distance of seventy-five (75) statute
miles of the limits of said borough;
and (4) as a Class C carrier, coal,
limestone, sand and gravel from
points in the counties of Forest,
Warren, and Crawford to points in
the borough of Shippenville, Clarion
County, and within an airline distance

A-00105296
F. 1
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of seventy-five (75) statute miles of the limits of the said borough; which is to be a transfer of the rights authorized under the certificate issued at A-00104636, to Allison & Showers, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

Pillar and Mulroy, P.C., by John A. Pillar, for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 10, 1987. Public notice of the application was given in the Pennsylvania Bulletin of September 5, 1987. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

William P. Mauthe, t/d/b/a DGB Trucking (DGB or applicant), is a sole proprietorship, operating out of facilities in Strattanville, Clarion County. A fleet of four tractors, four trailers and five tri-axle dump trucks is available to perform the proposed service. Initially certificated in 1984, DGB currently operates under seven paragraphs of rights.

As evidence of his financial ability to perform the additional service, the applicant reports assets of \$311,060, with liabilities of \$231,493, leaving a net worth of \$79,567. Gross operating revenue was \$1,922,062 in 1984, \$1,090,499 in 1985, and \$1,591,627 in 1986.

The total consideration for the transfer of the operating authority, seven hundred and fifty dollars (\$750.00), was paid at the execution of the sales agreement on July 23, 1987. No tangible assets are involved in the sale.

Allison & Showers, Inc. (Allison or transferor), has filed for bankruptcy in the U.S. District Court of the Western District of Pennsylvania. The sale of the rights was at public auction by order of the court. Upon approval of this application, the transferor will completely cease operation and retain no rights.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

The authority to be transferred has been recently operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re Byerly, 440 Pa. 521 (1970), Hostetter v. Pa. P.U.C., 160 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide the service involved herein.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of all of the rights held by Allison & Showers, Inc., at A-00104636, be and is hereby approved and that the certificate issued to the applicant on August 3, 1984, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, coal from mines of stripping operations in the county of Clarion to points in the counties of Warren, McKean, Venango, Clarion, Forest and Crawford, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, asphalt and building materials, in bulk in dump trucks, between points in the counties of Clarion, Warren, McKean, Venango, Forest, Elk, Crawford, Cameron, Mercer, Potter and Erie, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class C carrier, coal, limestone, sand and gravel from points in the counties of Venango and Clarion to points in the borough of Shippensburg, Clarion County, and within an airline distance of seventy-five (75) statute miles of the limits of said borough.

4. To transport, as a Class C carrier, coal, limestone, sand and gravel from points in the counties of Forest, Warren and Crawford to points in the borough of Shippenville, Clarion County, and within an airline distance of seventy-five (75) statute miles of the limits of the said borough.

with all of the right above subject to the following general conditions:

1. 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 rights 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.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$750.00, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code §31, as now existing or as may hereafter be amended, 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.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C.S.A. Section 1102(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has 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 adoption supplement in accordance with 52 Pa. Code §23.13(c).

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.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the 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 order to show cause instituted against the transferor, at A-00104636C871, for failure to file its 1986 annual report, be and is hereby dismissed.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Allison & Showers, Inc., at A-00104636, be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 3, 1987

ORDER ENTERED: DEC 15 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 3, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of William P. Mauthe,
t/d/b/a DGB Trucking, for amendment
to its common carrier certificate,
which grants the right, inter alia,
to transport, by motor vehicle,
coal and coal products between points
in the county of Clarion: SO AS TO
PERMIT the transportation of (1) clay
products from points in the borough
of New Bethlehem, Clarion County,
and within ten (10) miles of the
limits of the said borough, excluding
the borough of Summerville, Jefferson
County, to points in Pennsylvania,
with the right to return empty pallets
and refused or rejected materials;
(2) coal from mines or stripping
operations and tipples in the counties
of Clarion, Armstrong and Jefferson
to railroad sidings and tipples in
the said counties, provided no haul
shall exceed a distance of twenty-five
(25) miles from point of origin to
point of destination; (3) coal, in
dump vehicles from mines and stripping
operations of the Reddinger Coal
Company in the counties of Armstrong,
Jefferson, and Clarion to power
plants and industrial plants within
an airline distance of one hundred
twenty-five (125) statute miles of
the point of origin; with right no. 3
above subject to the following condition:
That no right, power or privilege is
granted to render service to the
facilities of Pennsylvania Power &
Light Company in Washingtonville,
Montour County, or Shamokin Dam,

A-00105296
F. 1
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Snyder County; (4) coal, sand, limestone, gravel, asphalt and rock in dump vehicles, from points in the counties of Clarion, Armstrong, Jefferson, Butler and Indiana to points in the said counties, provided no haul shall exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination; (5) coal, sand, limestone, gravel, asphalt and rock in dump vehicles, from the facilities of Reddinger Coal Company in the counties of Armstrong, Jefferson, Clarion, Butler and Indiana, to points within an airline distance of one hundred seventy-five (175) statute miles of the point of origin, excluding service to the facilities of Pennsylvania Power & Light Company in the borough of Washingtonville, Montour County and the borough of Shamokin Dam, Snyder County; with rights nos. 4 and 5 subject to the following condition: That no right, power or privilege is granted to applicant to transport coal from points of origin in Indiana County; -(6) coal for the Reddinger Coal Company, Inc., Terry Coal Sales, Inc. and Kittanning-Freeport Coal Company, Inc., from points in the counties of Clarion, Armstrong, Jefferson, Venango and Butler to points in Pennsylvania, provided that no haul shall exceed an airline distance of two hundred (200) statute miles from point of origin to point of destination; (7) coal, sand, limestone, gravel, asphalt and rock, in dump vehicles, between points in the county of Venango and from points in the said county to points in the counties of Clarion, Armstrong, Jefferson, Butler, Indiana, and vice versa, provided that no haul shall exceed an airline distance of seventy-five (75) statute miles from the point of origin to the point of destination; (8) coal, sand, limestone, gravel, asphalt and rock, in dump vehicles, from the facilities of Reddinger Coal Company, Inc., in the

county of Venango, to points within an airline distance of one hundred seventy-five (175) statute miles of the point of origin, excluding service to the facilities of Pennsylvania Power & Light Company in Washingtonville, Montour County, and the borough of Shamokin Dam, Snyder County; (9) coal, sand, limestone, gravel, asphalt and rock, in dump vehicles, from the facilities of Terry Coal Sales, Inc. and Kittanning-Freeport Coal Company, Inc., in the counties of Armstrong, Jefferson, Clarion, Butler, Indiana and Venango to points within an airline distance of one hundred seventy-five (175) statute miles of the point of origin, excluding service to the facilities of Pennsylvania Power & Light Company in Washingtonville, Montour County; and the borough of Shamokin Dam, Snyder County; rights nos. 7, 8 and 9 subject to the following condition: That no right, power or privilege is granted to transport coal from points or origin in the county of Indiana; (10) agricultural lime, in bulk in dump vehicles, from the facilities of Bethlehem Mines, Oxford Township and J. E. Baker Company, West Manchester Township, both in York County, to farms and coal stripping operations located within an airline distance of thirty-five (35) statute miles of the limits of the borough of New Bethlehem, Clarion County; (11) agricultural lime, in bulk in dump vehicles, from the facilities of Marble Head Limestone Company, located in the village of Pleasant Gap, Spring and Benner Township, Centre County, to farms and coal stripping operations located in the borough of New Bethlehem, Clarion County, and within an airline distance of twenty (20) statute miles of the limits of said borough; rights nos. 10 and 11 subject to the following condition: That no right, power or privilege is granted to provide service to points located east of Armstrong

and Clarion Counties, except to Pinecreek Township, Jefferson County; (12) sand and gravel, from the facilities of Tionesta Sand and Gravel Company, located in the counties of Forest and Warren, to points in Pennsylvania, provided no haul shall exceed an airline distance of seventy-five (75) miles from point of origin to point of destination; (13) agricultural lime, in bulk in dump vehicles, from the facilities of Bethlehem Mines, Oxford Township and J. E. Baker Company, West Manchester Township, both in York County, to the facilities of Agway, Inc., located in the borough of Clarion and the township of Porter, both in Clarion County; and the borough of Dayton and the townships of Wayne and Rayburn, all in Armstrong County; and Pinecreek Township in Jefferson County; (14) refractories and refractory products, and materials, equipment and supplies used or useful in the manufacture, distribution and installation of said commodities, between points in the borough of New Bethlehem, Clarion County and within an airline distance of ten (10) statute miles of the limits of said borough, to points in Pennsylvania, and vice versa; with right no. 14 subject to the following conditions: That no right, power or privilege is granted to transport clay for Harbison-Walker Refractories, Division of Dresser Industries, Inc. from points in the counties of Clearfield and Clinton, to points in the county of Armstrong; That no right, power or privilege is granted to transport limestone or limestone products from points in York County; That no right, power or privilege is granted to transport sand from the facilities of Pennsylvania Glass Sand Corporation in Huntingdon and Mifflin Counties; That no right, power or privilege is granted to provide service to and from the facilities of Lycoming Silica Sand Co.;

(15) refractories and refractory products, and materials, equipment and supplies used and useful in the manufacture, distribution and installation of said commodities, from the facilities of A. P. Green Refractories in the city and county of Philadelphia and the borough of Tarentum, Allegheny County, to points in Pennsylvania, and vice versa; subject to the following conditions: That no right, power or privilege is granted to provide service from the facilities of A. P. Green Refractories, located in the city and county of Philadelphia, to points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and vice versa; That no right, power or privilege is granted to transport clay from points in Clearfield County; That no right, power or privilege is granted to transport limestone or limestone products from points in York County; That no right, power or privilege is granted to transport sand from the facilities of Pennsylvania Glass Sand Corporation in Huntingdon and Mifflin Counties; That no right, power or privilege is granted to provide service to and from the facilities of Lycoming Silica Sand Co.; (16) calcium chloride from the facilities of Dow Chemical U.S.A. in the county of Beaver for Keystone Salt Service, Inc., and from the facilities of James N. Allen, Inc. and Keystone Salt Service, Inc., in the borough of New Bethlehem, Clarion County, to points in Pennsylvania, and vice versa; (17) coal, for Ringgold Coal Mining Co.; McKean Coal Co.; Gene Reichard Co.; W. Duane Kiser; McKay Coal Co.; Bernard Trucking Co.; Amerikohl Co.; MGT Corporation; Blue Line Coal Co.; Glacial Minerals; Gene Reesman Coal Co.; Harris H. White Coal Co.; Cannel Coal Co. and C & K Coal Co., from the borough of New Bethlehem, Clarion County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough, to points in Pennsylvania

west of U.S. Route No. 219; subject to the following conditions: That no right, power or privilege is granted to provide service from points in Indiana County, within twenty-five (25) miles of New Bethlehem, Clarion County; That no right, power or privilege is granted to provide service to points in Cambria County; (18) property between points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; with right no. 18 above subject to the following conditions: That no right, power or privilege is granted to transport clay products from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles of the limits of said borough to points in Pennsylvania; That no right, power or privilege is granted to transport property for the G. C. Murphy Company; (19) household goods, in use, from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa; with right no. 19 above subject to the following condition: That no right, power or privilege is granted to transport property for the G. C. Murphy Company; (20) as a Class B carrier, catalogues for Montgomery Ward & Company between points in the borough of New Bethlehem, Clarion County; (21) catalogues for Montgomery Ward & Company from points in the borough of New Bethlehem, Clarion County, to post offices and to stores of the said company within fifty (50) miles by the usually traveled highways of the limits of the said borough; (22) as a Class C carrier, peanut butter and peanut products in truckload lots for the H. B. DeViney Company, Inc., from its plant in the borough of New Bethlehem, Clarion County, to points in Pennsylvania; (23) coal, sand, gravel and limestone,

in dump vehicles, from points in the counties of Armstrong, Butler, Clarion, Indiana, Jefferson and Venango, to points in the counties of Warren, Erie and Lawrence, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport coal from points in the county of Indiana; (24) property for Henry Shaffer Construction Co., from its facilities in the township of East Franklin, Armstrong County; for Black's Beverage Co., from its facilities in the borough of New Bethlehem, Clarion County; for Heeter Lumber Co., from its facilities in the borough of South Bethlehem, Armstrong County and in the borough of Sligo, Clarion County; for Max Distribution from its facilities in the borough of Hawthorn, Clarion County; for Hanley Brick Co., from its facilities in the borough of Summerville, Jefferson County; for Reddinger Coal Company, Inc., from its facilities in the village of Distant, Mahoning Township, Armstrong County; and for Keystone Salt Service, Inc., from its facilities in the borough of New Bethlehem, Clarion County; to points in Pennsylvania, and vice versa; subject to the following conditions: That no right, power or privilege is granted to transport household goods; That no right, power or privilege is granted to provide transportation service for the account of Brockway Glass Company or to, from or between any facilities of Brockway Glass Company, Inc.; That no right, power or privilege is granted to transport limestone and limestone products from York County; That no right, power or privilege is granted to transport wood and wood products to and from the city of Lock Haven and points within an airline radius of thirty-five (35) statute miles thereof; That no right, power or privilege is granted to transport malt beverages, except for Black's Beverage Company, to and

from its facilities in the borough of New Bethlehem, Clarion County; and (25) property, for Sealy Mattress Company of Pittsburgh, from its facilities in the borough of Strattanville, Clarion County, to points in Pennsylvania, and vice versa; subject to the following conditions: That no right, power or privilege is granted to provide service to or from points in Butler County; That no right, power or privilege is granted to transport shipments which weigh in excess of 10,000 pounds from one consignor to one consignee; which is to be a transfer of the rights authorized under the certificate issued at A-00102553, to James N. Allen, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

Pillar and Mulroy, P.C., by John A. Pillar, for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 10, 1987. Public notice of the application was given in the Pennsylvania Bulletin of September 5, 1987. No protests were filed and the application is now certified to the Commission for its decision without oral hearing.

William P. Mauthe, t/d/b/a DGB Trucking (DGB or applicant), is a sole proprietorship, operating out of facilities in Strattanville, Clarion County. A fleet of four tractors, four trailers and five tri-axle dump trucks is available to perform the proposed service. Initially certificated in 1984, DGB currently operates under seven paragraphs of rights.

As evidence of his financial ability to perform the additional service, the applicant reports assets of \$311,060, with liabilities of \$231,493, leaving a net worth of \$79,567. Gross operating revenue was \$1,922,062 in 1984, \$1,090,499 in 1985, and \$1,591,627 in 1986.

The total consideration for the transfer of the operating authority, eleven thousand dollars (\$11,000), was paid at the execution of the sales agreement on July 23, 1987. No tangible assets are involved in the sale.

James N. Allen, Inc. (Allen or transferor), has filed for bankruptcy in the U.S. District Court for the Western District of Pennsylvania. The sale of the rights was at public auction by order of the court. Upon approval of this application, the transferor will completely cease operation and retain no rights.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial ability to provide the proposed service.

The authority to be transferred has been recently operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re Byerly, 440 Pa. 521 (1970), Hostetter v. Pa. P.U.C., 160 Pa. Super. Ct. 94 (1947). Since the record is void of any such evidence, the presumption of continuing public need applies to this transfer application.

We find:

1. That the applicant has the technical and financial ability to provide the service involved herein.
2. That a continuing need exists for the transportation involved herein.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of all of the rights held by James N. Allen, Inc., at A-00102553, be and is hereby approved and that the certificate issued to the applicant on August 3, 1984, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, clay products from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles of the limits of the said borough, excluding the borough of Summerville, Jefferson County, to points in Pennsylvania, with the right to return empty pallets and refused or rejected materials.
2. To transport, as a Class D carrier, coal from mines or stripping operations and tipples in the counties of Clarion, Armstrong and Jefferson to railroad sidings and tipples in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

3. To transport, as a Class D carrier, coal, in dump vehicles from mines and stripping operations of the Reddinger Coal Company in the counties of Armstrong, Jefferson, and Clarion to power plants and industrial plants within an airline distance of one hundred twenty-five (125) statute miles of the point of origin;

with right No. 3 subject to the following condition:

That no right, power or privilege is granted to render service to the facilities of Pennsylvania Power & Light Company in Washingtonville, Montour County, or Shamokin Dam, Snyder County.

4. To transport, as a Class D carrier, coal, sand, limestone, gravel, asphalt and rock in dump vehicles, from points in the counties of Clarion, Armstrong, Jefferson, Butler and Indiana to points in the said counties, provided no haul shall exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination.
5. To transport, as a Class D carrier, coal, sand, limestone, gravel, asphalt and rock in dump vehicles, from the facilities of Reddinger Coal Company, in the counties of Armstrong, Jefferson, Clarion, Butler and Indiana, to points within an airline distance of one hundred seventy-five (175) statute miles of the point of origin, excluding service to the facilities of Pennsylvania Power & Light Company in the borough of Washingtonville, Montour County and the borough of Shamokin Dam, Snyder County;

with rights Nos. 4 and 5 subject to the following condition:

That no right, power or privilege is granted to applicant to transport coal from points of origin in Indiana County.

6. To transport, as a Class D carrier, coal for the Reddinger Coal Company, Inc., Terry Coal Sales, Inc. and Kittanning-Freeport Coal Company, Inc., from points in the counties of Clarion, Armstrong, Jefferson, Venango and Butler to points in Pennsylvania, provided that no haul shall exceed an airline distance of two hundred (200) statute miles from point of origin to point of destination.

7. To transport, as a Class D carrier, coal, sand, limestone, gravel, asphalt and rock, in dump vehicles, between points in the county of Venango and from points in the said county to points in the counties of Clarion, Armstrong, Jefferson, Butler, Indiana, and vice versa, provided that no haul shall exceed an airline distance of seventy-five (75) statute miles from the point of origin to the point of destination.
8. To transport, as a Class D carrier, coal, sand, limestone, gravel, asphalt and rock, in dump vehicles, from the facilities of Reddinger Coal Company, Inc., in the county of Venango, to points within an airline distance of one hundred seventy-five (175) statute miles of the point of origin, excluding service to the facilities of Pennsylvania Power & Light Company in Washingtonville, Montour County, and the borough of Shamokin Dam, Snyder County.
9. To transport, as a Class D carrier, coal, sand, limestone, gravel, asphalt and rock, in dump vehicles, from the facilities of Terry Coal Sales, Inc. and Kittanning-Freeport Coal Company, Inc., in the counties of Armstrong, Jefferson, Clarion, Butler, Indiana and Venango to points within an airline distance of one hundred seventy-five (175) statute miles of the point of origin, excluding service to the facilities of Pennsylvania Power & Light Company in Washingtonville, Montour County, and the borough of Shamokin Dam, Snyder County;

with rights Nos. 7, 8 and 9 subject to the following condition:

That no right, power or privilege is granted to transport coal from points of origin in the county of Indiana.

