

1. <u>REPORT DATE:</u>	September 10, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	SEPT-91-T-895*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	September 26, 1991
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Pike 783-5947	:	
9. <u>DOCKET NO.:</u>	A-00099448, F. 1, Am-E (TA)	:	
10. (a)	CAPTION (abbreviate if more than 4 lines)		
(b)	Short summary of history & facts, documents & briefs		
(c)	Recommendation		

RLS

(a) Application of Toy Trucking Company, Worthington, Armstrong County, a corporation of the Commonwealth of Pennsylvania, for temporary authority to transport property, in bulk, in dump vehicles, from the facilities of A. A. Ryan Topsoil Company, located in the city of New Castle, Lawrence County, and within an airline distance of twenty-five (25) statute miles of the limits of said city to points in Pennsylvania, no haul to exceed a distance of one hundred twenty-five (125) statute miles from point of origin to point of destination.

(b) Applicant seeks temporary authority as a common carrier. Corresponding application for permanent authority was filed. Emergency temporary authority was granted by order adopted July 16, 1991. Evidence submitted establishes a situation that creates an immediate need for the proposed service.

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

LK-F:11

11. MOTION BY:	Commissioner Chm. Smith	Commissioner Holland - Yes
		Commissioner Rhodes - Yes
SECONDED:	Commissioner Rolka	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**

DOCKETED
DEC 19 1991



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

October 2, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A-00099448
F. 1, Am-E
(TA)

BLAIR S GREEN ESQUIRE
125 NORTH MCKEAN STREET
KITTANNING PA 16201

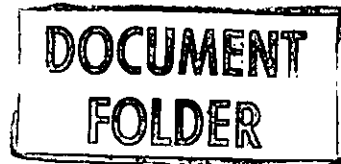
Application of Toy Trucking Company,
a corporation of the Commonwealth of Pennsylvania
for temporary authority

Enclosed is an Order granting
temporary authority issued by the Commission in this proceeding.

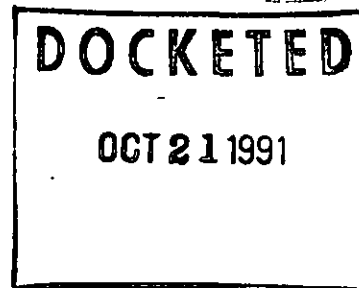
Be advised that you may immediately commence operations under
the grant of authority.

Very truly yours,

Jerry Rich, Secretary



RLS



smk
Enclosure
Certified Mail
Receipt Requested
TOY TRUCKING COMPANY
R D #1
PO BOX 103
WORTHINGTON PA 16262

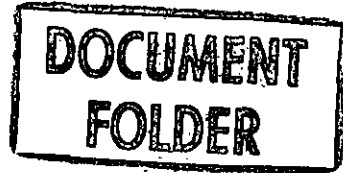
ETA/TA

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

PETER G LOFTUS ESQUIRE
SUITE 724
BANK TOWERS
SCRANTON PA 18503

WILLIAM A GRAY ESQUIRE
2310 GRANT BUILDING
PITTSBURGH PA 15219

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265



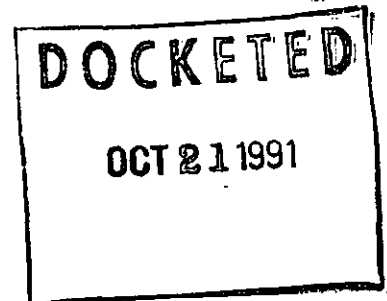
Public Meeting held September 26, 1991

Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

Application of Toy Trucking Company, a corporation of the Commonwealth of Pennsylvania, for temporary authority to transport property, in bulk, in dump vehicles, from the facilities of A. A. Ryan Topsoil Company, located in the city of New Castle, Lawrence County, and within an airline distance of twenty-five (25) statute miles of the limits of said city to points in Pennsylvania, no haul to exceed a distance of one hundred twenty-five (125) statute miles from point of origin to point of destination.

A-00099448
F. 1
Am-E
(TA)



Blair F. Green for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application for temporary authority filed July 3, 1991. Corresponding application for permanent authority was also filed. Emergency temporary authority was granted by order adopted July 16, 1991. The record consists of verified statements submitted by the applicant and the supporting shipper.

Toy Trucking Company (TTC or applicant) is a Pennsylvania corporation, with its principal place of business in Worthington, Armstrong County. It was initially certificated in 1976 and presently operates under five paragraphs of authority. TTC has a fleet of nine tri-axle dump trucks available to perform the proposed service. It has evidence of insurance on file with the Commission and has submitted a tariff for the proposed service which was accepted for the purposes of emergency temporary authority.

Anthony A. Ryan, owner of A. A. Ryan Topsoil Company (Ryan or shipper), submitted a verified statement in support of this emergency temporary authority application. Ryan requires the transportation of various bulk commodities, including topsoil, in dump vehicles, from various facilities in the area of New Castle, Lawrence County, to customers located in counties such as Allegheny, Armstrong, Beaver, Butler, Indiana, Lawrence, Mercer, Somerset, Washington and Westmoreland. During the present peak season, approximately 2,500 tons are moved per month. The shipper provided a list of carriers it contacted in recent weeks for service: Dale McClymonds, Inc., A-00096721, T. L. Ferguson Co., A-00087155, Robert G. Williams, A-00103722, and J. D. Woodring Trucking, A-00108489. Ryan reports that these carriers have been unable to provide sufficient vehicles to meet his shipping needs. Based on this evidence, we believe that the shipper made a reasonable attempt to secure service from existing carriers.

There were two protests to the permanent authority, however there is no indication that these carriers are protesting the temporary application.

It is our determination that the applicant has provided sufficient evidence to warrant a grant of temporary authority; THEREFORE,

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

To transport, as a Class D carrier, property, in bulk, in dump vehicles, from the facilities of A. A. Ryan Topsoil Company, from points within an airline distance of twenty-five (25) statute miles of the limits of the city of New Castle, Lawrence County, to points in Pennsylvania, with no haul to exceed an airline distance of one hundred and twenty-five (125) statute miles from point of origin to point of destination.

IT IS FURTHER ORDERED: That the applicant will charge the rates set forth in the application.

IT IS FURTHER ORDERED: That the authority granted herein will be effective pending disposition of the permanent authority application.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a
- 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 Fee will provide you the signature of the person delivered to and the date of delivery.

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

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00099448, F.I, AM-E

C.O.

4a. Article Number

044356

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

OCT 4 1991

5. Signature (Addressee)

P. J. [Signature]

6. Signature (Agent)

[Signature]

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

PS Form 3811, November 1990 *U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a
- 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.
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I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00099448, F.I, AM-E

C.O.

4a. Article Number

044357

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

10/4/91

5. Signature (Addressee)

Terri Bryden

6. Signature (Agent)

[Signature]

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

PS Form 3811, November 1990 *U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT

IT IS FURTHER ORDERED: That our action in this matter will have no bearing on the final disposition of the application for permanent authority.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized, handwritten letter "S".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 26, 1991

ORDER ENTERED: OCT 2_ 1991

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

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

1. Addressee's Address
 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00099440, F.I, AM-E

4a. Article Number

044358

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

08 OCT 1991

5. Signature (Addressee)

John A. Pollar, Esq

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

RLS

6. Signature (Agent)

PS Form 3811, November 1990 *U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. Addressee's Address
 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00099448, F.I, AM-E

4a. Article Number

044059

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

10-4-91

5. Signature (Addressee)

S. Brewer

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

111

6. Signature (Agent)

PS Form 3811, November 1990 *U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT