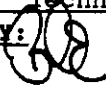


1. REPORT DATE:	:	2. BUREAU AGENDA NO.
November 16, 1993	:	
3. BUREAU:	:	DEC-93-T-1045*
Transportation	:	
4. SECTION:	:	5. PUBLIC MEETING DATE:
Technical Review	:	
6. APPROVED BY:	:	December 15, 1993
	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. PERSON IN CHARGE:	:	
Zeigler 3-5946	:	
8. DOCKET NO.:	:	
A-00099448, F. 1, Am-F	:	

- 9. (a) **CAPTION** (abbreviate if more than 4 lines)
- (b) Short summary of history & facts, documents & briefs
- (c) Recommendation

(a) Application of Toy Trucking Company, a corporation of the Commonwealth of Pennsylvania, Worthington, Armstrong County, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of coal for Hays Run Coal Company from its facilities in the county of Armstrong to points in that part of Pennsylvania on and west of U.S. Highway Route 15; and (2) coal fro Brockport Resources Company from its facilities in the county of Armstrong to points in Pennsylvania, and vice versa.

(b) The application is unopposed. The applicant stands ready, willing and able to meet the needs of the two supporting shippers and has the equipment, experience and financial capacity to provide the additional service. The applicant has the unqualified support of the two shippers named in the application and that support is representative of the proposed service. Approval of the unopposed application is proper for the accommodation and convenience of the public.

(c) The Bureau of Transportation recommends the Commission adopt the proposed order approving the application.

TZ:rs

10. MOTION BY:	Commissioner Chm. Rolka	Commissioner Quain - Yes
		Commissioner Crutchfield - Yes
SECONDED:	Commissioner Rhodes	Commissioner Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.



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

January 4, 1994

IN REPLY PLEASE
REFER TO OUR FILE

A-00099448
Folder 1, Am-F

JOHN A PILLAR ESQUIRE
SUITE 700
312 BOULEVARD OF THE ALLIES
PITTSBURGH PA 15222

RAS

Application of TOY TRUCKING COMPANY, a corporation of the Commonwealth of Pennsylvania

Dear Sir:

Enclosed is the compliance order issued by the Commission in this proceeding.

The application will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Commission.

Commission regulations require compliance with the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of December 15, 1993 and dismiss the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

DOC IN FOLDER

smk
Encls.
Cert. Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
cc: applicant
RD #1
PO BOX 103
WORTHINGTON PA 16262

JAN 27 1994

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held December 15, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Application of Toy Trucking Company, 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 for domestic consumption and to railroad cars between points in the city of New Kensington, Westmoreland County, and within fifteen (15) miles by the usually traveled highways of the limits of said city, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination; subject to the following condition: That no right, power or privilege is granted to transport construction and building sand and gravel, in dump vehicles for Davison Sand and Gravel Company from its plant site in the city of New Kensington, Westmoreland County: SO AS TO PERMIT the transportation of (1) coal for Hays Run Coal Company from its facilities in the county of Armstrong, to points in that part of Pennsylvania on and west of U.S. Highway Route 15; and (2) coal for Brockport Resources Company from its facilities in the county of Armstrong, to points in Pennsylvania, and vice versa.

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Am-F

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RECEIVED

JAN 27 1994

John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 22, 1993. Public notice of the application was given in the Pennsylvania Bulletin of July 24, 1993. The unopposed application is certified to the

Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and the two shippers.

David C. Toy, general manager of operations, and secretary-treasurer of Toy Trucking Company, set forth in his verified statement that the company has its office and terminal facilities in Worthington, Armstrong County. The garage is a 50 by 60-foot building fully equipped to maintain vehicles. Currently, the company owns seven tri-axle dump trucks and one tractor-trailer unit. It leases 20 tri-axles and one tractor-trailer. Toy maintains a comprehensive safety program. It employs a full-time mechanic who performs major and minor maintenance on the equipment.