10. To transport, as a Class D carrier, agricultural lime, in bulk in dump vehicles, from the facilities of Bethlehem Mines, Oxford Township and J.E. Baker Company, West Manchester Township, both in York County, to farms and coal stripping operations located within an airline distance of thirty-five (35) statute miles of the limits of the borough of New Bethlehem, Clarion County.

11. To transport, as a Class D carrier, agricultural lime, in bulk in dump vehicles, from the facilities of Marble Head Limestone Company, located in the village of Pleasant Gap, Spring and Benner Township, Centre County, to farms and coal stripping operations located in the borough of New Bethlehem, Clarion County, and within an airline distance of twenty (20) statute miles of the limits of said borough;

with rights Nos. 10 and 11 subject to the following condition:

That no right, power or privilege is granted to provide service to points located east of Armstrong and Clarion counties, except to Pinecreek Township, Jefferson County.

12. To transport, as a Class D carrier, sand and gravel, from the facilities of Tionesta Sand and Gravel Company, located in the counties of Forest and Warren, to points in Pennsylvania, provided no haul shall exceed an airline distance of seventy-five (75) miles from point of origin to point of destination.
13. To transport, as a Class D carrier, agricultural lime, in bulk in dump vehicles, from the facilities of Bethlehem Mines, Oxford Township and J.E. Baker Company, West Manchester Township, both in York County, to the facilities of Agway, Inc. located in the borough of Clarion and the township of Porter, both in Clarion County; and the borough of Dayton and the townships of Wayne and Rayburn, all in Armstrong County; and Pinecreek Township in Jefferson County.
14. To transport, as a Class D carrier, refractories and refractory products, and materials, equipment and supplies used or useful in the manufacture, distribution and installation of said commodities, between points in the borough of New Bethlehem, Clarion County and within an airline distance of ten (10) statute miles of the limits of said borough, to points in Pennsylvania, and vice versa;

with right No. 14 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport clay for Harbison-Walker Refractories, Division of Dresser Industries, Inc. from points in the counties of Clearfield and Clinton, to points in the county of Armstrong;

- (b) That no right, power or privilege is granted to transport limestone or limestone products from points in York County;
 - (c) That no right, power or privilege is granted to transport sand from the facilities of Pennsylvania Glass Sand Corporation in Huntingdon and Mifflin counties;
 - (d) That no right, power or privilege is granted to provide service to and from the facilities of Lycoming Silica Sand Co.
15. To transport, as a Class D carrier, refractories and refractory products, and materials, equipment and supplies used and useful in the manufacture, distribution and installation of said commodities, from the facilities of A.P. Green Refractories in the city and county of Philadelphia and the borough of Tarentum, Allegheny County, to points in Pennsylvania, and vice versa;

with right No. 15 subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service from the facilities of A.P. Green Refractories, located in the city and county of Philadelphia, to points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and vice versa;
- (b) That no right, power or privilege is granted to transport clay from points in Clearfield County;
- (c) That no right, power or privilege is granted to transport limestone or limestone products from points in York County;
- (d) That no right, power or privilege is granted to transport sand from the facilities of Pennsylvania Glass Sand Corporation in Huntingdon and Mifflin Counties;
- (e) That no right, power or privilege is granted to provide service to and from the facilities of Lycoming Silica Sand Co.

16. To transport, as a Class D carrier, calcium chloride from the facilities of Dow Chemical U.S.A. in the county of Beaver for Keystone Salt Service, Inc., and from the facilities of James N. Allen, Inc. and Keystone Salt Service, Inc. in the borough of New Bethlehem, Clarion County, to points in Pennsylvania, and vice versa.
17. To transport, as a Class D carrier, coal, for Ringgold Coal Mining Co.; McKean Coal Co.; Gene Reichard Co.; W. Duane Kiser; McKay Coal Co.; Bernard Trucking Co.; Amerikohl Co., MGT Corporation; Blue Line Coal Co.; Glacial Minerals; Gene Reesman Coal Co.; Harris H. White Coal Co.; Cannel Coal Co. and C & K Coal Co., from the borough of New Bethlehem, Clarion County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough, to points in Pennsylvania west of U.S. Route No. 219;

with right No. 17 subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service from points in Indiana County, within twenty-five (25) miles of New Bethlehem, Clarion County;
 - (b) That no right, power or privilege is granted to provide service to points in Cambria County.
18. To transport, as a Class D carrier, property between points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough;

with right No. 18 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport clay products from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles of the limits of said borough to points in Pennsylvania;
 - (b) That no right, power or privilege is granted to transport property for the G.C. Murphy Company;
19. To transport, as a Class D carrier, household goods, in use, from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa;

with right No. 19 subject to the following condition:

That no right, power or privilege is granted to transport property for the G.C. Murphy Company.

20. To transport, as a Class B carrier, catalogues for Montgomery Ward & Company between points in the borough of New Bethlehem, Clarion County.
21. To transport, as a Class D carrier, catalogues for Montgomery Ward & Company from points in the borough of New Bethlehem, Clarion County, to post offices and to stores of the said company within fifty (50) miles by the usually traveled highways of the limits of the said borough.
22. To transport, as a Class C carrier, peanut butter and peanut products in truckload lots for the H.B. DeViney Company, Inc., from its plant in the borough of New Bethlehem, Clarion County, to points in Pennsylvania.
23. To transport, as a Class D carrier, coal, sand, gravel and limestone, in dump vehicles, from points in the counties of Armstrong, Butler, Clarion, Indiana, Jefferson and Venango, to points in the counties of Warren, Erie and Lawrence, and vice versa;

with right No. 23 subject to the following condition:

That no right, power or privilege is granted to transport coal from points in the county of Indiana.

24. To transport, as a Class D carrier, property for Henry Shaffer Construction Co., from its facilities in the township of East Franklin, Armstrong County; for Black's Beverage Co., from its facilities in the borough of New Bethlehem, Clarion County; for Heeter Lumber Co., from its facilities in the borough of South Bethlehem, Armstrong County and in the borough of Sligo, Clarion County; for Max Distribution from its facilities in the borough of Hawthorn, Clarion County; for Hanley Brick Co., from its facilities in the borough of Summerville, Jefferson County; for Reddinger Coal Company, Inc., from its facilities in the village of Distant, Mahoning Township, Armstrong County; and for Keystone Salt Service, Inc., from its facilities in the borough of New Bethlehem, Clarion County; to points in Pennsylvania, and vice versa;

with right No. 24 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport household goods;
 - (b) That no right, power or privilege is granted to provide transportation service for the account of Brockway Glass Company or to, from or between any facilities of Brockway Glass Company, Inc.;
 - (c) That no right, power or privilege is granted to transport limestone and limestone products from York County;
 - (d) That no right, power or privilege is granted to transport wood and wood products to and from the city of Lock Haven and points within an airline distance of thirty-five (35) statute miles thereof;
 - (e) That no right, power or privilege is granted to transport malt beverages, except for Black's Beverage Company, to and from its facilities in the borough of New Bethlehem, Clarion County.
25. To transport, as a Class D carrier, property, for Sealy Mattress Company of Pittsburgh, from its facilities in the borough of Strattanville, Clarion County, to points in Pennsylvania, and vice versa;

with right No. 25 subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service to or from points in Butler County;
- (b) That no right, power or privilege is granted to transport shipments which weigh in excess of 10,000 pounds from one consignor to one consignee.

with all of the rights above subject to the following general conditions:

- 1. 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 rights 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.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$11,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended; and 52 Pa. Code §31, as now existing or as may hereafter be amended, 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.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 Pa. C.S.A. §1102(3).

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has 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 adoption supplement in accordance with 52 Pa. Code §23.13(c).

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.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the 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 order to show cause instituted against the transferor, at A-00102553C871, for failure to file its 1986 annual report, be and is hereby dismissed.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, James N. Allen, Inc., at A-00102553, be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "Jerry Rich", written over a large, stylized, looped flourish.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 3, 1987

ORDER ENTERED: DEC 11 1987

APPENDIX "C"

Re: TOY TRUCKING COMPANY
Docket No. A-00099448,
Folder 1, Am-C

Protestants know of no restrictive amendments that would eliminate their opposition to this application.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

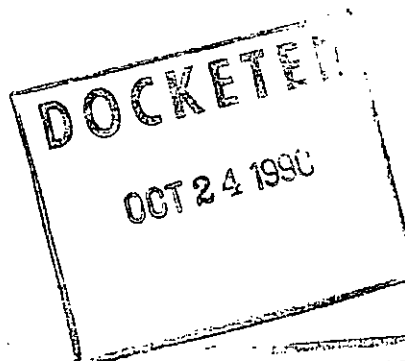
RECEIPT

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

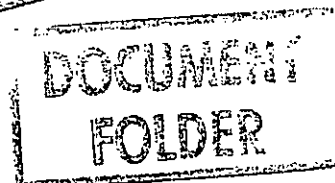
Toy Trucking Co.
R.D. 1, Box 103
Worthington, PA 16262

Date October 19, 1990

CR 143590 A



In re application of Toy Trucking Company
A-00099448m, P.1, Am-C.....\$350.00



Revenue account 001780-017601-102 (ck)

ck 5615 Checks \$350.00 Currency _____

Utility account 70

C. Joseph Meisigner
For Department of Revenue

GRAF, ANDREWS & RADCLIFF, P. C.
ATTORNEYS AT LAW
407 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17101

CHRISTIAN V. GRAF
FREDERICK W. ANDREWS
DAVID H. RADCLIFF
GREGORY R. LYONS

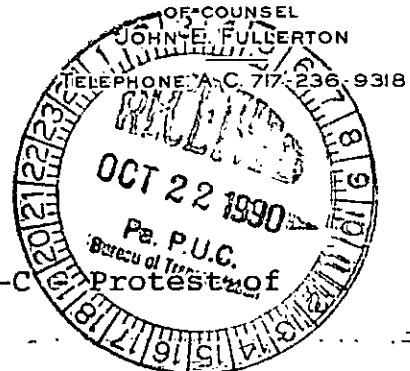
October 19, 1990
File: 809.119

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

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

Dear Mr. Rich:

FILE



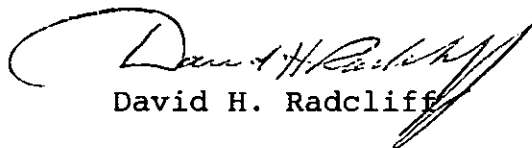
RECEIVED

OCT 19 1990

SECRETARY'S OFFICE
Public Utility Commission

On behalf of R. T. Merryman Trucking, Inc., I enclose the original and one copy of a protest to the above-captioned application. Copies are being forwarded to applicant, applicant's counsel and to protestant.

Very truly yours,


David H. Radcliff

DHR/kr
Enclosure

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

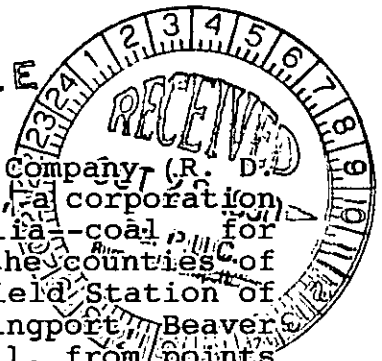
Blair F. Green, Esquire
125 North McKean Street
Kittanning, PA 16201-1517

R. T. Merryman
R. T. Merryman Trucking, Inc.
501 Alder Street
Philipsburg, PA 16866



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

FILE



In Re: A-00099448, Folder 1, Am-C. Toy Trucking Company (R. D. 1, Box 103, Worthington, Armstrong County, PA 16262), a corporation of the Commonwealth of Pennsylvania, inter alia - coal, for 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: so as to permit the transportation of coal, from points within 125 statute miles from the borough of Worthington, Armstrong County, to points in Pennsylvania, provided no haul shall exceed 125 statute miles from point of origin to point of destination.

Applicant's attorney: Blair F. Green, Esquire
125 North McKean Street
Kittanning, PA 16201-1517

RECEIVED

Pennsylvania Bulletin reference: October 6, 1990, page 5097

OCT 19 1990
SECRETARY'S OFFICE
Public Utility Commission

PROTEST OF
R. T. MERRYMAN TRUCKING, INC.
A.102348

1. The name, address and telephone number of protestant are:

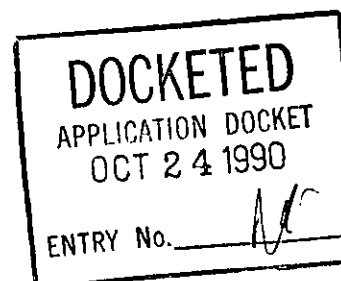
R. T. MERRYMAN, TRUCKING, INC.
501 Alder Street
Philipsburg, PA 16866

Telephone: (814) 342-5576

2. The name, address and telephone number of protestant's attorney is:

GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101

Telephone: (717) 236-9318



3. Protestant possesses authority at A. 102348, a complete copy of which is attached as Exhibit A. This application adversely affects all portions of that authority which encompass the transportation of coal.

4. Protestant knows of no amendment which will satisfy its interest in this proceeding but is willing to discuss the same with Applicant's counsel.

5. Absent knowledge as to who, if anyone, supports this application, a meaningful traffic exhibit cannot be presented.

6. Pursuant to Sec. 333(c) of the Public Utility Code, protestant requests applicant or its attorney to forward to protestant's attorney a list of the names and addresses and the company names and addresses of all witnesses who may be called to testify.

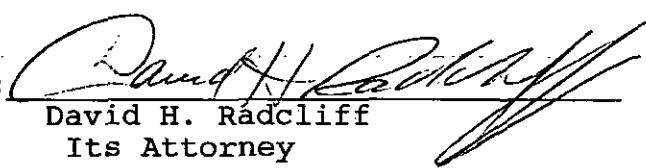
7. Under its various authorities protestant provides an adequate and satisfactory service to the public within the scope of those authorities and certification of an additional carrier would have an adverse impact upon the public interest as a result of diverting revenues and breaking up traffic patterns of the protestant.

WHEREFORE, absent an appropriate amendment, Protestant prays the instant application be dismissed.

AND IT WILL EVER PRAY.

R. T. MERRYMAN TRUCKING, INC.

By:


David H. Radcliff
Its Attorney

October 19, 1990

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 6, 1980

Commissioners Present:

Susan M. Shanaman, Chairman

James H. Cawley
Linda C. Taliaferro

Application of R. T. Merryman Trucking,
Inc., for approval of the transfer to it
of part of the operating rights held by
Robert T. Merryman at A-00095834.

A-00102358

O R D E R

BY THE COMMISSION:

By application docketed August 21, 1980 R. T. Merryman Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of part of the rights granted to Robert T. Merryman under the certificate issued at A-00095834.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Robert T. Merryman at A-00095834 be approved and that a certificate be issued to the applicant granting the following rights:

To transport, as a Class D carrier, coal, sand, gravel and limestone, in bulk in dump trucks, between points in the counties of Centre and Clearfield, 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 from points in the county of Clearfield to the place of business of the Warner Company in the borough of Bellefonte, Centre County.

To transport, as a Class D carrier, clay for Helena Coal Co. and Power Contracting Co. from their facilities in the county of Clearfield to points within fifty (50) miles by the usually traveled highways of the point of origin.

To transport, as a Class D carrier, clay from the facilities of Helena Coal Company and Power Contracting Company in the county of Centre to points within an airline distance of one hundred (100) statute miles of the borough of Philipsburg, Centre County.

To transport, as a Class D carrier, coal for Helena Coal Co. and Power Contracting Co. from their facilities in the counties of Clearfield and Centre to points in the counties of Cambria and Somerset, the borough of Bradford, McKean County, the plant site of Merck & Co., Inc. in the borough of Danville, Montour County and points within an airline distance of fifty (50) statute miles of the borough of Philipsburg, Centre County.

To transport, as a Class D carrier, coal for Stott Coal Company, Inc., from its cleaning plant in the township of Rush, Centre County, to the plant of Pennsylvania Power & Light Company in the borough of Shamokin Dam, Snyder County.

To transport, as a Class D carrier, coal for Avery Coal Company, Inc., from its cleaning plant in the township of Morris, Clearfield County, to the siding of the B & O Railroad Company, in the township of Union, Clearfield County.

To transport, as a Class D carrier, coal from points in the counties of Blair, Cambria, Centre and Clearfield to railroad sidings and consumers in the said counties, no haul to exceed an airline distance of forty (40) statute miles from point of origin to point of destination.

To transport, as a Class D carrier, coal for King Coal Sales, Inc., from points in the county of Clearfield, to the facilities of Pennsylvania Electric Company in the township of Conewago, Warren County.

To transport, as a Class D carrier, coal from mines and stripping operations in the counties of Indiana, Jefferson, Armstrong, Clarion, Clearfield, Elk and Cambria to railroad docks in the said counties, 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, in bulk, for King Coal Sales, Inc. from points in the counties of Clearfield and Cambria to the Homer City Generating Station, Center Township, Indiana County;

subject to the following conditions:

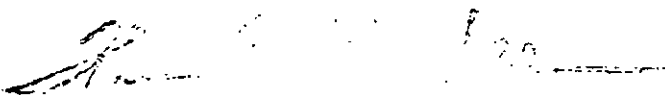
1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid 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.
2. 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 rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order and the related order at A-00101008, F. 1, Am-B all the rights granted the transferor Robert T. Merryman at A-00095834, F. 1 be cancelled.

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: November 6, 1980

ORDER ENTERED: Nov 11 1980

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 22, 1981

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of R. T. Merryman Trucking, Inc., for approval of the transfer to it of part of the operating rights held by Brown Bros. Bulk Transport, Inc., at A-00092731.

A-00102358
F. 1
Am-B

O R D E R

BY THE COMMISSION:

By application docketed March 6, 1981, R. T. Merryman Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of part of the rights granted to Brown Bros. Bulk Transport, Inc., a corporation of the State of Delaware, under the certificate issued at A-00092731.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Brown Bros. Bulk Transport, Inc., at A-00092731 be approved and that the report and order adopted November 6, 1980 at A-00102358, F. 1, and the certificate issued pursuant thereto be modified and amended to include the following rights:

1. To transport, as a Class D carrier, coal, from the village of Kylertown, Clearfield County, and within five (5) miles by the usually traveled highways of the limits thereof to points in the borough of Tyrone, Blair County, and the borough of Bellefonte, Centre County.
2. To transport, as a Class D carrier, coal from mines or stripping operations in the counties of Clearfield and Centre to railroad sidings or tipples in the said counties, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

3. To transport, as a Class D carrier, clay, between points in the borough of Curwensville, Clearfield County, and within an airline distance of sixty (60) miles of the limits of said borough, excluding the transportation of clay from the city of Altoona, Blair County, to points in Clearfield County.
4. To transport, as a Class D carrier, coal, other solid fuels, lime, limestone, red dog, slag, cinders and sand between points in the borough of Curwensville, Clearfield County, and within an airline distance of sixty (60) miles of the limits of the said borough excluding any transportation from the city of Altoona, Blair County.
5. To transport, as a Class D carrier, coal, in dump trucks, for Bradford Coal Company from points in the county of Clearfield to points located beyond an airline distance of sixty (60) miles of the limits of the borough of Curwensville, Clearfield County, east of a north-south line drawn through said borough.
6. To transport, as a Class D carrier, coal, in dump trucks, for Thomas Brothers Coal Company, from points in the counties of Clearfield and Jefferson to the city of Philadelphia, Philadelphia County, and within an airline distance of twenty-five (25) statute miles of City Hall in said city.
7. To transport, as a Class D carrier, sand, in bulk in dump trucks, from the borough of Montoursville, Lycoming County, to the plant of E. M. Brown, Inc., in the borough of Clearfield, Clearfield County.
8. To transport, as a Class D carrier, clay, in bulk in dump trucks, for Haws Refractories Company, from the township of Dean, Cambria County, to the village of Hunkers, Westmoreland County.
9. To transport, as a Class D carrier, coal, in dump trucks, for Burnett Coal Company from points in the county of Clearfield to points in the boroughs of Watsonstown, Northumberland County, and Montoursville, Lycoming County, the village of Paxtonville, Snyder County, and the cities of Lancaster, Lancaster County, and York, York County.
10. To transport, as a Class D carrier, sand from points in the county of Lycoming to points in the counties of Clearfield and Centre.

