



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

May 7, 1991

IN REPLY PLEASE
REFER TO OUR FILE

R-16

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

RLS

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

Dear Mr. Green:

Under date of 5-1-91, the Secretary's office transmitted to you the Commission's compliance order adopted 4-25-91, evidencing approval of the above application which is in effect a transfer of a part of the rights formerly held by Daniel R. Thomson and William Thomson, Copartners at A-00105001. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change of ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariffs for the reason that the transfer is partial in scope and it is, therefore, necessary to file a new tariff.

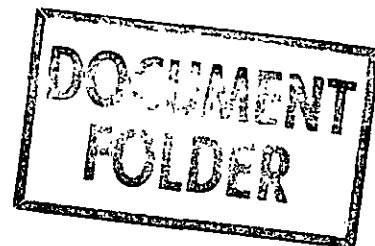
The new tariff may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42 and should be designated Freight Pa. P.U.C. No. 6.

Very truly yours,
Barry L. Ernst, Director
Bureau of Transportation

By: Joseph M. Machulsky, Chief
Financial Document Section

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

Contact Person: G.L. Baker
(717) 783-5936



CONFIDENTIAL

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MAY 28 1991

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE
Public Utility Commission

Application of)	
)	
TOY TRUCKING COMPANY)	Docket No. A-00099448,
)	F.1, Am-C
)	
)	

CHANGE OF ADDRESS NOTICE

I represent Coal Transport, Inc., a protestant to the above application. Effective June 1, 1991, my office address and telephone number will be as follows:

Sally A. Davoren
201 Pilgrams Building
508 Allegheny River Boulevard
Oakmont, PA 15139

Telephone: (412) 826-1413

DOCKETED
MAY 31 1991

RLS

Please revise the Commission's records to reflect my new address and telephone number, and direct all Orders or other correspondence in connection with this case on or after June 1, 1991, to the above address.

Respectfully Submitted,

By: Sally A. Davoren
Sally A. Davoren, Esq.
Attorney for
COAL TRANSPORT, INC.,
Protestant

Dated: May 24, 1991

DOCUMENT
FOLDER

June 19, 1991

To file

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
ATTN Joseph E. Lauver, Chief
Technical Review Division
P O Box 3265
Harrisburg, PA 17120

RECEIVED
JUN 24 1991
Pennsylvania Public Utility Commission
Technical Review Division

RLS

In Reference to: A-00099448
~~IC 91-153~~
V.I.R. 3165

Gentlemen:

The move on November 28, 1990, from Davison Sand & Gravel, Tarrtown, Armstrong County, Pennsylvania, to Gray's Landing, Masontown, Fayette County, Pennsylvania, was due in part to misinterpretation. These were the only two loads hauled to site until leases were acquired from Daniel Thomson and William Thomson, Docket No. A-00105001, which, has since been purchased in part by Toy Trucking Co., Docket No. A-00099448, Folder 1, Am-D, Paragraph 4.

The move by Company No. 6516 on February 20, 1991, was done under the false assumption of the application-purchase of the William and Daniel Thomson rights Docket No. A-00105001. Since this time trucks were leased to Dwight J. Claypoole, Docket No. A-00095991, which should cover the move in violation.

Any trucks leased to Toy trucking Co. is now leased as (until further notice) which will resolve the problem of expired leases.

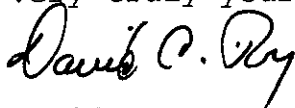
This information should comply with above mentioned violations. These WILL NOT be reoccurring problems. Toy Trucking Co. would like to apologize for the time and inconvenience we have made for this Commission.

DOCUMENT FOLDER

Commonwealth of Pennsylvania -2- June 19, 1991

If you have any questions concerning this matter,
contact me at (412) 297-3275

Very truly yours,



David C. Toy
Toy Trucking Co

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JUN 24 1991
REGISTRATION DISTRICT

ORIGINAL

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

FAX (412) 543-2310

RLS

June 21, 1991

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SECRETARYS 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

Dear Mr. Rich:

Enclosed find new Restrictive Amendment dated July 20, 1991, proposed by applicant. Copies have been sent to counsel for all protestants, including those who have already indicated they would withdraw their protest if certain restrictions were included.

I will keep you advised of the progress prior to the July 11th hearing.