The applicant seeks to provide service for Hays Run Coal Company and Brockport Resources Company. It intends to offer the shippers five or six-day-a-week service depending upon their needs. It anticipates making 300 to 500 trips per month for Hays Run Coal Company and 300 to 400 trips per month for Brockport Resources Company. Both tri-axle and tractor-trailer dump vehicles will be used for this service.

As evidence of its financial capacity to provide the additional service proposed, the applicant entered a balance sheet dated December 31, 1992 reporting total assets of \$759,194 with total liabilities of \$367,930. As a currently certificated carrier, there is a presumption of fitness.

Dane Potts, traffic manager for Hays Run Coal Company, set forth in his verified statement that Hays Run Coal Company is in the coal mining business with a deep mine in Spaces Corner, Armstrong County and a reserve of coal in South Buffalo Township, Armstrong County. Hays Run requires tri-axle and tractor-trailer dump vehicles to transport coal to various destinations. Origins for the coal will be Spaces Corner and Clinton, Armstrong County. It also purchases coal from suppliers in Kittanning, Echo and Distant, all of which are in Armstrong County. Currently, the company ships to such points as Shawville, Seward, Warren, Homer City, Avonmore, Windber, Clearfield, Erie, Bellefonte, Pittsburgh, and Johnsonburg, among others. A carrier with authority to provide service to points on and west of U.S. Highway Route 15 will meet the company's current distribution requirements.

Dane Potts, oversees transportation needs for Brockport Resources Company which is a coal processor. Daily shipments of coal are delivered to its washing plant in Distant, Armstrong County where the coal is washed and processed. The processed coal is then transported to individual customers. The company requires inbound service to the processing plant and outbound service from that plant to customer locations. The applicant will be expected to make daily deliveries to and from the facility with as much as 5,000 pounds to 15 tons of coal moving each month. The company has origin and destination points located statewide. Representative points include Seward, Warren, Homer City, New Castle, Clearfield, Lock Haven, Shamokin Dam, Milton, Bath, Kittanning, New Bethlehem, Brockway, Merion Center and Tarentum among many others.

DISCUSSION AND FINDINGS

The applicant seeks to amend its certificate to include service for two additional shippers. It seeks to transport coal for Hays Run Coal Company from its facilities in Armstrong County to points in Pennsylvania on and west of Highway Route 15 and coal for Brockport Resources Company from its Armstrong County facilities to all points in Pennsylvania and vice versa. Hays Run Coal Company has stated an outbound need for service from its Armstrong County facilities to points in central and western Pennsylvania while Brockport Resources Company has stated a need for service both outbound from its Armstrong County facilities and inbound to its facilities. The support entered by the two shippers is representative of the service proposed.

Toy Trucking Company is an established carrier having received its certificate in February of 1976. It holds several grants of authority which permit the transportation of coal. It is familiar with the requirements for the transportation of the subject commodity and professes knowledge of the needs of the two shippers supporting the application. Approval of the application will aid the two shippers in meeting their distribution requirements.

We find:

1. The applicant stands ready, willing and able to render the proposed service for the two shippers.
2. The applicant has the experience, equipment and financial capacity to render the additional service.
3. The applicant has the unqualified support of the two shippers named in the application and that support is representative of the service proposed.
4. Approval of the unopposed application is proper for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the unopposed application be and is hereby approved and that the certificate issued February 4, 1976, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, coal for Hays Run Coal Company from its facilities in the county of Armstrong to points in that part of Pennsylvania on and west of U.S. Highway Route 15.

To transport, as a Class D carrier, coal for Brockport Resources Company from its facilities in the county of Armstrong, to points in Pennsylvania, and vice versa.

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 it shall have complied with the requirements of the Public Utility Code and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

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 the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: December 15, 1993

ORDER ENTERED: JAN 04 1994

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to: *Comp. A-00099448*
F.I - Am - Fi

4a. Article Number: *04A785*

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery: *08 JAN 1994*

5. Signature (Addressee): *John A. Pillar Esq.*

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

6. Signature (Agent): *Salvador Rodul*

Thank you for using Return Receipt Service.