11. To transport, as a Class D carrier, bauxite, in bulk, in dump vehicles, between points in the borough of Curwensville, Clearfield County, and within an airline distance of sixty (60) statute miles of the limits of the said borough.
12. To transport, as a Class D carrier, coal, in bulk in dump vehicles, between points in the counties of Centre, Clarion, Clearfield and Jefferson and from points in said counties to points in Pennsylvania on and east of Highway Route 219, and vice versa;

with right no. 12 above subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport coal to the borough of Pottstown and the township of Lower Pottsgrove, Montgomery County.

SECOND: That no right, power or privilege is granted to transport coal to or from the plants of Bethlehem Steel Corporation in the county of Cambria.

13. To transport, as a Class D carrier, clay between points in the counties of Clearfield and Cambria and from points in the said counties to points in Pennsylvania beyond an airline distance of sixty (60) statute miles of the limits of the borough of Curwensville, Clearfield County; excluding the transportation of clay from points in the townships of Graham, Bradford and Morris, Clearfield County, to points in Pennsylvania beyond an airline distance of sixty (60) statute miles of the limits of the borough of Curwensville;

with rights nos. 2 through 7 and rights nos. 9 through 13 above subject to the following condition:

That no right, power or privilege is granted to transport property to or from the warehouse facilities of Interstate Whareco, Inc., in the township of Lawrence, Clearfield County;

with all of the above rights subject to the following general conditions:

1. 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 rights 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.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$225,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

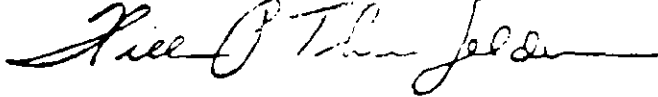
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of assessments due by the transferor for the Fiscal Year 1981-82.

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

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor Brown Bros. Bulk Transport, Inc., a corporation of the State of Delaware, at A-00092731 be modified and amended as provided in the attached Supplemental Order.

BY THE COMMISSION,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: May 22, 1981

ORDER ENTERED: MAY 27 1981

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 15, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of R. T. Merryman Trucking,
Inc., for approval of the transfer to
it of part of the operating rights
held by Raymond G. Wishard, t/a Wishard
Trucking at A-00094313, F. 2.

A-00102358
F. 1
Am-C

O R D E R

BY THE COMMISSION:

By application docketed June 17, 1982, R. T. Merryman Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of part of the rights granted to Raymond G. Wishard, t/a Wishard Trucking, under the certificate issued at A-00094313, F. 2.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Raymond G. Wishard, t/a Wishard Trucking at A-00094313, F. 2 be approved and that the report and order adopted November 6, 1980 at A-00102358 and the certificate issued pursuant thereto, as modified and amended, be further modified and amended to include the following right:

To transport, as a Class D carrier, rough and manufactured lumber, livestock, grain, hay, straw, vegetables, fertilizer, agricultural lime, farm machinery, sand, stone, fruit, spray and baskets between points in the township of Conemaugh, Somerset County, and within an airline distance of one hundred (100) statute miles of the limits of the said township;

with the right above subject to the following condition:

That no right, power or privilege is granted to transport rough or manufactured lumber (except in dump vehicles) on trips originating in the

borough of Irvona, Clearfield County and within an airline distance of twenty (20) statute miles of the limits of said borough.

with the above right further subject to the following general conditions:

1. 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 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.
2. That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$25,000, being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor Raymond G. Wishard, t/a Wishard Trucking at A-00094313, F. 2 be modified to show the cancellation of the right transferred herein; that paragraph Nos. 1, 2, 3, 4, 5, 6 and 7 of rights at A-00094313, F. 2 under the order adopted May 31, 1978 all be subject to the following condition;

That no right, power or privilege is granted to transport rough and manufactured lumber, livestock, grain, hay, straw, vegetables, fertilizer, agricultural lime, farm machinery, sand, stone, fruit, spray and baskets; and that the tariff as applicable to the right transferred herein and the above cited restriction, be modified accordingly.

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "Jerry Rich", is written over a horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 15, 1982

ORDER ENTERED: OCT 27 1982

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 18, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of R. T. Merryman Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, coal, sand, gravel and limestone, in bulk, in dump trucks, between points in the counties of Centre and Clearfield, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination: SO AS TO PERMIT the transportation of property, in bulk, for R. T. Merryman Trucking, Inc. and Merryman Enterprises, between points in Pennsylvania.

A-00102358
F. 1
Am-D

Graf, Knupp & Andrews, P.C. by Christian V. Graf for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 31, 1983. Public notice of the application was given in the Pennsylvania Bulletin of May 7, 1983. No protests have been filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and one supporting shipper.

Robert T. Merryman, principal stockholder, director and president of R. T. Merryman Trucking, Inc. (applicant), 501 Alder Street, Philipsburg, Centre County, sets forth in support of the application that he is familiar with the operations and facilities of the applicant and is authorized to provide the following information. The applicant is actively engaged in transporting various bulk commodities within the Commonwealth. The applicant operates a full and complete terminal at

its Philipsburg address which is equipped to provide for both major and minor repairs of its equipment. Available to provide transportation are eight trucks, eight trailers and 25 dump vehicles which are straight trucks, tri-axles and one wrecker. No additional equipment will be required to provide the proposed service.

The applicant has engaged in the past in the buying and selling of a variety of products including sand, lime, slag, stone and coal. These commodities were delivered in vehicles operated by the applicant. The applicant has been advised by counsel that it is prohibited from relying upon the same equipment in private carriage that it utilizes in providing certificated service. The application is a result of a recent court case.

An unaudited balance sheet submitted by the applicant sets forth that it had total current assets of \$338,196, total assets of \$2,844,400, total current liabilities of \$1,053,880, long-term obligations of \$789,289 and retained earnings of \$219,449. The income statement indicates that from total revenue of \$6,336,573, the applicant generated a net income after taxes of \$23,456.

Robert T. Merryman, owner of Merryman Enterprises, 501 Alter Street, Philipsburg, sets forth that he operates a general garage business and is also engaged in the buying and selling of sand, lime, slag, stone and coal. The commodities in the past were transported by the applicant in the same equipment utilized to provide its common carrier service. To be in compliance with recent decisions of the court, the applicant has filed the instant application.

DISCUSSION AND FINDINGS

The applicant is seeking an amendment to its certificate of public convenience which will authorize the applicant to provide transportation between all points in Pennsylvania for itself and for Merryman Enterprises, which is owned by the president and principal stockholder of the applicant. The authority has been sought as a result of Makovsky Bros., Inc. v. Pennsylvania Public Utility Commission, Pa. Cmwlth. Ct., 423 A.2d, 1089, which prohibits a certificate common carrier from using the same vehicles in both its certificated service and in private carriage.

As a corporation, the applicant has engaged in the buying and selling of a variety of bulk commodities. These commodities were delivered in the equipment also utilized in providing certificated transportation. The applicant has also transported shipments for the Merryman Enterprises without the required authority. It appears that although these shipments were illegal, the applicant transported them in good faith. Approval of the instant application will permit the applicant to utilize the resources it has available in both of its endeavors.

We find:

1. That the applicant possesses the equipment, experience and fitness necessary to provide the proposed transportation.
2. That the applicant has engaged in a "buy and sell" operation and has relied on the same vehicles in providing both private carriage and regulated transportation.
3. That the applicant has rendered illegal service for Merryman Enterprises, however, said service was in good faith.
4. That the applicant has demonstrated that a need exists for the proposed transportation.
5. That approval of the application will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued to the applicant on December 18, 1980, as amended, be further amended to include the following right:

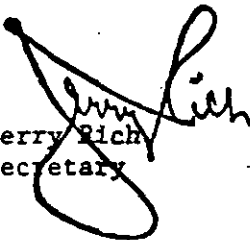
To transport, as a Class D carrier, property, in bulk, for R. T. Merryman Trucking, Inc. and Merryman Enterprises, between points in Pennsylvania.

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 Law 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: August 18, 1983

ORDER ENTERED: AUG 31 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 7, 1984

Commissioners Present:

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

Application of R. T. Merryman Trucking,
Inc. for approval of the transfer to it
of all of the operating rights held by
Yamulla Trucking and Excavating Co.,
Inc., at A-00096121.

A-00102358, F. 1, Am-E

O R D E R

BY THE COMMISSION:

By application docketed August 21, 1984, R. T. Merryman Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Yamulla Trucking and Excavating Co., Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00096121.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Yamulla Trucking and Excavating Co., Inc., at A-00096121 be approved and that the original report and order of R. T. Merryman Trucking, Inc. at A-00102358 and the certificate issued pursuant thereto, as modified and amended, be further modified and amended to include the following rights:

1. To transport, as a Class D carrier, lawfully mined unprepared coal, between points in the city of Hazleton, Luzerne County and within sixty (60) miles by the usually traveled highways of the limits of the said city in the counties of Luzerne, Schuylkill, Carbon, Columbia and Northumberland, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

2. To transport, as a Class D carrier, mine equipment, mine supplies and building materials, such as are usually transported in bulk in dump trucks, between points in the city of Hazleton, Luzerne County and within sixty (60) miles by the usually traveled highways of the limits of the said city in the counties of Luzerne, Schuylkill, Carbon, Columbia and Northumberland, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

subject to the following conditions:

1. 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 rights 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.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1,100, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, 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.

6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor Yamulla Trucking and Excavating Co., Inc., a corporation of the Commonwealth of Pennsylvania at A-00096121 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 7, 1984

ORDER ENTERED: DEC 17 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 5, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of R.T. Merrymen Trucking,
Inc., for transfer of all the rights
held by Quinn Trucking, Inc.,
authorized under the certificate
issued at A-00104593; subject to the
same limitations and conditions.

A-00102358
F. 1
Am-F

Graf, Knupp & Andrews by Christian V. Graf for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission through an application filed on February 26, 1986. Public notice of the application was published in the Pennsylvania Bulletin on March 15, 1986. No protests were filed. The record is certified to the Commission without an oral hearing.

The applicant is a currently certificated carrier which has been operating in the Commonwealth for several years. It operates 36 trucks and tractors and 35 trailers.

Financial data submitted by applicant shows that as of November 30, 1985, it had total current assets of \$754,514.51; total assets of \$3,365,013.45; total current liabilities of \$714,707.07; total liabilities of \$2,166,390.83; and retained earnings of \$589,450.45. The income statement submitted shows for the 11 month period ending November 30, 1985, total revenue of \$6,683,094.20, total operating expenses of \$6,305,193.17; and income from operations of \$377,901.03.

The transferor received total intrastate operating revenue of \$420,164 in 1983 and \$308,338 in 1984. Annual reports for 1983 and 1984 have been filed but the 1985 annual report has not yet been received. Evidence of insurance is currently on file.

The application herein proposes transfer of all of the transferor's rights. Total consideration for the rights is \$36,000.00. No tangible assets are being transferred. The sale agreement states that the purchase price is payable within 30 days of the date of final approval by the Commission.

A review of the record before us indicates that the applicant is fit and that there is a continuing need for the rights herein proposed to be transferred.

We find that:

1. The applicant has the fitness and experience to render the service proposed herein.
2. There is a continuing necessity for the right herein involved.
3. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for transfer of all of the rights held by Quinn Trucking, Inc., at A-00104593, be and is hereby approved as follows:

1. To transport, as a Class D carrier, coal, between points in the county of Jefferson, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, by motor vehicle, coal for Benjamin Coal Company from its mines or stripping operations in the county of Clearfield to railroad sidings in said county.
3. To transport, as a Class D carrier, coal from points in the counties of Jefferson, Cameron and the township of Huston, Clearfield County, to points in the borough of Shamokin Dam, Snyder County.
4. To transport, as a Class D carrier, coal from points in the counties of Elk, Jefferson, Cameron and the township of Huston, Clearfield County, to points (other than the borough of Shamokin Dam) located within an airline distance of one hundred (100) statute miles of the point of origin;

with rights Nos. 3 and 4 above subject to the following conditions:

- a. That no right, power or privilege is granted to render service to points east of the Susquehanna River or the East Branch thereof.
- b. That no right, power or privilege is granted to render service to or from the plants, warehouses and facilities of Stackpole Carbon Company located in the counties of McKean and Elk.

- c. That no right, power or privilege is granted to render service from points in the county of Elk to points in the county of McKean.
 - d. That no right, power or privilege is granted to render service from the facilities of Doan Coal Company in the county of Jefferson to points in the borough of Shamokin Dam, Snyder County.
- 5. To transport, as a Class D carrier, coal in dump vehicles, from points in the counties of Elk and Cameron, to the borough of Shamokin Dam, Snyder County and to the facilities of the Pennsylvania Power & Light Company located in the borough of Washingtonville, Montour County.
 - 6. To transport, as a Class D carrier, coal in dump vehicles, from points in the county of Jefferson to the facilities of the Pennsylvania Power and Light Company located in the borough of Washingtonville, Montour County.
 - 7. To transport, as a Class D carrier, coal in dump vehicles, for Benjamin Coal Company, P & N Coal Company and Coal Hill Mining Company, from their facilities in the county of Clearfield, and for Quinn Coal Company and Peter Evock Coal Company, from their facilities in the county of Clinton to the borough of Shamokin Dam, Snyder County and to the facilities of the Pennsylvania Power & Light Company located in the borough of Washingtonville, Montour County.
 - 8. To transport, as a Class D carrier, coal for D.S.B. Company from its facilities in the county of Clearfield, to points in Pennsylvania.

subject to the following general conditions:

- 1. 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 rights 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.

2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$36,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and 52 Pa. Code §31, as now existing or as may hereafter be amended, 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.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, Pa. C.S.A.

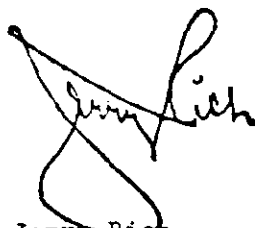
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1985 Annual Report of the transferor.

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

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor, Quinn Trucking, Inc., at A-00104593 be cancelled and the record be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over a large, stylized "X" mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 5, 1986

ORDER ENTERED: JUN 12 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 22, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl

Application of R. T. Merryman Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property, in bulk, for R. T. Merryman Trucking, Inc. and Merryman Enterprises, between points in Pennsylvania: SO AS TO PERMIT the transportation of property, in dump vehicles, from points in that part of Pennsylvania on and west of U.S. Highway Route 220, to points in that part of Pennsylvania on and east of U.S. Highway Route 220, and vice versa.

A-00102358
F. 1
Am-G

Christian V. Graf for the applicant.
J. Bruce Walter, for the protestant, Woolever Transfer.
John E. Freund, III, for the protestant, Northstein Brothers.
William A. Gray, for the protestants, Dart Trucking Company, Inc.;
William J. Brown Trucking Inc.; Bruce W. Trent; Wayne W. Freidline;
Homer R. Sleet & Sons, Inc. and Robert Cole Trucking Company.
John A. Pillar for the protestants, Wayne W. Sell Corporation and Tesone Trucking, Inc.
Dwight L. Koerber, Jr., for the protestants, Kephart Trucking Co. and Butler Trucking Company.
Robert D. Kodeck, for the protestant, William C. Confer.
John A. Pillar for the protestant, Shervall D. Christie, t/d/b/a
McCleary-Christie Trucking.

O R D E R

BY THE COMMISSION:

This application, filed October 19, 1987, is before this Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of November 7, 1987. There were several

protests which were withdrawn upon restrictive amendment to limit the authority to specific commodities. The record consists of verified statements entered by the applicant and supporting shippers.

R. T. Merryman, Inc. (applicant) is domiciled at 501 Alder Street, Philipsburg, Centre County. Its facility at this location consists of a building with fifteen (15) overhead doors and includes a shop and office. Communication is by telephone with inbound WATS service. Applicant employs ten (10) mechanics who repair and maintain the applicant's equipment. R. T. Merryman, Inc. owns and operates fifty (50) tractors, fifty-three (53) dump trailers, one (1) flatbed trailer, two (2) tank vehicles, and four (4) tri-axle dump units. The applicant has additional equipment under lease. Applicant has a full and complete safety program in operation.

An unaudited financial statement provided by the applicant shows total assets of \$5,040,984 with total liabilities of \$2,957,973 leaving shareholders' equity of \$2,083,011.

The principal reason for filing this application is the action of the Legislature in passing Act 101, "The Municipal Waste Planning, Recycling and Waste Reduction Act" which requires communities over 10,000 in population to participate; and further requires that no municipal waste land fill resource recovery facility or transfer station may be operated unless the operator has established a drop-off center for, among other items, clear and colored glass. Applicant will offer the following type of service on approval; applicant can make available either triaxle dump units or dump trailers and can make available flatbeds, if necessary. There would be no need for additional equipment to provide this service. Applicant would pick up the materials at any point that it is available in that part of Pennsylvania west of U.S. Highway 220 and transport it directly to the point of use of the purchaser. Basic service within this area would be same-day in emergencies and overnight otherwise. There will obviously be some deadhead mileage except in instances where there may be outbound loads in equipment suitable for the return of cullet.

Statements in support of the application were entered by Jerry Dollard, Owens-Illinois Glass Container Company; Thomas A. Derr, West Lawn Beverage Company; John A. Edmonds, General Traffic Manager; New Enterprise Stone & Lime Co., Inc.; Karl W. Lightner, Traffic Supervisor, J.E. Baker Co.; Danford Bouck, business manager for Limestone and Limestone Products, Agway, Inc.; Edwin T. Strong, Jr., safety officer, Glenn O. Hambaker, Inc., and Morris Kephart, partner, Kephart Bros. Lumber Company. The support shown is for movements from and to points on and west of U.S. Highway 220.