Very truly yours,


Blair F. Green

BFG/sb

Enclosure

CC:Dwight Huntington, PUC
Judge Gesoff
John E. Fullerton, Esq.
William J. Labelle, Esq.
John A. Pillar, Esq.
Herbert R. Nurick, Esq.
David H. Radcliff, Esq.
Dwight L. Koerber, Jr., Esq.
Sally A. Davoren, Esq.

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JUN 24 1991
PENNSYLVANIA

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JUN 24 1991

SECRETARYS OFFICE
Public Utility Commission

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
TOY TRUCKING COMPANY

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

**DOCUMENT
FOLDER**

RESTRICTIVE AMENDMENT

AND NOW COMES TOY TRUCKING COMPANY, by its attorney, Blair F. Green, and restrictively amends the above application to read as follows:

To transport coal, for B & B Coal Associates, Inc., Pittsburgh & Shawmut Coal Company, Amerikohl, Inc., and Amerikohl Mining, Inc., from points within 125 statute miles of the borough of Worthington, Armstrong County, to points in Pennsylvania and vice versa; from and to the following facilities:

(a) for B & B Coal Associates, Inc., B & B Coal Mining, Inc., B.M.B. Management Inc., Bill Turner Enterprises, Daybrook Coal Co., S. D. Bowers, Inc., Atwell Coal Co., Eastern Materials Corp., Cherep's Excavating, Glacial Minerals, Walter L. Houser Coal Co., Wm. McIntire Coal Co., M.R.C. Mining, Perry Brothers Coal Co., Reddinger Coal Co., Rosebud Mining Co., Triple K Coal Co., Valley Coal Co., VanLeer Coal Co; and

(b) for Pittsburgh & Shawmut Coal Co., Allegheny River Mining Co., Pittsburgh & Shawmut Railroad Co., Shawmut Development, Inc., TDK Coal Sales, Inc., Walter L. Houser Coal Co., SBP Coal Co., D.J.W. Mining, Inc., Hilliard Mining, Inc., D.W.L. Coal Co., Mahoning Mining, Eastern Materials Corp., Canterbury Coal Co.; and

(c) for Amerikohl, Inc., and Amerikohl Mining, Inc., within the aforesaid area.

subject to the following conditions:

PROVIDED THAT no haul shall exceed 125 statute miles from point of origin to point of destination; and

FURTHER PROVIDED THAT no right, power or privilege shall be granted to provide transportation to or from the facilities of United Eastern Coal Sales Corp., White Star Coal Co., Inc., Kent Coal Mining Company, or Purco Coal Company, Inc.

Respectfully submitted,

By *Blair F. Green*
Blair F. Green
Attorney for
TOY TRUCKING COMPANY,
Applicant

Dated: June 20, 1991

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JUN 24 1991
SECRETARYS OFFICE
Ethics Utility Commission

ORIGINAL

DAVID H. RADCLIFF, P.C.
407 NORTH FRONT STREET
HARRISBURG, PA 17101

BTL

DAVID H. RADCLIFF

TELEPHONE: (717) 657-9870

July 2, 1991
File: 809.119

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

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JUL 3 - 1991

SECRETARY'S OFFICE
Public Utility Commission

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

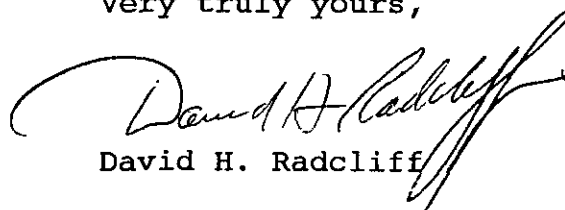
Dear Mr. Rich:

I represent R. T. Merryman Trucking, Inc. a protestant in the above captioned application proceeding. Upon reconsideration of the matter my client has decided to withdraw its protest in this proceeding.

I hereby withdraw the protest of R. T. Merryman Trucking, Inc. to the Application at A.99448, F.1, Am-C - filed by Toy Trucking Company.

I am notifying Applicant's counsel and Administrative Law Judge Gesoff of the withdrawal of the protest. I request that Judge Gesoff excuse my attendance at any further hearings which may occur in this proceeding.

Very truly yours,



David H. Radcliff

DOCKETED
JUL 08 1991

DHR/fmb

cc: Administrative Law Judge Jerry Gesoff
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

COMMENT
FOLDER

Page 2
Mr. Jerry Rich
July 2, 1991

cc: Blair F. Green, Esquire
125 North McKean Street
Kitanning, PA 16201-1517

Thomas W. Bertothy, President
R. T. Merryman Trucking, Inc.
501 Alder Street
Philipsburg, PA 16866