A review of the record shows that the applicant has the ability, equipment, experience and fitness necessary to provide the proposed service. The supporting shipper has demonstrated a need for the services of the applicant.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted December 18, 1980.

2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service; THEREFORE,

IT IS ORDERED: That the application as amended be and is hereby approved, and that the certificate issued on December 18, 1980 as amended, be further amended to include the following right:

To transport, as a Class D carrier, limestone and limestone products, asphalt and asphalt products, agricultural lime, cullet, sand, mulch and wood chips, in dump vehicles, from points on and west of U.S. Highway 220 to points east of U.S. Highway 220 and vice versa;

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport sand to Bogert Precast Concrete in Lycoming County; and limestone from points in that part of Lycoming County east of U.S. Highway Route 220.
- (2) The transportation of sand from the facilities of U.S. Silica Co. in the counties of Huntingdon and Mifflin shall be limited to points in the counties of Jefferson, Clarion, Forest, Cameron, Warren, McKean, Centre, Armstrong, Elk and Clearfield.
- (3) The transportation of limestone and limestone products from points in the county of York; and from the facilities of J. E. Baker Co. and Thomasville Stone & Lime Co. in Lancaster County shall be limited to agricultural lime.
- (4) That no right, power or privilege is granted to transport quarry products, lime and lime products for Bellefonte Lime Company, Inc. from its facilities in Centre County.
- (5) That no right, power or privilege is granted to transport limestone and limestone products from points in the counties of Lehigh and Northampton and the facilities of Eastern Industries, Inc. in the townships of Maxatawny, Oley and Alsace, Berks County, to points in the counties of Clinton, Lycoming,

Potter, Tioga, Sullivan and Bradford and
vice versa.

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 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.

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

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "Jerry Rich", is written over a large, stylized "X" mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 22, 1989

ORDER ENTERED: December 4, 1989

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 30, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Joseph Rhodes, Jr.
Frank Fischl

Application of R. T. Merryman Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property, in bulk, for R. T. Merryman Trucking, Inc. and Merryman Enterprises, between points in Pennsylvania: SO AS TO PERMIT the transportation of cullet, in dump vehicles, for Owens-Brockway Corporation and Owens-Illinois Corporation, between points in that part of Pennsylvania, lying on and west of U.S. Highway Route 220.

A-00102358
F. 1
Am-H

Christian V. Graf for the applicant.

O R D E R

BY THE COMMISSION:

This application filed February 28, 1989, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of April 1, 1989. There were no protests and the record, which consists of statements entered by the applicant and the supporting shipper is now certified to the Commission for its decision.

R. T. Merryman, Inc. (applicant) is domiciled at 501 Alder Street, Philipsburg, Centre County. Its facility at this location consists of a building with fifteen (15) overhead doors and includes a shop and office. Communication is by telephone with inbound WATS service. Applicant employs ten (10) mechanics who repair and maintain the applicant's equipment. R. T. Merryman, Inc. owns and operates fifty (50) tractors, fifty-three (53) dump trailers, one (1) flatbed trailer, two (2) tank vehicles, and four (4) tri-axle dump units. The applicant has additional equipment under lease. Applicant has a full and complete safety program in operation.

An unaudited financial statement provided by the applicant shows total assets of \$5,040,984 with total liabilities of \$2,957,973, leaving shareholders' equity of \$2,083,011.

The principal reason for filing this application is the action of the legislature in passing Act 101, "The Municipal Waste Planning, Recycling and Waste Reduction Act" which requires communities over 10,000 in population to participate; and further requires that no municipal waste land fill resource recovery facility or transfer station may be operated unless the operator has established a drop-off center for, among other items, clear and colored glass. Applicant will offer the following type of service on approval; applicant can make available either triaxle dump units or dump trailers and can make available flatbeds, if necessary. There would be no need for additional equipment to provide this service. Applicant would pick up the materials at any point that it is available in that part of Pennsylvania west of U.S. Highway 220 and transport it directly to the point of use of the purchaser. Basic service within this area would be same-day in emergencies and overnight otherwise. There will obviously be some deadhead mileage except in instances where there may be outbound loads in equipment suitable for the return of cullet.

A statement in support of the application was entered by Donald Krause, purchasing manager, glass, raw materials and transportation, for Owens Illinois Glass Container, Inc. Owens-Illinois Glass Container, Inc. is a major producer of various types of glass containers which it ships nationwide and within Pennsylvania. facilities are located in Pennsylvania at Clarion, Brockway and Crenshaw. The Brockway and Crenshaw facilities are operated under the name of O-I Brockway Glass, Inc. The Clarion facility is a facility which has processing equipment to process cullet which is used in the manufacture of finished glass, specifically glass containers. Cullet will be received from Western Pennsylvania into Clarion and shipped from Clarion to Brockway and Crenshaw. O-I Brockway Glass, Inc. is a subsidiary of Owens-Illinois Glass Container, Inc.

A review of the record shows that the applicant has the ability, equipment, experience and fitness necessary to provide the proposed service. The supporting shipper has demonstrated a need for the services of the applicant.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted December 18, 1980.
2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service, THEREFORE,

IT IS ORDERED: That the application as amended be and is hereby approved, and that the certificate issued on December 18, 1980 as amended, be further amended to include the following right:

To transport, as a Class D carrier, by motor vehicle, cullet in dump vehicles for Owens Brockway Corporation and Owens Illinois Corporation between points in and west of U.S. Highway 220.

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 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.

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 30, 1989

ORDER ENTERED: DEC 07 1989

KRINER, KOERBER AND KIRK
ATTORNEYS-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE (814) 765-9611
FAX (814) 765-9503

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

October 17, 1990



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

RE: TOY TRUCKING COMPANY
A-99448, F.1, Am-C

RECEIVED
OCT 22 1990
SECRETARYS OFFICE
Public Utility Commission

Dear Mr. Rich:

FILE

I am transmitting herewith the original and one copy of the Protest of Kephart Trucking Co., in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

Very truly yours,

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

cc: Kephart Trucking Co.
Blair F. Green, Esquire

Enclosures: Protest
1 copy
Copy of letter
Envelope

DLK/jsr

**DOCUMENT
FOLDER**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOY TRUCKING COMPANY

A-99448, F.1, Am-C

PROTEST OF KEPHART TRUCKING CO.

COMES NOW, KEPHART TRUCKING CO., a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

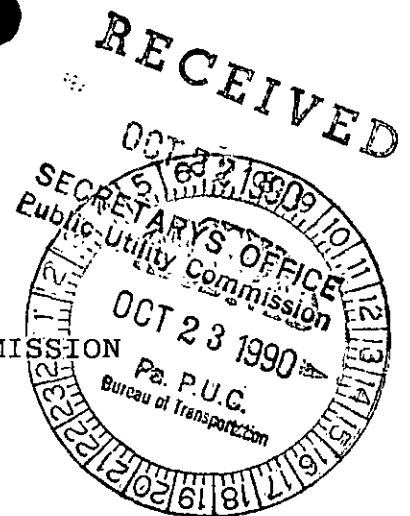
1. The name and address of Protestant are as follows:

Kephart Trucking Co.
P. O. Box 386
Bigler, PA 16825

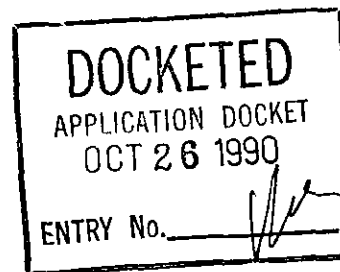
2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire
KRINER, KOERBER AND KIRK
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority and equipment.



FILE



4. Protestant specializes in the transportation of coal, and holds substantial authority in direct conflict with the present application. Protestant asserts its opposition based upon the authority it holds in Docket No. A-96036, F.1, Am-P (paragraph 9) operating rights, as well as other numerous specific grants of authority, such as Am-K, Am-R, and others. Attached hereto as Appendix B is a copy of protestant's entire operating authority, all of which is asserted in opposition to this application.

5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic necessary to Protestant's operations.

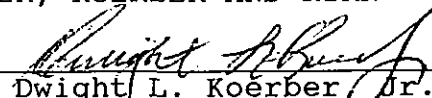
6. Protestant would be willing to consider a restrictive amendment if it limited the application to a named shipper, depending upon the shipper or shippers involved.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

KRINER, KOERBER AND KIRK

By:

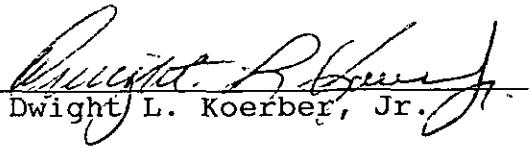

Dwight L. Koerber Jr.
Attorney for Protestant
KEPHART TRUCKING CO.

DATE: October 17, 1990

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 1990, I have served a copy of the foregoing Protest upon applicant's representative, by first class mail, at the following name and address:

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


Dwight L. Koerber, Jr.

APPENDIX A

Attached hereto is a copy of the publication of the application of Toy Trucking Company, in A-99448, F.1, Am-C, as it appeared in the Pennsylvania Bulletin on October 6, 1990.

Garden Streets, Philadelphia, when and where all persons in interest may appear and be heard if they so desire.

JERRY RICH,
Secretary

(Pa.B. Doc. No. 90-2011. Filed October 5, 1990, 9:00 a.m.)

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 29, 1990 and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* as described under each application.

A-00104955, Folder 2, Montgomery Tank Lines, Inc. (3108 Central Drive, Plant City, FL 33567), a corporation of the State of Illinois—chocolate, and materials and supplies used in the manufacture, sale and distribution of chocolate, in bulk in tank vehicles, for R. M. Palmer Company; Wilbur Chocolate Company, Inc.; and Bloomer Chocolate Company, Inc., from the Pennsylvania facilities of said shippers, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00104955, F.2, seeking the following rights: chocolate, in bulk in tank vehicles, for R. M. Palmer Company, from points in the Boroughs of Lititz and Mt. Joy, Lancaster County, and the Borough of East Greenville, Montgomery County, to the facilities of R. M. Palmer Company located in the Borough of West Reading, Berks County, and the Borough of Wyomissing, Berks County. Attorney: Henry M. Wick, Jr., 1450 Two Chatham Center, Pittsburgh, Pa. 15219.

A-00109222 (2nd Correction). David L. Spear, t/d/b/a D. L. Spear Trucking (P. O. Box 294, Snow Shoe, Centre County, Pa. 16874)—(1) property, for R. S. Carlin, Inc., from points in the township of Karthaus and Covington, Clearfield County and the township of Snow Shoe, Centre County, to points in Pennsylvania, and vice versa; (2) property, for Mountain Top Coal Co., from points in the township of Snow Shoe, Centre County, to points in Pennsylvania, and vice versa; and (3) property, for Lobb Mining Co. from points in the township of Burnside, Centre County, to points in Pennsylvania, and vice versa. Attorney: John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109238 (2nd Correction). Raymond J. Carlin, t/d/b/a R. J. Carlin Trucking (Thomas Street, P. O. Box 125, Snow Shoe, Centre County, Pa. 16874)—(1) property, for R. S. Carlin, Inc., from points in the townships of Karthaus and Covington, Clearfield County and the township of Snow Shoe, Centre County, to points in

Pennsylvania, and vice versa; (2) property, for Mountain Top Coal Co., from points in the township of Snow Shoe, Centre County, to points in Pennsylvania, and vice versa; and (3) property, for Lobb Mining Co., from points in the township of Burnside, Centre County to points in Pennsylvania, and vice versa. Attorney: John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109496, William H. Oester, t/d/b/a Oester Trucking (R. D. 1, Box 142A, Salisbury, Somerset County, Pa. 15558)—property (except household goods, common commodities in bulk and Classes A and B explosives), for Stanton Industries of Pennsylvania, Inc., and Berkebile Oil Company, Inc., from their facilities located in the county of Somerset, to points in Pennsylvania, and vice versa. Attorney: David H. Radcliff, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109497, Matthew S. Sieber, t/d/b/a Sieber Trucking (203 Licking Street, Mifflin, Juniata County, Pa. 17058)—wood products from points in the counties of Juniata, Mifflin and Perry, to points in Pennsylvania. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.

A-00109499, Landis Transportation, Inc. (2604 Beltline Avenue, Reading, Berks County, Pa. 19605), a corporation of the Commonwealth of Pennsylvania—property, for Brentwood Industries, Inc.; Car Tech; Columbian Cutlery Co., Inc.; Berk-Tek, Inc.; Heyco Metals, Inc.; NGK Metals Corporation; Quaker Maid Kitchens; R.A.M. Motors & Controls; Stanley G. Flagg & Co., Inc.; and Snap-On-Tools Corporation, from their Pennsylvania facilities, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk. Attorney: Joseph T. Bambrick, Jr., 529 Reading Avenue, Suite K, Reading, Pa. 19611.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of *property* as described under each application.

A-00099448, Folder 1, Am-C. Toy Trucking Company (R. D. 1, Box 103, Worthington, Armstrong County, Pa. 16262), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal, for 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; so as to permit the transportation of coal, from points within 125 statute miles from the borough of Worthington, Armstrong County, to points in Pennsylvania, provided no haul shall exceed 125 statute miles from point of origin to point of destination. Attorney: Blair F. Green, 125 North McKean Street, Kittanning, Pa. 16201-1517.

A-00107772, Folder 2, Am-C. D. Pierce Transportation, Inc. (P. O. Box 453, Murrysville, Westmoreland County, Pa. 15668), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Overhead Door Corporation, between points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport petroleum and petroleum products; so as to permit the transportation of property (except petroleum and petroleum products), for Nextech, between points in Pennsylvania. Attorney: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00108849, Folder 1, Am-A. Rosselli Trucking, Inc. (R. D. 1, Box 455, Morrisdale, Clearfield County, Pa. 16858), a corporation of the Commonwealth of Pennsylvania,

APPENDIX B

Attached hereto is a copy of Protestant's operating authority in A-96036, Folder 1, and Amendments thereto.

KEPHART TRUCKING CO.

Pa.P.U.C. Operating Authority

A-96036

To transport, as a Class D carrier, coal from points in the counties of Clearfield, Centre and Cambria to points in the boroughs of Bellefonte and State College, Centre County, and the city of Altoona, Blair County; no haul to exceed a distance of sixty-five (65) miles from point of origin to point of destination; excluding the transportation of coal from the Bradford Coal Company in the townships of Bradford and Pike, Clearfield County.

To transport, as a Class D carrier, coal, wood, clay, limestone and building materials, in bulk in dump trucks, between points in the counties of Clearfield, Centre and Blair, 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 from points in the counties of Clearfield, Centre and Cambria to points in the borough of Williamsburg, Blair County, no haul to exceed a distance of sixty-five (65) miles from point of origin to point of destination; excluding the transportation of coal from the Bradford Coal Company in the townships of Bradford and Pike, Clearfield County.

A-96036, F.1, Am-A

To transport, as a Class D carrier, coal for Bradford Coal Co., Inc., from points in production of the said corporation in the county of Clearfield to points in that part of Pennsylvania bounded and described as follows:

Bounded on the west by Highway Route 220 between the Pennsylvania-Maryland state line and Williamsport and Highway Route 14 between Williamsport and Columbia Crossroads, Bradford County; on the north by an unnumbered highway from Columbia Crossroads to Milan via Springfield, Harkness and East Smithfield; on the east by Highway Route 220 between Milan and Towanda, by Highway 309 between Tunkhannock and Tamaqua, by a line running from Tamaqua through Reading and West Chester and the Pennsylvania-Delaware and Pennsylvania-Maryland state lines including the borough of Bristol, Bucks

County, and the Bridesburg section of the city of Philadelphia bounded as follows: Beginning at the Tacony-Palmyra Bridge, thence via Levick Street, Frankford Avenue and Frankford Creek to the Delaware River; and including all points on the aforesaid routes.

That no right, power or privilege is granted to transport coal to points in the cities of Hazelton, Luzerne County, Reading, Berks County, and Lancaster, Lancaster County.

A-96036, F.1, Am-D

To transport, as a Class D carrier, coal and dirt between points in the borough of Clearfield, Clearfield County, and within an airline distance of twenty-five (25) statute miles of the limits of the said borough.

A-96036, F.1, Am-E

To transport, as a Class D carrier, coal, in bulk, from the facilities of Bradford Coal Company in the townships of Bradford and Pike, Clearfield County, to points in the borough of Freeport, Armstrong County, and points within an airline distance of five (5) statute miles of the limits of said borough.

A-96036, F.1, Am-F

To transport, as a Class D carrier, clay, from the facilities of Lansberry Coal and Excavating Co. in the township of Bradford, Clearfield County, to the facilities of Robinson Clay Products, Division of Clow Corp., located in the borough of Pottstown, Montgomery County, and to the facilities of Hazleton Brick Co., located in the township of Hazle, Luzerne County.

A-96036, F.1, Am-G

To transport, as a common carrier, clay, from the facilities of Lansberry Coal and Excavating Co., in the township of Bradford, Clearfield County, to the facilities of Pomona Clay Products Co., located in the borough of Pottstown, Montgomery County, and to the facilities of Hazleton Brick Co., located in the township of Hazle, Luzerne County.

A-96036, F.1, Am-H

To transport, as a Class D carrier, coal from points in the counties of Fayette, Westmoreland and Somerset, to the facilities of James M. Stott Coal Company, Inc., in the township of Rush, Centre County.

A-96036, F.1, Am-I

To transport, as a Class D carrier, sand and gravel, from points in the counties of Lycoming and Montour, to points in the counties of Clearfield, Centre, Blair, Cambria and Jefferson; subject to the following conditions:

1. That no right, power or privilege is granted to render service for, from or to, the facilities of J. H. Hommer Lumber Company, R. L. Zimmerman Concrete Products and McGill Lumber Company.
2. That no right, power or privilege is granted to provide service for Lycoming Silica Sand Company from its facilities in the counties of Lycoming and Montour to points located within an airline distance of one hundred (100) statute miles of the point of origin.
3. That no right, power or privilege is granted to provide service to points in the county of Centre except points located in the borough of Philipsburg in said county.

A-96036, F.1, Am-J

To transport, as a Class D carrier, coal, in bulk in dump vehicles, for Bradford Coal Co., from tipples or points of production of Bradford Coal Co., Inc., located in the county of Clearfield, to points in Pennsylvania, and vice versa, subject to the following condition:

That no right, power or privilege is granted to provide transportation from or to points in Clinton County.

A-96036, F.1, Am-K

To transport, as a Class D carrier, coal, from mines or stripping operations in the counties of Cambria, Somerset,

Westmoreland, Blair, Indiana, Clearfield and Centre, to railroad sidings or docks in the said counties, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.

To transport, as a Class D carrier, building materials in bulk in dump trucks, between points in the counties of Cambria, Somerset, Blair, Indiana, Clearfield, Centre and Westmoreland, excluding the borough of Latrobe, Westmoreland County, no haul to exceed a distance of fifty (50) miles from point of origin to point of destination.

A-96036, F.1, Am-L

To transport, as a Class D carrier, sand, from the facilities of Lycoming Silica Sand Company, located in the borough of Montoursville, Lycoming County, to points in the county of Huntingdon, subject to the following conditions:

1. That no right, power or privilege is granted to provide service for Lycoming Silica Sand.
2. That no right, power or privilege is granted to provide transportation to points within an airline distance of fifty (50) statute miles of the limits of the city of Lock Haven, Clinton County.
3. That no right, power or privilege is granted to provide transportation to points in Smithfield and Walker Townships, Huntingdon County.

A-96036, F.1, Am-M

To transport, as a Class D carrier, lime and limestone, in dump vehicles, from the facilities of Narehood Limestone, Inc., in the counties of Blair and Huntingdon, to points in Pennsylvania within an airline distance of one hundred (100) statute miles of the point of origin.

A-96036, F.1, Am-N

To transport, as a Class D carrier, property for Derrick Equipment Company, Inc., between points in Pennsylvania.

A-96036, F.1, Am-P

1. To transport, as a Class D carrier, excavated materials, and road and building construction materials such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the counties of Lawrence, Beaver, Butler and Allegheny.

2. To transport, as a Class D carrier, coal from mines in the counties of Butler and Lawrence within twenty-five (25) miles by the usually traveled highways of the city of New Castle, Lawrence County, to points in the said city and within twenty-five (25) miles by the usually traveled highways of the limits of said city.

3. To transport, as a Class D carrier, coal from mines and tipples in the counties of Lawrence, Butler, Beaver, Mercer, Venango, Allegheny, Washington, Westmoreland and Fayette to tipples, railroad sidings and consumers in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

4. To transport, as a Class D carrier, building materials, in bulk in dump trucks, sand, gravel, soil, limestone, cement blocks, slag and lime between points in the counties of Mercer, Venango, Westmoreland, Fayette and Washington, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

5. To transport, as a Class D carrier, lime for the Warner Company from points in the borough of Leetsdale, Allegheny County, to points within an airline distance of fifty (50) miles of the limits of said borough, and the return of refused or rejected shipments to the point of origin.

6. To transport, as a Class D carrier, coal from mines or stripping operations within a radius of seventy-five (75) miles of the limits of the city of Pittsburgh, Allegheny County, to points in the said territory, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

7. To transport, as a Class D carrier, materials, such as are usually transported in dump trucks and by concrete truck mixers, between points in the borough of Ambridge, Beaver County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough, provided no haul shall exceed a

distance of twenty-five (25) miles from point of origin to point of destination.

8. To transport, as a Class D carrier, in dump vehicles, materials such as are usually transported in dump vehicles, between points in the borough of Ambridge, Beaver County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough, and from points in the said territory to points within one hundred fifty (150) miles of the City-County Building in the city of Pittsburgh, Allegheny County, and vice versa.

9. To transport, as a Class D carrier, property, in bulk, in dump vehicles, and which is unloaded by dumping, between points in the city of Pittsburgh, Allegheny County, and within fifty (50) miles of the limits of said city and from points in said territory to points in Pennsylvania, and vice versa; with right No. 9 immediately above to be subject to the following conditions:

(a) That no right, power or privilege is granted to transport coal and coke between points in the counties of Allegheny, Butler, Beaver, Washington, Westmoreland, Lawrence, Mercer and Armstrong, except as herein above authorized.

(b) That no right, power or privilege is granted to transport property for the Bethlehem Steel Company and the United States Steel Corporation, in bulk in dump trucks and in dump trailers, between points in the city of Johnstown, Cambria County, and within twenty-five (25) miles of the limits of said city.

(c) That no right, power or privilege is granted to transport pig iron, coke and ammonium sulfate, in dump vehicles, from the plant of Alan Wood Steel Company in the townships of Upper Merion and Plymouth, Montgomery County, to customers of said company beyond an airline distance of one hundred fifty (150) miles of the said plant, and on the return, clay in bulk and coal, in dump vehicles, to the said plant; provided, however, that this restriction shall not apply to the transportation of pig iron, in dump vehicles, to the plant of Bethlehem Steel Company located in the county of Cambria.

(d) That no right, power or privilege is granted to transport ferromanganese, in dump vehicles, from the

plant of E. J. Lavino Company in the township of Millcreek, Lebanon County.

(e) That no right, power or privilege is granted to render service from the city of Johnstown, the boroughs of Franklin and East Conemaugh and the township of West Taylor, Cambria County, for the Bethlehem Steel Company to points on and east of Highway Route 219 and north of Highway Routes 322 and 62; and no right is granted to transport property, in dump trucks and dump trailers, for Robel Construction Company, Inc., Menahan Sand and Gravel Company, Central Contracting and Supply Company and Whitaker Brothers between points in the city of Johnstown, Cambria County, and within an airline distance of twenty-five (25) miles of the limits of said city, except for the transportation of coal, coke, iron ore and manganese ore.

10. To transport, as a Class D carrier, salt and salt products, in bags and in mixed shipments in bags and bulk, from the plant of the Diamond Crystal Salt Company in the city of New Kensington, Westmoreland County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments to the point of origin; excluding transportation in bags to the steel plants of the Bethlehem Steel Company in the county of Cambria, and further excluding the transportation of commodities in bulk in tank vehicles or in hopper-type vehicles.

11. To transport, as a Class D carrier, stone, lime, debris, amesite, building materials, excavated materials and road and building construction materials and other materials, such as are usually transported in dump trucks, between points not to exceed a distance of seventy-five (75) miles from point of origin to point of destination in the counties of Erie, Crawford, Warren and Venango.

12. To transport, as a Class D carrier, commodities, in bulk in dump vehicles and which are unloaded by dumping, between points in the city of Oil City, Venango County, and from points in the said city to points in Pennsylvania, and vice versa; with right No. 12 above subject to the following conditions:

(a) That no right, power or privilege is granted to transport coal, coke, lime and lime products, iron ore and salt, in bulk in dump vehicles.

(b) That no right, power or privilege is granted to transport clay, in bulk in dump vehicles, from points in the counties of Clearfield and Cambria.

(c) That no right, power or privilege is granted to transport sand in bulk from the Pennsylvania Glass Sand Corporation in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.

13. To transport, as a Class D carrier, commodities in dump vehicles for the Electralloys Corporation from its plant site in Oil City, Venango County, to points in Pennsylvania.

14. To transport, as a Class D carrier, commodities in dump vehicles for the Venango Metallurgical Products Company from points in Pennsylvania to its plant site in Oil City, Venango County.

15. To transport, as a Class D carrier, cullet, soda ash, nepheline syenite, lime and limestone products and industrial sand in bulk in dump vehicles from points in Pennsylvania to points in the boroughs of Marienville, Forest County, Brockway, Jefferson County, and Port Allegany, McKean County; with right No. 15 above subject to the following condition:

That no right, power or privilege is granted to transport sand from the facilities of the Pennsylvania Glass Sand Corporation located in the boroughs of McVeytown, Mifflin County, and Mapleton, Huntingdon County.

16. To transport, as a Class C carrier, property, in bulk, in dump vehicles, from the city of Erie, Erie County, to points in Pennsylvania; with right No. 16 above subject to the following condition:

That no right, power or privilege is granted to transport salt in bulk to or from points east of the eastern boundary of the counties of McKean, Cameron, Clearfield, Blair and Bedford.

17. To transport, as a Class D carrier, slag, crushed stone, limestone, asphalt, amesite and similar coal tar surfacing materials, from the borough of Sharpsville, Mercer County and the township of Mahoning, Lawrence County, to other points within thirty-five (35) miles, by the usually traveled highways, of the limits of the said borough and said township, excluding the county of Washington.

18. To transport, as a Class D carrier, building materials in bulk in dump trucks, soil, slag, reddog, sand, stone and gravel between points in the counties of Fayette, Westmoreland, Washington, Allegheny, Beaver, Butler, Lawrence and Mercer,

provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination, excluding the right to transport brick to, from or between points in Allegheny County.

19. To transport, as a Class D carrier, coal, coke and other solid fuels from points in the counties of Fayette, Westmoreland, Washington, Allegheny, Beaver, Butler, Lawrence and Mercer, to stock piles or railroad sidings in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

20. To transport, as a Class D carrier, coal, coke and other fuels for domestic consumption between points in the counties of Fayette, Westmoreland, Washington, Allegheny, Beaver, Butler, Lawrence and Mercer, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

21. To transport, as a Class D carrier, property, in bulk in dump trucks, (excluding building materials and road building materials), from the plant of the Interlake Iron Corporation in the city of Erie, Erie County, to points within an airline distance of two hundred fifty (250) statute miles of the limits of said city, excluding transportation to the plants of the Bethlehem Steel Company in Cambria County.

22. To transport, as a Class D carrier, property, in bulk in dump trucks, (excluding building materials and road building materials), from the plant of Miller & Company in the city of Erie, Erie County, to points within an airline distance of two hundred fifty (250) statute miles of the limits of said city, excluding transportation to the plants of the Bethlehem Steel Company.

23. To transport, as a common carrier, furnace lining scrap or refuse, from points in Pennsylvania to the plant sites of North American Refractories Company, in the townships of Pike, Clearfield County, Towamensing, Carbon County, and Heidelberg, Berks County and the borough of Mount Union, Huntingdon County.

24. To transport, as a Class D carrier, by motor vehicles, scrap metals in dump vehicles and which are unloaded by dumping, between points in Pennsylvania on and west of U. S. Highway 15; with right No. 24 above subject to the following conditions:

(a) Provided that no right, power or privilege is hereby granted to provide from the city of Williamsport, Lycoming County, except as is presently authorized.

(b) Provided that no right, power or privilege is hereby granted to transport scrap metals from the facilities of the Jersey Shore Steel Company in the village of Avis, Clinton County, except as presently authorized.

(c) Provided that no right, power or privilege is hereby granted to transport aluminum, brass and copper scrap to or from the borough of Bellefonte, Centre County, and points within a radius of one mile thereof except as presently authorized.

25. To transport, as a Class D carrier, by motor vehicle, scrap metal in dump vehicles and which are unloaded by dumping between points in Pennsylvania; with right No. 25 above subject to the following conditions:

(a) That no right, power or privilege is hereby granted to render service from the city of Williamsport, Lycoming County; to and from the township of Ontelaunee, Berks County; to the borough of Milton, Northumberland County; from the village of Avis, Clinton County; and to and from the facilities of Hodes Industries, Inc., located in the county of Centre, the city of Lock Haven, Clinton County, and the borough of Tyrone, Blair County, except as presently authorized.

(b) That no right, power or privilege is hereby granted to transport aluminum, brass and copper scrap to or from the borough of Bellefonte, Centre County, and points within a radius of one mile thereof except as presently authorized.

26. To transport, as a Class D carrier, coke in dump vehicles, from the township of Upper Merion, Montgomery County, to points in Pennsylvania on and west of U. S. Highway Route 219.

27. To transport, as a Class D carrier, decorative stone and landscaping materials, in bulk, in dump vehicles, for Old Dutch Materials Company, from the boroughs of Mercer, Mercer County and Telford, Montgomery County and the city of Lebanon, Lebanon County, to points in Pennsylvania.

28. To transport, as a Class D carrier, hazardous chemicals and hazardous industrial waste, in drums and other containers, between points in Pennsylvania; with right No. 28 above subject to the following conditions:

(a) That the service herein authorized is limited to that rendered from originators of hazardous chemicals and hazardous waste to disposal or treatment sites licensed or approved by the Pennsylvania Department of Environmental Resources.

(b) That no right, power or privilege is granted to provide transportation in tank vehicles.

(c) That disposition of hazardous chemicals and hazardous waste material at points other than licensed or approved sites, as above authorized, may be deemed just and sufficient cause for the revocation of the authority granted herein.

(d) That all vehicles, drums and other containers utilized in the service here authorized shall conform to any current or future standards established by the Department of Environmental Resources for the transportation of hazardous materials, failure to do so may be deemed just and sufficient cause for suspension or revocation of the authority granted herein.

A-96036, F.1, Am-R

(a) To transport, as a Class D carrier, salt, in dump vehicles, between points in Pennsylvania.

(b) To transport, as a Class D carrier, coal and coke, in dump vehicles, for Keystone Coal Company, between points in Pennsylvania, provided that no right, power or privilege shall be granted to transport coal from points east of U. S. Highway 15.

(c) To transport, as a Class D carrier, coal, in dump vehicles, for Swistock Associates Coal Corp., from its facilities in the counties of Clearfield and Cambria to points in Pennsylvania, and from points west of U. S. Highway 219 to its facilities in the counties of Clearfield and Cambria, provided that no right, power or privilege shall be granted to transport coal to the facilities of Pennsylvania Power & Light Company in the counties of Montour and Snyder.

(d) To transport, as a Class D carrier, coal, in dump vehicles, for C & K Coal Company, between its facilities in the counties of Clarion, Cambria, and Jefferson and from its facilities in the counties of Clarion, Cambria and Jefferson to points in Pennsylvania.

(e) To transport, as a Class D carrier, stone, sand, and amesite, in dump vehicles for Glen O. Hawbaker, Inc., between points in Pennsylvania, provided that no right, power or privilege shall be granted to transport stone and sand from points east of U. S. Highway 15, and further provided that no right, power or privilege shall be granted to transport sand and stone from the facilities of Pennsylvania Glass Sand Corporation in the counties of Mifflin and Huntingdon.

(f) To transport, as a Class D carrier, stone, sand, and amesite, in dump vehicles, between points in Pennsylvania west of U. S. Highway 219, except from points in the county of Somerset.

(g) To transport, as a Class D carrier, limestone and limestone products, in dump vehicles, for J. E. Baker Company, from its facilities in West Manchester Township, County of York, to points in Pennsylvania, provided that no right, power or privilege shall be granted to transport limestone and limestone products to points in the counties of Lebanon, Wayne, Pike, Lackawanna, Bradford, Wyoming, Susquehanna, Luzerne, Monroe, and Sullivan, and further provided that no right, power or privilege shall be granted to transport limestone and limestone products to the facilities owned or used by manufacturers and producers of iron and steel and iron and steel products.

(h) To transport, as a Class D carrier, coal, in dump vehicles, for Avery Coal Company, from its facilities in the county of Clearfield to points in Pennsylvania, provided that no right, power or privilege shall be granted to transport coal to points in the counties of Clinton, Montour, Northumberland, and Snyder.

(i) To transport, as a Class D carrier, property in dump vehicles, for Kephart Trucking Co., Wallace A. Kephart, and Wallace A. Kephart and Timothy L. Kephart, a partnership, between points in Pennsylvania.

(j) To transport, as a Class D carrier, scrap, in dump vehicles, from the Borough of Milton, County of Northumberland, to points in Pennsylvania and vice versa.

(k) To transport, as a Class D carrier, coal, in dump vehicles, from points in Pennsylvania to the facilities of Pennsylvania Electric Company in the Borough of Warren, County of Warren, provided that no right, power or privilege shall be granted to transport coal for A.M.E. Coal Company, River Hill Coal Company, Johnson & Morgan Coal Company, Hall's Coal Co., Inc., and King Coal Sales Company.

A-96036, F.1, Am-S

1. To transport, as a Class D carrier, coal, in dump vehicles, from points in the county of Cambria, to points in the counties of Berks, Montgomery, Bucks, Philadelphia, Delaware, Chester, Northampton and Lehigh.

2. To transport, as a Class D carrier, coal, in dump vehicles, from points in the county of Elk to points in the counties of Berks, Montgomery, Bucks, Philadelphia, Delaware, Chester, Northampton and Lehigh.

3. To transport, as a Class D carrier, coal, in dump vehicles, for S.S.M. Coal North America, Inc.; P & S Coal Company; I.U.E. Coal Sales Company; H.N. Hartwell & Co., Inc.; Hawley Fuels, Inc.; United Eastern Coal Sales, Inc.; Hepburnia Coal Co.; and Connecticut Coal Company, from points in the counties of Jefferson and Clearfield to points in the counties of Berks, Montgomery, Bucks, Philadelphia, Delaware, Chester, Northampton and Lehigh.

With rights 1, 2 and 3 above subject to the following condition:

That no right, power or privilege is granted to perform service from those points in the counties of Cambria, Elk and Clearfield lying within an airline distance of seventy-five (75) statute miles of the limits of the City of Williamsport, Lycoming County, to points in Lehigh County or from those points in the counties of Cambria, Clearfield, Elk and Jefferson lying within an airline distance of one hundred (100) statute miles of the limits of the City of Williamsport, Lycoming County, to those points in Lehigh County lying within an airline distance of seventy-five (75) statute miles of the limits of said city;

With right 2 above subject to the following condition:

That no right, power or privilege is granted to perform service for Coal Hill Mining Company, Inc.; H.N. Hartwell & Co., Inc.; Hall's Coal Co., Inc.; or Seaview Fuels, Inc., to points in the counties of Berks and Northampton;

With right 3 above subject to the following condition:

That no right, power or privilege is granted to perform service for H.N. Hartwell & Co., Inc., to points in the counties of Berks and Northampton.

A-96036, F.1, Am-T

To transport, as a Class D carrier, lime and limestone products, in dump vehicles, from the facilities of The J. E. Baker Company in the township of West Manchester, York County, to points in Pennsylvania, subject to the following condition:

That no right, power or privilege is granted to provide service to points in the city of Reading, Berks County, the borough of Steelton, Dauphin County and the township of Falls, Bucks County.

A-96036, F.1, Am-U

To transport, as a Class D carrier, property in dump vehicles, for Keystone Coal Company, between points in Pennsylvania, subject to the following condition:

That no right, power or privilege is granted to transport lime, fertilizer, farm materials, farm products, and farm supplies, from points in the county of Somerset to points in Pennsylvania, and vice versa; fertilizer and fertilizer ingredients, from the facilities of Bethlehem Steel Corporation, in the city of Johnstown, Cambria County, to the facilities of Agway Fertilizer Chemical Plant in the city of York, York County; and building materials, from points in the county of Somerset to points in the county of Bedford, and vice versa.

A-96036, F.1, Am-V

To transport, as a Class D carrier, clay, limestone, sand and gravel, in dump vehicles, for Hamilton Excavating and Development, Inc., between points in the counties of Berks, Chester, Delaware, Lancaster, Lebanon and York, subject to the following condition:

That no right, power or privilege is granted to transport to or from the facilities of: Eastern Industries, Inc., located in Berks County; Stoudt's Ferry, located in the counties of Berks and Chester; Dyer Quarry, located in Robeson Township, Berks County and Pottstown Trap Rock Quarries, located in Douglass Township, Berks County and Lower Pottsgrove Township, Montgomery County.

A-96036, F.1, Am-W

To transport, as a Class D carrier, coal, for Don H. Richards Coal Company, Inc., between points in Pennsylvania.

A-96036, F.1, Am-Y

To transport, as a Class D carrier, coal, from the facilities of Riverhill Coal Company, Inc., and A.M.E. Enterprises, Inc., located in the counties of Clearfield and Centre, to points in Pennsylvania, and vice versa, subject to the following conditions:

Provided that no right, power or privilege is granted to transport coal, for Riverhill Coal Company, Inc., and A.M.E. Enterprises, Inc., to or from points in Snyder, Cumberland and Clinton Counties and the facilities of Merck Chemical Company in Northumberland County.

Provided that service to the counties of Berks and Northampton shall be limited to transportation for Riverhill Coal Company, Inc. and A.M.E. Enterprises, Inc.

SALLY A. DAVOREN

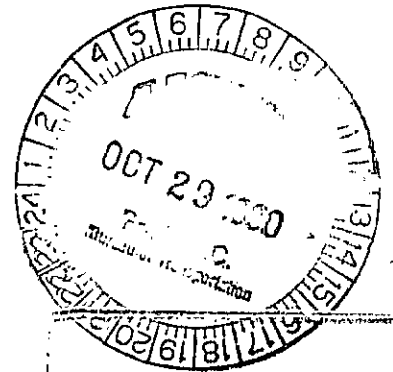
ATTORNEY AT LAW

1126 OLIVER BUILDING

535 SMITHFIELD STREET

PITTSBURGH, PENNSYLVANIA 15222

(412) 562-0100



October 25, 1990

RECEIVED

OCT 25 1990

SECRETARY'S OFFICE
Public Utility Commission

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

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

FILE

Dear Mr. Rich:

Enclosed, for filing, is a protest to the above application, which is being filed on behalf of Coal Transport, Inc. Pursuant to 52 Pa.Code § 1.11, a United States Postal Service Form 3817 certificate of mailing, showing that this protest was deposited in the United States mail on October 25, is attached to the cover of the protest. A copy of this protest has been served on the applicant's representative in accordance with the Commission's Rules of Practice. Thank you.

Respectfully submitted,

Sally A. Davoren
Attorney for
COAL TRANSPORT, INC.,
Protestant

SAD:md

Enclosure

cc: Blair F. Green, Esq.
Coal Transport, Inc.

DOCUMENT
FOLDER

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

OCT 25 1990

SECRETARY'S OFFICE
Public Utility Commission

Application of)
)
TOY TRUCKING COMPANY)

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

OCT 29 1990

PROTEST

FILE

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier named herein desires to protest the above application, and, in support thereof, states as follows:

1. The name, address and telephone number of protestant are set forth in Appendix A attached hereto.
2. The name, address and telephone number of protestant's attorney is:

Sally A. Davoren
1126 Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222
(412) 562-0100

3. The authority of protestant which is in conflict with the above application is summarized in Appendix A, attached hereto. A true copy of protestant's authority in conflict with the authority sought by the applicant is attached hereto as Appendix B.

DOCUMENT
FOLDER

DOCKETED

APPLICATION DOCKET

OCT 30 1990

ENTRY No.

4. Protestant denies that approval of the application will serve a useful public purpose, responsive to a public demand or need.

5. Protestant denies that the above applicant possesses the technical and financial ability to provide the proposed service, and that the applicant has a propensity to operate safely and legally.

6. Protestant avers that entry of a new carrier into the field would endanger or impair the operations of existing common carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest.

7. Protestant is currently providing service in the application area, and/or is willing and able to provide such service.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sally Davoren". The signature is written in dark ink and is positioned above a horizontal line.

SALLY A. DAVOREN
Attorney for
COAL TRANSPORT, INC.,
Protestant

Due Date: October 29, 1990

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

APPENDIX A

The foregoing protest to the above application is filed on behalf of:

Coal Transport, Inc.
R. D. #3, Box 396G
Latrobe, PA 15650
(412) 423-6226

Coal Transport, Inc., has authority from the Commission, at Docket No. A-00106926, F.1, to transport coal, in dump trucks, between points in the counties of Indiana, Cambria, Armstrong and Westmoreland. Protestant Coal Transport also has authority at its lead docket number to transport coal between points in the city of Clairton, Allegheny County, and within twenty-five highway miles of the limits of said city. At Docket No. A-00106926, F.1, Am-A, protestant Coal Transport has authority to transport coal for various named shippers, including United Eastern Coal Sales Corp. Protestant Coal Transport has pending, at Docket No. A-00106926, F.1, Am-B, an application for authority to transport coal, in bulk, in dump vehicles, for Michael A. Ripepi, t/d/b/a Sunshine Fuel Company, United Eastern Coal Sales Corp., White Star Coal Co., Inc., Amerikohl Mining, Inc., and Hansen Coal Corp., between points in various counties.

A summary of the authority of protestant Coal Transport, Inc., and a copy of the notice of protestant's pending

application from the August 11, 1990, Pennsylvania Bulletin, which may include other authority in conflict with that sought by the applicant, are attached to this protest as Appendix B.

COAL TRANSPORT, INC.

Docket No. A-00106926, F.1

To transport, as a Class D carrier, coal, coke, gravel and farm products, in dump trucks, between points in the counties of Indiana, Cambria, Armstrong and Westmoreland, 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, sand and clay, in bulk in dump trucks, between points in the counties of Blair, Cambria, Indiana, Armstrong and Westmoreland.

To transport, as a Class D carrier, building materials, in bulk in dump trucks, between points in the counties of Indiana, Armstrong and Cambria.

To transport, as a Class D carrier, milk and farm products from points in the townships of South Mahoning, East Mahoning, Grant, Montgomery, Green, Cherryhill, Rayne, Washington and White, Indiana County, to the borough of Indiana, Indiana County.

To transport, as a Class D carrier, coal, coke and gravel, in dump trucks, between points in the counties of Indiana, Cambria, Armstrong and Westmoreland.

To transport, as a Class D carrier, gravel, coal, coke, discoe, cement, asphalt, stone, slag, cinders and sand, between points in the city of Clairton, Allegheny County and within twenty-five (25) miles by the usually traveled highways of the limits of said city.

Docket No. A-00106926, F.1, Am-A

1. To transport, as a Class D carrier, coal, coke, discoe, asphalt, stone, slag, cinders and sand, for Mehalic Brothers, North Energy, Inc., and Marquise Mining Corporation, from their facilities located in the counties of Indiana, Fayette, Somerset and Westmoreland to points in said counties, and vice versa;
2. To transport, as a Class D carrier, coal, coke, discoe, asphalt, stone, slag, cinders and sand for United Eastern Coal Sales Corp., between points in the counties of Indiana, Fayette, Somerset and Westmoreland;

with Right No. 2 subject to the following condition:

that no right, power or privilege is granted to provide transportation from the facilities of Florence Mining Company;

with Rights Nos. 1 and 2 subject to the following conditions:

- (a) that no right, power or privilege is granted to provide transportation to or from the facilities of P.B.S. Coal, Inc., and Commonwealth Coal, Inc.;
- (b) that no right, power or privilege is granted to transport sand and stone between points in the counties of Somerset and Indiana;
- (c) that no right, power or privilege is granted to transport stone, slag, cinders and sand between points in the counties of Westmoreland and Fayette;
- (d) that no right, power or privilege is granted to transport liquid asphalt in tank trucks.

paging service in Cornwall, Gettysburg, Harrisburg, Lewistown, Oakville and York.

This application may be considered by the Commission without a hearing. Protests or petitions to intervene may, however, be filed with the Pennsylvania Public Utility Commission, Harrisburg, with copy served upon applicant on or before August 31, 1990 under 52 Pa. Code (relating to public utilities).

Counsel for the applicant: Judith St Ledger-Roty, Lynn E. Shapiro, Reed Smith Shaw & McClay, 1200 18th Street, N. W., Washington, D. C. 20036.

JERRY RICH,
Secretary

(Pa.B. Doc. No. 90-1529. Filed August 10, 1990. 9:00 a.m.)

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before September 4, 1990 and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of *property* as described under each application.

A-00092702, Folder 1, Am-D. Wayne W. Friedline (R. D. 5, P. O. Box 41, Somerset, Somerset County, Pa. 15501), *inter alia*—property, in bulk, in dump vehicles, for Commonwealth Stone, Inc., and Commonwealth Coal, Inc., between points in the county of Somerset and within an airline distance of 100 statute miles of the limits of said county; *so as to permit* the transportation of fertilizer, ammonium nitrate, for Wampum Hardware, between points in Pennsylvania. *Attorney:* William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00097232, Folder 1, Am-L. Clay Transport, Inc. (R. D. 3, Box 968, Saltsburg, Indiana County, Pa. 15681), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for Clarks Screw Machine Products, Inc., from its facilities in the borough of Blawnox, Allegheny County, to points in Pennsylvania, and vice versa; *so as to permit* the transportation of property (excluding commodities in bulk and household goods in use), for Chelsea Building Products, from its facilities located in the borough of Oakmont, Allegheny County, to points in Pennsylvania, and vice versa. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222.

A-00100812, Folder 3, Am-E. Jack Gray Transport, Inc. (4600 East 15th Avenue, Gary, IN 46403), a corporation of the State of Indiana, *inter alia*—scrap iron and scrap metals, in dump vehicles, for Max Silver & Sons, between

points in the county of Erie, and from points in the said county, to points in that part of Pennsylvania on and west of Highway Route 219; *so as to permit* the transportation of scrap metals and metal products, in dump vehicles, from the facilities of Joe Krentzman & Son, Inc. located in the townships of Derry and Decatur, Mifflin County, and in the borough of Hollidaysburg, Blair County, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00100812, F. 3, AM-E, seeking the following right: scrap metals and metal products, in dump vehicles, from the facilities of Joe Krentzman & Son, Inc. located in the Townships of Derry and Decatur, Mifflin County, and in the Borough of Hollidaysburg, Blair County, to points in Pennsylvania. *Attorney:* Henry M. Wick, Jr., 1450 Two Chatham Center, Pittsburgh, Pa. 15219.

A-00106926, Folder 1, Am-B. Coal Transport, Inc. (R. D. 3, Box 396G, Latrobe, Westmoreland County, Pa. 15650), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal, coke and gravel, in dump trucks, between points in the counties of Indiana, Cambria, Armstrong and Westmoreland; *so as to permit* the transportation of (1) coal, in bulk, in dump vehicles, for Michael A. Ripepi, t/d/b/a Sunshine Fuel Company, between points in the counties of Fayette, Greene, Indiana, Somerset and Westmoreland; (2) coal, in bulk, in dump vehicles, for United Eastern Coal Sales Corp. and White Star Coal Co., Inc., between points in the counties of Allegheny, Armstrong, Butler, Clarion, Clearfield, Greene, Indiana, Jefferson and Washington; (3) coal, in bulk, in dump vehicles, for Amerikohl Mining, Inc., between points in the counties of Allegheny, Armstrong, Cambria, Fayette, Indiana, Somerset and Westmoreland; and (4) coal, in bulk, in dump vehicles, for Hansen Coal Corp., between points in the counties of Allegheny, Armstrong, Cambria, Fayette, Greene, Indiana, Somerset and Westmoreland. Application for temporary authority has been filed at A-00106926, F. 1, AM-B, seeking the following rights: (1) Coal, in bulk, in dump vehicles, for Michael A. Ripepi, t/d/b/a Sunshine Fuel Company, from the facilities of Stash Brothers Coal Company located in the Township of Georges, Fayette County; the facilities of Durant Brothers Excavating located in the Township of Nicholson, Fayette County; the Ruane Coal Cleaning Plant located in the Township of Georges, Fayette County; the facilities of Ridge Energy Company located in the Township of Nicholson, Fayette County; the facilities of C & J Coal Company located in the Township of Springhill, Fayette County; the "layman job" of Purco Coal Company, Inc. located in the Township of Saltlick, Fayette County; the "Leon Job" of Purco Coal Company located in the Township of Mt. Pleasant, Westmoreland County; the "Smithton Job" of Purco Coal Company, Inc. located in the Township of South Huntingdon, Westmoreland; the Petite Coal Deep Mine located in the Township of Dunkard, Greene County; and the USX Cumberland Mine located in the Township of Whitely, Greene County, to the Doe Valley preparation yard of the Elton Coal Company located in the Township of Quemahoning, Somerset County; the Florence Mining Company Central Preparation Plant located in the Township of West Wheatfield, Indiana County; the Penn View yard of the Bentley Coal Company located in the Township of East Wheatfield, Indiana County; and the Conamaugh Generating Station of the Pennsylvania Electric Company located in the Township of West Wheatfield, Indiana County; and (2) coal, in bulk, in dump vehicles, for United Eastern Coal Sales Corp. and White Star Coal Co., Inc., from the USX Cumberland Mine located in the Township of Whitely, Greene County, to the Florence

Mining Company Central Preparation Plant located in the Township of West Wheatfield, Indiana County and the facilities of North Cambria Fuel Company located in the Township of Burrell, Indiana County. *Attorney:* Sally A. Davoren, 1126 Oliver Building 535 Smithfield Street, Pittsburgh, Pa. 15222.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* by *transfer of rights* as described under each application.

A-00109421. Steve T. Zunac (1025 Monaca Road, Monaca, Beaver County, Pa. 15061)—(1) household goods and office furnishings, in use, from the boroughs of Monaca, Rochester, Freedom, Beaver and West Bridge-water and the townships of Centre and Potter, Beaver County; to other points in the county of Beaver, and vice versa; (2) as a Class C carrier, property excluding household goods and office furnishings, in use, from the borough of Monaca, Beaver County, to points within 15 miles by the usually traveled highways of the limits of said borough; (3) property for the Pittsburgh Tube Company and Welsh-Bright Company from the borough of Monaca, Beaver County, to points in Pennsylvania within 50 miles by the usually traveled highways of the limits of said borough, and vice versa; (4) property for the Manufacturers Light & Heat Company from its yards and railroad sidings in the borough of Rochester, Beaver County, and within 3 miles of the limits of said borough to points in Pennsylvania within 50 miles by the usually traveled highways of the said yards and railroad sidings, and vice versa; (5) wire straightened and cut to length and wire in coils or single loop bale ties from the plant of the Laidlaw Wire Company in the borough of Monaca, Beaver County, to consumer customers of the said company in the borough of Etna, Allegheny County, and the city of Butler, Butler County; (6) wire garment hangers from the plant of the Laidlaw Wire Company in the borough of Monaca, Beaver County, to points within 50 miles by the usually traveled highways of the limits of the said borough, and vice versa; and (7) steel rods, bars, shapes and wire, no single shipment to exceed 15,000 pounds in weight, for the Kidd Drawn Steel Company from its plant in the borough of Aliquippa, Beaver County, to the plant of the Standard Steel Specialty Company, West Mayfield, Beaver Falls, and the return of rejected or defective materials; which is to be a transfer of the rights authorized under the certificate issued at A-00100408 to Harry Armstrong and Mildred Armstrong, his wife, tenants by entireties, t/d/b/a A & D Transfer, subject to the same limitations and conditions. *Attorney:* R. Eric Simons, 1201 Pennsylvania Avenue, Monaca, Pa. 15061.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *contract carriers* for transportation of *property* as described under each application.

A-00109376. Griff Jones Transport, Inc. (177 Old Churchmans Road, New Castle, Delaware 19720), a corporation of the State of Delaware—contract carrier—liquid and dry bulk commodities in specialized vehicles, for Textile Chemical Company and Alpha-Chem, Inc., between points in Pennsylvania. Application for temporary authority has been filed at A-00109376, seeking the right cited above. *Attorney:* Daniel P. Delaney, 240 North Third Street, Harrisburg, Pa. 17101.

A-00109382. Garber Farms, Inc. (706 Milton Grove Road, Mount Joy, Lancaster County, Pa. 17552), a corporation of the Commonwealth of Pennsylvania,—

contract carrier—grain and grain products; soy bean meal; soy bean meal products; and mill feeds; for Cargill, Incorporated, between points in the township of East Donegal, Lancaster County, and from points in said township, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00109382, seeking the right cited above. *Attorney:* Christopher Zettlemoyer, P.O. Box 11844, Harrisburg, Pa. 17108.

A-00109386. Richard Lee Maffei (826 Londonderry Drive, Pittsburgh, Allegheny County, Pa. 15234)—contract carrier—insulation materials, fiberglass, urethane and ceramic fiber, for General Insulation Services, Inc., from its facilities located in the borough of McKees Rocks, Allegheny County, to points within an airline distance of 200 statute miles of the limits of said borough, with the right to return refused, rejected or damaged shipments to the point of origin. Application for temporary authority has been filed at A-00109386, seeking the right cited above.

A-00109418. Sather Trucking Corporation (1 Sather Plaza, Box 28, Round Lake, MN 56167), a corporation of the State of Iowa—contract carrier—property, (except commodities in bulk, Classes A and B explosives, and household goods) for Sather's, Inc. between points in Pennsylvania.

A-00109423. Harley-Davidson Transportation Co., Inc. (10 Winship Road, York, York County, Pa. 17402), a corporation of the State of Delaware—contract carrier—property, excluding transportation of household goods in use, commodities in bulk, and commodities which because of size or weight require the use of special equipment, for Harley-Davidson, Inc., between points in Pennsylvania. *Attorney:* S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108-1166.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating as common carriers for transportation of *persons* as described under each application.

A-00105757, Folder 2. Mary Margaret Coutts, t/d/b/a Jimmy's Transport (22 Northview Drive, North Hills, Montgomery County, Pa. 19038)—persons; in airport transfer service, from points in the boroughs of Jenkintown and Ambler, and the townships of Abington, Cheltenham, Upper Dublin, Lower Gwynedd, Lower Merion, Upper Moreland, Lower Moreland, and Whitpain, Montgomery County, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County. *Attorney:* Alan Kahn, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, Pa. 19106.

A-00109419. Ronald D. Ertley, Inc., t/d/b/a Ertley Oldsmobile-Cadillac, Inc. (310 Market Street, P.O. Box 1152, Kingston, Luzerne County, Pa. 18704), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service: (1) from its facilities located in the borough of Kingston and the city of Wilkes-Barre, Luzerne County, to points in the county of Luzerne; and (2) from points in the county of Luzerne, to its facilities located in the borough of Kingston and the city of Wilkes-Barre, Luzerne County. *Attorney:* Allan M. Klüger, Suite 700, United Penn Bank Building, Wilkes-Barre, Pa. 18701.

A-00109420. Frederick Alfred Smith (334 West Street Road, Kennett Square, Chester County, Pa. 19348)—persons, in limousine service, between points in the boroughs of Avondale and Kennett Square, and the townships of East Marlborough, New Garden and Ken-

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

APPENDIX C

Proposed Restrictive Amendment

A restrictive amendment excluding the authority of protestant Coal Transport, Inc., in conflict with that sought by the applicant would satisfy protestant's interest in this application.

McNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

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JEFFERSON C. BARNHART
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THOMAS C. HERWEG
EXECUTIVE DIRECTOR

FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD R. WASEL
RICHARD R. LEFEVER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFREY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
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TERRY R. BOSSERT
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GARY F. YENKOWSKI
DIANE M. TOKARSKY
BERNARD A. LABUSKES, JR.
JOHN M. ABEL
DAVID M. WATTS, JR.
LAWANA M. JOHNS
WILLIAM G. PRINS
JAMES L. FRITZ
STEVEN J. WEINGARTEN
DONALD B. KAUFMAN
ABIGAIL A. TIERNEY
ROBERT B. ARMOUR
MARKIAN R. SLOBODIAN
DONNA J. LONG
NICHOLAS GUARNESCHELLI
LESLIE A. L. JOHNSON
MARK M. VAN BLARGAN
JONATHAN H. RUDD
ROBERT E. YOUNG
CAROL A. STEINOUR
JEFFREY L. KODROFF

October 26, 1990

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

FILE

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OCT 26 1990
SECRETARY'S OFFICE
Public Utility Commission

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Dear Mr. Rich:

On behalf of Samuel J. Lansberry, Inc., we enclose the original and two copies of a protest to the above-captioned application.

As indicated in the certificate of service, a copy has been served upon the applicant and applicant's representative.

Very truly yours,

McNEES, WALLACE & NURICK

By

Herbert R. Nurick
Herbert R. Nurick

HRN/ec

Enclosures

cc: Toy Trucking Company (w/enc.)
Blair F. Green, Esquire (w/enc.)
Mr. Samuel J. Lansberry (w/enc.)

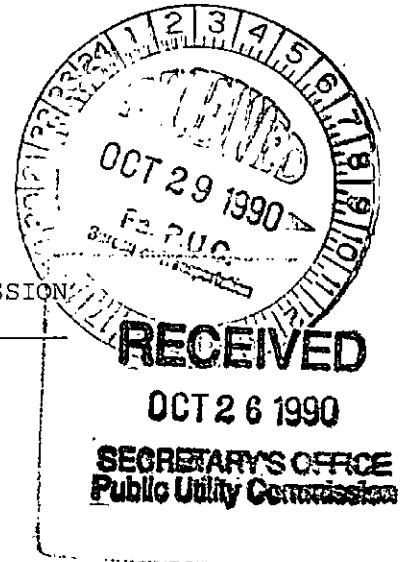
DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

APPLICATION OF

TOY TRUCKING COMPANY
A-00099448, Folder 1, Am-C



PROTEST ON BEHALF OF SAMUEL J. LANSBERRY, INC.

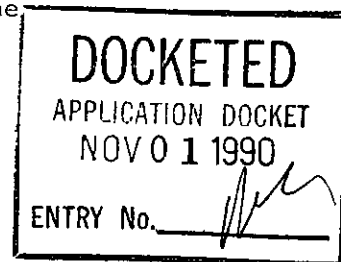
AND NOW COMES Samuel J. Lansberry, Inc., and protests the above-captioned application representing as follows:

1. The name, business address, and telephone number of the protestant are as follows:

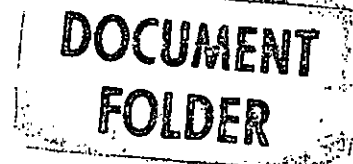
Samuel J. Lansberry, Inc.
P. O. Box 58
Woodland, PA 16881
Telephone: (814) 857-7651

2. The name, business address, and telephone number of the protestant's attorneys are:

Herbert R. Nurick, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, PA 17108-1166
Telephone: (717) 232-8000



3. Protestant holds authority with the Commission which is in conflict with what the applicant seeks in this proceeding. Protestant transports a substantial amount of coal within the application territory. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenue derived, or to



be derived, therefrom are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant. The entry of applicant into the field authorized to protestant would endanger or impair the operations of protestant to such an extent that, on balance, the granting of authority to applicant would be contrary to the public interest.

4. Protestant operates under docket number A-99642, F.1, as amended. A copy of an abstract of protestant's authority at that docket number, upon which its protest is predicated, is set forth on Appendix "A," attached hereto.

5. If applicant would amend its application so as to eliminate the conflicting authority of protestant, as set forth on Appendix "A," this would protect protestant's interest, and protestant would withdraw its protest conditioned upon final acceptance of the amendment by the Commission and any grant being consistent with the amendment.

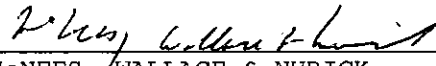
6. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public.

7. This protest also relates to the fitness of the applicant.

WHEREFORE, Samuel J. Lansberry, Inc. respectfully prays that the application be dismissed.

AND, it will ever pray, etc.

SAMUEL J. LANSBERRY, INC.

By 
McNEES, WALLACE & NURICK

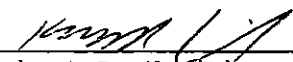
P. O. Box 1166
Harrisburg, PA 17108-1166
October 26, 1990

NOTICE

Pursuant to Section 333(c) of the Public Utility Code, 66 Pa.C.S. §333(c), we hereby request that you send us the names of the witnesses you expect to call in this case, the companies that they represent, and the subject matter of their expected testimony including any specifics regarding Samuel J. Lansberry, Inc. We further request that you give us this information prior to fourteen days before the commencement of any hearing in this proceeding.

Please treat this request as one of a continuing nature and provide us with any additions, or other modifications.

McNEES, WALLACE & NURICK

By 
Herbert R. Nurick

A. 99642

2. To transport, as a Class D carrier, coal from points within an airline distance of twenty-five (25) statute miles of the limits of the borough of Dalmatia, Northumberland County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough.
6. To transport, as a Class D carrier, coal, in bulk in dump trucks, from points within an airline distance of twenty-five (25) statute miles of the limits of the township of Lower Mahanoy, Northumberland County, to points within an airline distance of fifty (50) statute miles of the limits of the said township.

with rights 5 and 6 above, subject to the following conditions:

That no right, power or privilege is granted to transport coal or cinders from points in the counties of Northumberland and Schuylkill to points in the city of York, York County, or to points in the counties of Lebanon and Berks.

That deliveries of coal to the city of Harrisburg, Dauphin County, are hereby limited to river coal, creek coal and coal from culm banks.

That no right, power or privilege is granted to transport cinders to points in the city of Harrisburg, Dauphin County.

7. To transport, as a Class D carrier, in dump trucks, coal, sand, gravel, stone, stone substances and fill dirt, between points in the city of Williamsport, Lycoming County, and within an airline distance twenty-five (25) statute miles of the limits of the said city and from points in the said territory to points within an airline distance of one hundred (100) statute miles of the limits of the said city, and vice versa.

A. 99642, continued

with right number 7 above, subject to the following conditions:

That no right, power or privilege is granted to transport coal to or for the accounts of Engler Coal Company, Williamsport; Jacob Maggs, Williamsport; and Edward Bayley and Sons, Muncy.

That no right, power or privilege is granted to render any service where the point of loading is served by a rail siding and the point of delivery is served by a rail siding.

That no right, power or privilege is granted to transport agricultural limestone from points in Lycoming and Montour Counties.

8. To transport, as a Class D carrier, coal, sand, gravel, stone and stone substances (except slate, flagstone and building stone), fill dirt, asphalt, amesite, paving materials and building materials, in dump vehicles, between points in the city of Williamsport, Lycoming County, and within an airline distance of seventy-five (75) statute miles of the limits of said city and from points in said territory to points within an airline distance of one hundred (100) statute miles of the limits of said city, and vice versa.

with right number 8, above subject to the following conditions:

That no right, power or privilege is granted to render service to points in the counties of Adams, Berks, Bucks, Carbon, Chester, Franklin, Fulton, Lancaster, Lebanon, Monroe, Montgomery, Northampton, Pike, Sullivan, Susquehanna and Wayne.

That no right, power or privilege is granted to render service from points in the counties of Adams, Lebanon, Sullivan and York.

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

That no right, power or privilege is granted to render service between points in the county of Schuylkill.

A. 99642, continued

That no right, power or privilege is granted to transport sand, stone and gravel for Central Asphalt Materials, Inc., Charles Adukaitis and L. Construction & Equipment Company, of Frackville and Port Carbon, Schuylkill County.

That no right, power or privilege is granted to transport sand in bulk from the Pennsylvania Glass Sand Corporation in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.

That no right, power or privilege is granted to transport limestone and limestone products from points in the counties of Lycoming, Montour and Clinton and from the quarries of H. E. Millard Lime and Stone Company, New Jersey Zinc Company and D. M. Stolfus and Son, Inc.

That no right, power or privilege is granted to transport sand and gravel from points in the borough of Montoursville, Lycoming County, and within an airline distance of three (3) miles of the limits of said borough.

That no right, power or privilege is granted to transport slag from points in the county of Dauphin and concrete tile and block from the township of Bethel, Berks County.

That no right, power or privilege is granted to transport cinders.

That no right, power or privilege is granted to transport coal to points in the counties of Dauphin, Cumberland and York, except for or from Reading Anthracite Coal Company, Harbor Coal Company, Susquehanna Coal Company, Rosini Coal Company and Lehigh Valley Coal Sales Company.

12. To transport, as a Class D carrier, bituminous coal, in dump vehicles, from points in Centre County to points within an airline distance of one hundred (100) statute miles of the village of Stonington, Shamokin Township, Northumberland County;

A. 99642, Folder 1, Am-A

1. To transport, as a Class B carrier, property, excluding household goods in use, between points in the borough of Newville and the townships of West Pennsboro, Penn, Newton, Upper Mifflin, Lower Mifflin and Frankford, Cumberland County.
2. To transport, as a Class D carrier, property, excluding household goods in use, between points in the borough of Newville, Cumberland County, and within eight (8) miles by the usually traveled highways of the limits of the said borough and from points in the said territory to points in Pennsylvania, and vice versa; excluding the transportation of property requiring the use of special equipment or trucks of special body design except from the borough of Newville to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa.

with rights 1, 2 and 3 above subject to the following condition:

That no right, power or privilege is granted to transport property from the borough of Carlisle, except as hereinafter authorized, or to transport cattle from the Union StockYards at Lancaster.

with rights 1, 2, 3, 4, 5 and 6 above subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles.

A. 99642, Folder 1, Am-B

To transport, as a Class D carrier, coal, clay, gravel and fill between points in the township of Bradford, Clearfield County, and within twenty-five (25) miles of the limits of the said township, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

A. 99642, Folder 1, Am-C

To transport coal, as a Class D Carrier, in dump vehicles:

1. From points in the county of Centre to points in the counties of Wayne, Pike, Bucks, Montgomery, Philadelphia, and Delaware, and vice versa.
2. From points in the county of Centre, to points in the counties of McKean, Elk, Jefferson, Fulton, and Franklin, and vice versa, subject to the following conditions:
 - (a) That no right, power or privilege be granted to render service for Johnson & Morgan, Halfway Coal Co., and A P Coal Company;
 - (b) That no right, power or privilege be granted to render service for S & D Trucking Company from the township of Boggs;
 - (c) That no right, power or privilege be granted to render service for Bradford Coal Company to the counties of Fulton and Franklin;
 - (d) That no right, power or privilege be granted to render service from the operations of R. S. Carlin, Inc., in the township of Snow Shoe;
 - (e) That no right, power or privilege be granted to render service to or from the facilities of Greenwich Collieries, Inc., and Barnes & Tucker, and their successors, except for those facilities which are located beyond an airline distance of seventy-five (75) statute miles of the limits of the borough of Barnesboro, Cambria County.
3. For Stott Coal Company, Inc., from points in the county of Centre to points in the counties of Indiana, Cambria, and Bedford, and vice versa, subject to the following conditions:
 - (a) That no right, power or privilege be granted to render service to or from the facilities of Greenwich Collieries, Inc., and Barnes & Tucker, and their successors;
 - (b) That no right, power or privilege be granted to render service to or from the facilities of Bethlehem Steel Company in the counties of Cambria and Indiana.

A. 99642, Folder 1, Am-E

To transport, as a Class D carrier, coal from mines or stripping operations in the county of Clearfield and within forty (40) miles of the limits thereof to points in the said county and territory, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination; and further provided that:

No right, power or privilege is granted to transport coal from mines or stripping operations in the county of Clearfield and within forty (40) miles thereof to points in the borough of Tyrone, Blair County.

A. 99642, Folder 1, Am-F

To transport, as a Class C carrier, coal for Coal Hill Mining Company, Inc., H. N. Hartwell & Co., Inc., Hall's Coal Co., Inc., and Seaview Fuels, Inc., from points in the counties of Clearfield, Elk and Jefferson to points in the counties of Berks and Northampton.

To transport, as a Class C carrier, coal for Riverhill Coal Company, Inc., from points in the townships of Karthaus, Covington, Cooper, and Graham, Clearfield County to points in the counties of Berks and Northampton; subject to the following conditions:

1. That no right, power or privilege be granted to render service, for P & M Coal Company and Fisher Mining Company, from their facilities.
2. That no right, power or privilege be granted to render service for Apple Coal Company, Westvaco Corporation, Kristian & Johnson Coal Company, and Rhodes Coal Company, from points in the county of Clearfield.
3. That no right, power or privilege be granted to render service for the Benjamin Coal Company, from its operations and facilities located in the counties of Clearfield and Jefferson.

SAMUEL J. LANSBERRY, INC.
OPERATING AUTHORITY

Page 7

A. 99642, Folder 1, Am-G

To transport, as a Class D carrier, coal from the facilities of James M. Stott Coal Company, Inc., in the township of Rush, Centre County, to the facilities of United States Steel Corporation in the city of Clairton, Allegheny County, the facilities of Gilpenn Marine Services Division of General Intermodel Logistics Corporation in the boroughs of Glassport and Liberty, Allegheny County, and the facilities of Dillner Storage Company in the borough of Jefferson, Allegheny County.

A. 99642, Folder 1, Am-H

To transport, as a Class D carrier, coal for Hall's Coal Co., Inc., from points in Clearfield County, to points in the county of Warren.

subject to the following conditions:

That no right, power or privilege be granted to render service from the borough of Irvona, Clearfield County, or from points within an airline distance of fifteen (15) statute miles of the limits of said borough;

That no right, power or privilege be granted to render service to those points in Warren County within an airline distance of seventy-five (75) statute miles of the limits of the borough of Barnesboro, Cambria County;

A. 99642, Folder 1, Am-J

To transport, as a Class D carrier, property, for Samuel J. Lansberry, Samuel J. Lansberry, Inc., and Woodland Equipment & Supply Co., between points in Pennsylvania;

subject to the following conditions:

That no right, power or privilege is granted to provide service between points in the counties of Allegheny, Beaver, Butler, Mercer and Lawrence.

That no right, power or privilege is granted to provide service to or from the facilities of Dunkard Creek Coal Company.

That no right, power or privilege is granted to provide service to or from the facilities of The Warner Company in Westmoreland County.

That no right, power or privilege is granted to provide service to or from the facilities of Bogmar and Co., Inc., and Union Mining Co. of Allegheny County, Inc., in the borough of Latrobe, and the township of Derry, Westmoreland County, and the borough of Somerset, and the township of Black, Somerset County.

That no right, power or privilege is granted to provide service to or from the facilities of the Weyerhaeuser Company, in the city of Pittsburgh, Allegheny County, and the borough of Murrysburg, Westmoreland County.

That no right, power or privilege is granted to provide service, except in bulk, to or from the facilities of Brockway Glass Company, Inc.

That no right, power or privilege is granted to provide service, except in bulk, to or from the facilities of American Hardware Supply Company in the borough of East Butler, Butler County, the borough of Parkesburg, and the township of Sadsbury, Chester County.

That no right, power or privilege is granted to transport limestone or limestone products from points in York County, except in bulk, in dump vehicles, from the facilities of J.E. Baker Company, in the township of West Manchester, York County, to those points in Pennsylvania on and west of U.S. Highway Route 219.

A. 99642, Folder 1, Am-M

To transport, as a Class D carrier, in dump vehicles or pneumatic tank vehicles, property for Warner Company, between points in Pennsylvania;

subject to the following conditions:

That no right, power or privilege is granted to transport crushed limestone and limestone products from the plant of the Warner Company in the township of Spruce Creek, Huntingdon County.

That no right, power or privilege is granted to transport asphalt coated crushed aggregate from the plant of the Interstate Amesite Corporation, in the township of Spruce Creek, Huntingdon County.

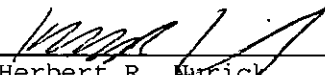
That no right, power or privilege is granted to transport quarry products, lime or lime products, from points in the borough of Bellefonte, Centre County, and within five (5) miles of the limits of said borough to points in Pennsylvania.

A. 99642, Folder 1, Am-P

To transport, as a Class D carrier, property in bulk between points in Pennsylvania; for the following shippers: Calgon Carbon Corporation; International Salt; Therm-O-rock Products, Inc.; D. C. Guelich Explosive Company; New Enterprise Stone and Lime Company, Inc.; Martin Limestone, Inc.; Valley Quarries, Inc.; Union Equipment Co., Inc.; Tomark Company; Glen O. Hawbaker, Inc.; Robert H. Herrle; IUE Coal Sales Company; Producer's Liason, Inc.; Original Fuels; Valier coal Yard; Foote Mineral Company; Malho Coal Company, Inc.; Kimmel Coal company; Kimmel's Coal Services; Hall's Coal Company, Inc.; Final coal company; Don H. Richards Coal Co., Inc.; Westmoreland Coal Sales Corporation; Tri-County Petroleum, Inc.; Ames-Burns Company, Inc.; Curwensville Feed Store, Inc.; Hickman Williams & Company; Davis Water & Waste Industries; Warner Company; Tyler Blasting, Incorporated; S & S Coal Sales, Inc.; Peters Chemical Company, J. J. Powell, Inc.; Minerals International Corporation; Freeport Terminals, Inc.; American Stone Mix, Incorporated; Douglas Explosives, Inc.; Freeport Brick Company; Central Chemical Corp.; Hoffman Industries, Inc.; Pennsylvania Agricultural Cooperative Marketing Association (PACMA); Ball-Incon Glass Packaging Corp.; Cargill, Inc.; Goodman Brothers, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the applicant, Toy Trucking Company, R. D. 1, Box 103, Worthington, PA 16262, and applicant's representative, Blair F. Green, Esquire, 125 North McKean Street, Kittanning, PA 16201-1517, by first class mail, postage prepaid and properly addressed.



Herbert R. Murick

Harrisburg, PA
October 26, 1990

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOY TRUCKING COMPANY

A. 99448 F1, Am-C

PROTEST

Authority sought: SO AS TO PERMIT coal from points w/in 125 miles from the borough of Worthington, Armstrong County to points in PA, no haul to exceed 125 miles from origin to destination.

1. Protestant(s) is (are) :

William C. Confer

R J Glass Inc.

Powers Trucking Co.

Hiram Wible & Son Inc.

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

John E. Fullerton
407 N. Front St.
Harrisburg, PA 17101
(717)236-9318

3. Protestant(s) hold operating rights which conflict with the instant application, copy attached.

4. Protestant(s) provide an adequate and satisfactory service within the scope thereof.

5. To the extent of the conflict, there is no need for the proposed service. Approval will impair protestants operations and be contrary to public interest.

6. The only amendment which will satisfy protestant(s) is the exclusion of the conflicting authority from the instant application.

Dated: Oct 26, 1990

John E. Fullerton
John E. Fullerton
Attorney for Protestant(s)

CERTIFICATE OF SERVICE

I certify that a copy of this protest has been served upon applicant's attorney by first class US mail, postage prepaid.

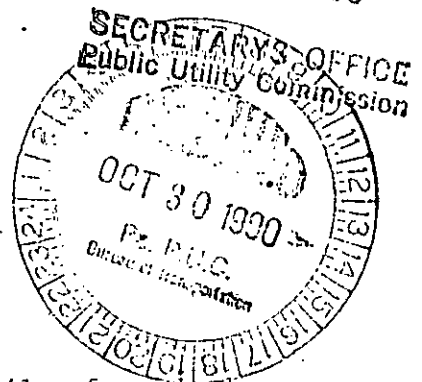
cc: Blair Green, Esq.
125 N. McKean St.
Kittanning, PA 16201

John E. Fullerton
John E. Fullerton

As required by Section 333(c) of the Code, please furnish forthwith the identity of the shipper witnesses supporting this application and the subject matter of their expected testimony. Failure to do so will be the basis of a Motion to Dismiss.

RECEIVED

OCT 29 1990



DOCKETED

APPLICATION DOCKET
NOV 01 1990

ENTRY, No. *mu*

DOCUMENT
FOLDER

Box 35
Howard, PA 16841
(814)625-2515

PENNSYLVANIA INTRASTATE OPERATING RIGHTS
WILLIAM C. CONFER A. 73006

Folder 2: Class D

1. Coal from the 3H Coal Company stripping operations in the Township of Beech Creek, Clinton County, to the West Penn Power Plant in the Borough of Milesburg, Centre County.
2. Milk, stone, sand, gravel, lime, limestone, logs and lumber between points in the Borough of Howard, Centre County, and within twenty-five (25) miles of the limits of said borough.

Folder 2, Am-A: Class D

1. Coal from stripping operations in the township of Snow Shoe, Centre County, to the American Viscose Corporation in the township of Granville, Mifflin County, and the National Gypsum Company in the borough of Bellefonte, Centre County.
2. Coal from stripping operations in the township of Snow Shoe, Centre County, to consumers in the County of Mifflin.
3. Coal from mines or stripping operations in the County of Clinton to the American Viscose Corporation in the township of Granville, Mifflin County.
4. Coal from mines or stripping operations in the counties of Clinton and Centre to ramps and tipples in the said counties, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
5. Coal from stripping operations in the counties of Centre and Clearfield to the West Penn Power Company in the borough of Milesburg and the Warner Company in the borough of Bellefonte, Centre County, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.

Folder 2, Am-B: Class D

1. Debris and refuse (having an intrinsic value for resale or reclamation), soil, dirt, cinders, clay, amesite, bituminous concrete, shale, coal, sand and limestone, in bulk, in dump vehicles, from points in the counties of Centre, Clearfield and Clinton to points within an airline distance of fifty-five (55) statute miles of the limits of the borough of Howard, Centre County.

Excluding:

- a. Limestone from the facilities of Warner Company in the Borough of Bellefonte, Centre County, the National Gypsum in the Township of Benner and the Standard Lime and Stone Company in the Township of Spring, Centre County, be limited to a distance of twenty-five (25) statute miles from point of origin to point of destination.

Folder 2, Am-B, cont*d:

- b. Cinders to points of destination in Clearfield County.
- c. Coal from points in Clearfield County, except in dump trucks from stripping operations of the Garden Coal Company, the Riverhill Coal Company and R.S. Carlin, Incorporated.
- d. Clay from points in the County of Clearfield.

Folder 2, Am-C: Class D

- 1. Coal between points in the Borough of Philipsburg, Centre County, and within thirty (30) miles of the limits of said Borough, provided no haul shall exceed a distance of thirty (30) miles from point of origin to point of destination.

Folder 2, Am-D: Class D

- 1. In bulk, in dump vehicles, amesite from the facilities of H.R. Imbt, Inc. and Glenn O. Hawbaker, Inc., in the County of Centre, to points within an airline distance of one hundred (100) statute miles of the limits of the borough of Howard, Centre County.
- 2. In bulk, in dump vehicles, limestone, from the facilities of H.R. Imbt, Inc. and Neidigh Brothers Limestone Co., in the County of Centre, to points within an airline distance of one hundred (100) statute miles of the limits of the borough of Howard, Centre County.
- 3. In bulk, in dump vehicles, limestone, for Glenn O. Hawbaker, Inc. from points in the county of Centre, to points within one hundred (100) statute miles of the limits of the borough of Howard, Centre County.
- 4. In bulk, in dump vehicles, coal, for Riverhill Coal Company, Inc. from its facilities in the county of Clearfield, to points in the counties of Somerset, Westmoreland, Armstrong, Clarion, Adams, Berks, Carbon, Franklin, Fulton, Lancaster, Lebanon, Sullivan, Susquehanna, Dauphin, York and Cumberland (except points in the borough of Newville, Cumberland County and within eight (8) miles by the usually traveled highways of the limits of said borough), within an airline distance of one hundred (100) statute miles of the borough of Howard, Centre County.
- 6. In bulk, in dump vehicles, coal for Riverhill Coal Co., Inc. from its facilities in the County of Clearfield, to points in the borough of Warren and the townships of Pleasant and Glade, Warren County; to points in the county of Indiana on and south of U.S. Highway Route 422; and to points in the city of Johnstown, Cambria County and within an airline distance of seven (7) statute miles of the limits of said city.

Folder 2, Am-E: Class D

- 1. Limestone, stone, stone dust, dirty stone, sand and other quarry

Folder 2, Am-E, cont'd:

products, fill, dry concrete, lime, amesite and building and construction materials, in dump vehicles, between points in the counties of Bedford, Blair and Huntingdon and from points in said counties to points within an airline distance of fifty (50) statute miles of the limits of the borough of Hollidaysburg, Blair County, in the counties of Cambria, Centre, Clearfield, Indiana, Jefferson and Somerset;

Excluding:

- a. Service from the Union Furnace plant of the Warner Company in the county of Blair.
- b. Glass sand and silica sand.
- c. Sand in bulk from the Pennsylvania Glass Sand Corporation in the borough of Mapleton, Huntingdon County.

Folder 2, Am-F: Class @

1. Coal, for Ed Hanslovan Coal Co., Inc. from points in the townships of Karthaus and Covington, Clearfield County, to the plant of Hammermill Paper Company in the borough of Lock Haven, Clinton County.
2. Cinders, for Albert J. Bower Cinder Company, from points in the township of Bald Eagle, Clinton County, to points in Clearfield County.
3. Coal between points in the township of Snow Shoe, Centre County, and within an airline distance of twenty-five (25) statute miles of the limits of said township.

Folder 2, Am-G: Class D

1. Coal from the Elliot Coal Mining Company stripping operations in the township of Decatur, Clearfield County, to the West Penn Power Company in the borough of Milesburg, Centre County.
2. Coal, from mines, stripping operations and tipples in the townships of Snow Shoe, Burnside and Curtin, Centre County, the townships of Morris, Graham, Cooper, Covington, and Karthaus, Clearfield County, and the townships of Beech Creek, West Keating, and East Keating, Clinton County, to rail road sidings, tipples and other points in the counties of Centre and Mifflin, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
3. Coal, for the Bradford Coal Company, from mines, stripping operations and tipples in the townships of Pike and Bradford, Clearfield County, to the American Viscose Corporation in the county of Mifflin, provided no haul shall exceed a distance of sixty-five (65) miles from point of origin to point of destination.
4. Coal for the Bradford Coal Company from the cleaning plant of the

WILLIAM C. CONFER A. 73006

Folder 2, Am-G, cont'd:

said company in the village of Bigler, Bradford Township, Clearfield County, to points in the counties of Centre, Clinton, Lycoming, Mifflin and Union within an airline distance of seventy-five (75) statute miles of said plant.

5. Stone quarry products, gravel, sand, soil, asphalt and amesite from points in the borough of Bellefonte, Centre County, and within an airline distance of ten (10) statute miles of the limits of the said borough to points within an airline distance of fifty (50) statute miles of the limits of said territory; excluding the transportation of commodities in bulk in tank vehicles and excluding the transportation of stone quarry products and gravel for Warner Company from points in the borough of Bellefonte and within an airline distance of five (5) statute miles of the limits of said borough.
- Am-N 6. Coal, in bulk, for AME Enterprises, Inc., The Halfway Coal Co. and the A.P. Coal Company, between points in the counties of Centre and Clearfield and from points in said counties to points in that portion of Pennsylvania within an airline distance of one hundred (100) statute miles of the limits of the borough of Bellefonte, Centre County.
7. Coal, in bulk, for Bradford Coal Company, from points in the counties of Centre and Clearfield, to points in that portion of Pennsylvania within an airline distance of one hundred (100) statute miles of the borough of Bellefonte, Centre County; excluding service between points within an airline distance of sixty (60) statute miles of the limits of the borough of Curwensville, Clearfield County, except as presently authorized.
8. Coal, in bulk, for Johnson and Morgan, from points in the counties of Centre and Clearfield, to points in Pennsylvania:

Excluding:

- a. Service to plants of Bessemer Cement Company located within an airline distance of one hundred (100) statute miles of the limits of the borough of Bellefonte, Centre County.
- b. Service to points in the county of Lycoming.

Folder 2, Am-H: Class D

1. Coal between points in the counties of Clinton, Centre, and Lycoming, provided no haul shall exceed a distance of seventy-five (75) miles from point of origin to point of destination.

Folder 2, Am-J: Class D

1. Coal between points in the village of Nisbet, Lycoming County, and within sixty (60) miles by the usually traveled highways of the limits

Folder 2, Am-J, cont'd:

of said village;

Excluding:

- a. Transport between two points both of which are served by a railroad.
2. Limestone and limestone products (excluding pulverized limestone) sand, gravel, earth and topsoil, in dump trucks, for Lycoming Silica Sand Company, from its operations in the counties of Clinton, Lycoming and Montour to points within an airline distance of one hundred (100) statute miles of the point of origin.
3. Coal, in bulk, in dump vehicles, from points in the counties of Centre and Lycoming to points in the counties of Northumberland and Montour.
4. Coal from stripping operations in the township of Beech Creek, Clinton County, to points within an airline distance of thirty (30) statute miles of said stripping operations.
5. Sand, stone, gravel, coal, building materials, fill and top soil, in dump trucks, between points in the city of Lock Haven, Clinton County, and within an airline distance of fifty (50) statute miles of the limits of said city:

Folder 2, Am-U-

To transport, as a Class D carrier, coal, in bulk in dump vehicles, for River Hill Coal Company, Inc., and A M E Enterprises, Inc., from their facilities in the counties of Centre and Clearfield, to points in Pennsylvania, and vice versa.

Folder 2, Am-V :

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, for Bradford Coal Co. from points in the counties of Centre, Clarion, Elk and Jefferson to points in Pennsylvania, and vice versa.

Folder 2, Am-W

Coal, in bulk, in dump vehicles, for Bradford Coal Co from points in Clearfield County to points within an airline distance of 150 statute miles of the limits of the borough of Bellefonte, Centre County and vice versa.

Folder 2, Am-J, cont'd:

6. Clay, in bulk, in dump trucks and dump trailers, between points in the city of Lock Haven, Clinton County, and within an airline distance of fifty (50) statute miles of the limits of said city.
7. Coal, in bulk, from P & M Coal Company facilities in Forks Township and in Cherry Township, Sullivan County to points in Pennsylvania, except for points in the counties of Centre, Clarion, Clearfield and Jefferson.
8. Coal, in bulk, from points in Lycoming County to points in Pennsylvania beyond an airline distance of one hundred (100) statute miles of the limits of the city of Williamsport, Lycoming County, except for points in Clarion County.
9. Coal, from the facilities of the P&M Coal Company and Fisher Mining Company, to other points located within seventy-five (75) miles of the post office of the village of Nisbet, Lycoming County, by the usually traveled highways.

Folder 2, Am-K: Class D

1. Wood chips, wood shavings, refuse wood and sawdust, between points in the borough of Williamsburg, Blair County, and within an airline distance of one hundred twenty-five (125) miles of the limits of said borough: excluding transportation to points in the county of Elk and between points in the county of Elk.
2. Coal between points in the counties of Elk and McKean and the township of Huston, Clearfield County.
3. Crushed stone between points in the counties of Elk and McKean; excluding the transportation of stone used in the construction and repair of private roads, parking lots and similar projects, in bulk in dump vehicles, and which is unloaded by dumping.
4. Wood chips, wood shavings, refuse wood and sawdust from points in the borough of Williamsburg, Blair County, and within an airline distance of one hundred twenty-five (125) statute miles of the limits of said borough to points in the city of Erie, Erie County, and the borough of Johnsonburg, Elk County;

Excluding:

- a. Wood chips, sawdust and shavings from points in the counties of Bradford, Susquehanna, Wyoming, Sullivan, Lycoming, Luzerne, Columbia, Montour, Northumberland, Union and Clinton which are located within an airline distance of fifty (50) statute miles of the limits of the borough of Troy, Bradford County, except as presently authorized.

Folder 2, Am-I: Class D

1. Coal, for Avery Coal Co., Inc., from points in the counties of Jefferson and Clarion to its facilities in the township of Noyes, Clinton County.
2. Coal, for Avery Coal Co., Inc. from its facilities in the townships of Noyes and Beech Creek, Clinton County, to points in the counties of Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Erie, Franklin, Fulton, Lancaster, Lebanon, Monroe, Montgomery, Northampton, Philadelphia, Pike, Sullivan, Susquehanna, Wayne and York, and to points in the borough of Warren and the townships of Pleasant, Glade and Conewango, Warren County;

Excluding:

Service to points in the borough of Newville, Cumberland County, and within an airline distance of eight (8) statute miles of the limits thereof.

Folder 2, Am-L : Class D

1. To transport, as a Class D carrier, aluminum bars, aluminum blanks, stampings or unfinished shapes, aluminum castings, aluminum forgings, aluminum moldings, aluminum rods, rejected aluminum scrap, rejected aluminum turnings, and rejected aluminum borings from the borough of Bellefonte, Centre County, and within one (1) mile of the limits of said borough to points in Pennsylvania, with the right to return refused or rejected shipments to point of origin.
2. To transport, as a Class D carrier, aluminum billets, blooms, ingots, pigs, or slabs, aluminum borings, aluminum scrap and aluminum turnings from points in Pennsylvania to the borough of Bellefonte, Centre County, and points within one (1) mile of the limits of said borough.
3. To transport, as a Class D carrier, by motor vehicle, household goods, office equipment, and furnishings, and commercial and industrial equipment, fixtures and furnishings all in use between points in the borough of Bellefonte, Centre County, and within seven (7) miles by the usually traveled highways of the limits of said borough, and from points in said area to other points in Pennsylvania, and vice versa.
4. To transport, as a Class D carrier, by motor vehicle, building materials, telegraph poles and tombstones between points in the borough of Bellefonte, Centre County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough.
5. To transport, as a Class B carrier, by motor vehicle, property between points in the borough of Bellefonte, Centre County, and within three (3) miles of the limits of said borough.

A. 73006
WILLIAM C. CONFER

Folder 2, Am-N:

Class D - coal, in bulk, for AME Enterprises Inc, The Halfway Coal Co and the A. P. Coal Co. between points in the counties of Centre and Clearfield and from points in said counties to points within 100 air miles of the borough of Bellefonte, Centre County.

Folder 2, Am-O:

Coal, wood, limestone(excluding ground or pulverized), sand and lumber between points in the borough of Bellefonte, Centre County and within 25 miles of the limits of said borough;

Coal, wood, limestone (excluding ground or pulverized), sand and lumber between points in the county of Clearfield and from points in said county to the borough of Bellefonte, Centre County and points within 25 miles of the limits of said borough and vice versa;

Scrap metal, sand, shale and gravel, in dump vehicles, for Sam McGhee Scrap Co. between points in PA.

Folder 2, Am-P :

Class D - property, in bulk in dump vehicles, for Antrim Mining Inc. from its facilities in the counties of Bradford, Centre, Clinton, Lycoming, Sullivan and Tioga to points in PA and vv.

Folder 2, Am-Q:

Class D - property for Confer Trading Co. between points in PA excluding petroleum and petroleum products in bulk in tank vehicles.

Folder 2, Am-R:

Class D - property, in bulk in dump vehicles, from the facilities of Camfield Mining Co. and Farragut Mining Co, located in the counties of Centre, Clearfield and Clinton to points in PA and vice versa.

Folder 2, Am-S:

Class D - transportation of (1) limestone and limestone products, in bulk, in dump vehicles, for White Rock Quarries, Inc., from the township of Spring, Centre County, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean; (2) coal, in bulk, in dump vehicles, for White Rock Quarries, Inc., from points in the counties of Clearfield, Centre, Clinton, Lycoming and Jefferson, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean and vice versa; and (3) coal, in bulk, in dump vehicles, for Westmoreland Coal Sales Co., between points in Pennsylvania.

Folder 2, Am-T:

transportation of (1) coal, in bulk, in dump vehicles, for King Coal Sales, Inc. from its facilities located in the counties of Centre, Clearfield and Cambria, to points in Pennsylvania, and vice versa; and (2) coal, in bulk, in dump vehicles, for Northern Counties Coal Co., Inc. from its facilities located in the counties of Centre and Clearfield, to points in Pennsylvania, and vice versa.

Folder 2, Am-I cont'd.

To transport, as a Class D carrier, property, in bulk and/or which requires the use of special equipment, for Valley Quarries, Inc., from its facilities in the townships of Guilford, Peters, Greene and Green Castle and the borough of Waynesboro, Franklin County; the township of Southampton, Cumberland County, the boroughs of Fairfield and Gettysburg, Adams County, and the borough of Shippensburg, in the counties of Franklin and Cumberland, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, property in bulk, and/or which requires the use of special equipment, for Martin Limestone, Inc., from its facilities in the townships of Salisbury, East Earl and Ephrata, and the boroughs of Ephrata and New Holland, Lancaster County, to points in Pennsylvania, and vice versa.

Folder 2, Am-J:

Class D - coal for Cooney Bros. Coal Co. between points in the county of Cambria and from points in said county to points in PA and vv.

Folder 2, Am-L:

To transport, as a Class D carrier, coal for Berwind Coal Sales, Division of Berwind Corporation, between points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to provide transportation to, from or between points in the county of Somerset.

Folder 2, Am-M:

the transportation of fly ash, in bulk in tank-type vehicles, for National Minerals Corp. between points in Pennsylvania.

FILE

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