

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

RECEIVED

APR 05 1985

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

April 3, 1985

Non-Def Transport AREA CODE
Public Utility Comm 814
765-9611

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

RECEIVED

APR 5 1985

RE: T. C. TRANSPORT, INC.
Transfer Application

Dear Mr. Rich:

A. 106171

SECRETARY'S OFFICE
Public Utility Commission

I am transmitting herewith the original and one copy of a transfer application, wherein Thomas C. Capparelle seeks to transfer the operating authority he holds in A-100453 to T. C. - Transport, Inc.

Also enclosed with this filing is a filing fee check in the amount of \$125.00.

I would ask that you acknowledge receipt of this filing by stamping the additional copy of this letter of transmittal which is enclosed, and then returning it to me in the self-addressed, stamped envelope which is also enclosed.

Very truly yours,

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

cc: T. C. Transport, Inc.
Enclosures: Form UCMT-38
1 copy
Check
Copy of letter
Envelope

DLK/jsr

DOCUMENT
FOLDER

RECEIVED

APR 05 1985

SEE INSTRUCTIONS ON BACK BEFORE PREPARING APPLICATION

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Mon-Pub. U. Public Utility Comm.

In re: Application of T. C. Transport, Inc. for approval of the transfer and the beginning of the exercise of the right as a common carrier, described at Docket No. A-100453 Folder No. issued to Thomas C. Capparelle for transportation of property

Application Docket No. 106171 19 Folder No.

RECEIVED

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION: The application of T. C. Transport, Inc.

APR 5 1985

respectfully represents.

1. That the business address of applicant is: 216 West Beaver Avenue, Bellefonte Centre

SECRETARY'S OFFICE Public Utility Commission PA 16823

2. That the name of applicant's attorney is: Dwight L. Koerber, Jr., 110 N. Second St., Clearfield, PA 16830

3. That applicant is a corporation

That applicant, if an individual or partnership, is doing business under the trade name of N/A

That said trade name been registered with the Secretary of the Commonwealth on 19, and with the Prothonotary of County on 19, in accordance with the provisions of the Fictitious Names Act of June 28, 1917, as amended.

That applicant, if a partnership, attaches hereto, as an exhibit, a copy of the partnership agreement and asserts that the names and addresses of the partners are as follows.

Table with columns: Name, City Address, County. Includes handwritten entries for COACH and M/M/O.

That applicant, if a corporation, was organized under the laws of the State of Pennsylvania and attaches hereto as an exhibit a statement of its charter purpose. Applicant (if a foreign corporation) qualified to do business in Pennsylvania by registering in the office of the Secretary of the Commonwealth on the day of 19.

4. That applicant designates T. C. Transport, Inc., 216 W. Beaver Ave., Bellefonte, PA 16823 as the person upon whom service of any notice, process or order of the Public Utility Commission be made for him or it.

5. That applicant now holds the following certificates of public convenience or permits (include those issued by Interstate Commerce Commission) N/A

6. That the applicant is 21 years of age or over Yes

7. That applicant desires to operate the following number of motor vehicles with a capacity of:

Table for motor vehicles: Passenger-carrying vehicles, Trucks, Tractors, Semi-trailers, Four-wheel trailers. Includes columns for Type of Body, Seating Capacity, Gross Weight.

DOCUMENT FOLDER

Called Koerber office 7/29/85 Capparelle are brother BEGINNING

DOCKETED APPLICATION DOCKET APR 10 1985 ENTRY No. 106171

8. That applicant is not now operating as a common or contract carrier, but is financially able to furnish adequate service to the public and submits the following statement of financial condition.

ASSETS AND LIABILITIES OF APPLICANT:

ASSETS	Pro Forma (New Corporation)
Value of Real Estate	\$.....
Value of Personal Property	\$ 5,000
LIABILITIES	
Amount of Mortgages	\$ 0
Amount of Judgments	\$ 0
Amount of Other Liabilities	\$ 0

9. That applicant now operates as a N/A carrier, and submits herewith as Exhibits A and B a Balance Sheet (Statement of Assets and Liabilities) as of, 195..., and an Income Statement (Statement of Profit and Loss) for the twelve months ended, 195... (See Instructions, Par. 3)

10. That neither applicant, its stockholders (if applicant is a corporation), nor its members (if applicant is a partnership) are in control of or affiliated with any other motor, rail, water, express or other carrier. (If applicant, its stockholders, or members are in control of or affiliated with any other carrier, explain fully below.)
Thomas C. Capparelle is one of the shareholders of applicant, and will discontinue his PUC operations upon approval of transfer application.

11. That applicant proposes to render as a common carrier by means of motor vehicles, the service authorized in the certificates or permits issued to Thomas C. Capparelle, as follows: (See instructions, Paragraph 4.) See authority to be transferred as set forth in Transfer Agreement.

12. That applicant proposes to begin furnishing service immediately upon receipt of the certificate of public convenience or permit evidencing the right to do so.

13. That there are attached hereto copies of bilateral contracts between applicant and shippers (if proposed service is that of a contract carrier).

14. That the total amount of consideration to be paid is \$1.00. That the consideration was determined as follows: Transferor is one of the owners of Transferee and is treating his PUC authority as contribution to corporation.

That the consideration will be paid as follows: N/A

15. That schedules A and B, hereof, are statements of the equipment and other property to be transferred.

16. That the following exhibits are attached hereto and made a part hereof:

- Exhibit C, being a copy of the sales agreement.
- Exhibit D, being an itemized statement of the unpaid business debts of transferor and how they will be satisfied.
- Exhibit E, being a statement of the gross common carrier intra-state operating revenue of the transferor for each of the past three years.

17. That all General Assessments which have been made against Thomas C. Capparelle as a common carrier, and T. C. Transport, Inc. as a common carrier pursuant to Section 1201 of the Public Utility Law, have been paid or remittance is made herewith to cover such General Assessments.

18. That T. C. Transport, Inc. hereby agrees to assume and pay any General Assessments that may be made, pursuant to Section 1201 of the Public Utility Law, against Thomas C. Capparelle as a common carrier for any and all operating periods up to the actual date of the approval of transfer of the certificate.

SCHEDULE "A"

DESCRIPTION OF EACH PASSENGER VEHICLE, TRUCK, TRACTOR, TRAILER, SEMI-TRAILER TAXICAB OR OTHER MOTOR VEHICLE TO BE TRANSFERRED FROM CERTIFICATE OR PERMIT HOLDER TO APPLICANT

Name of Manufacturer	Year of Manufacture	Description					Type of Base	Category When Purchased (New or Used)	Original Cost	Cost of Additions, Repairs, and Improvements	Total Cost	Depreciation	Total Cost Less Depreciation	Estimated Present Value	Encumbrance
		Type of Body	Engine Number	Cost By	Manufacturer's Number	Make									
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
Total columns 10 to 16 inclusive															

State who is to assume encumbrance and how it will be satisfied

SCHEDULE "B"

DESCRIPTION OF EACH OTHER ITEM OF PROPERTY TO BE TRANSFERRED FROM CERTIFICATE OR PERMIT HOLDER TO APPLICANT

Description	Date of Purchase, Installation or Construction	Original Cost	Depreciation	Original Cost Less Depreciation	Estimated Present Value	Encumbrance
(A)	(B)	(C)	(D)	(E)	(F)	(G)
Total columns C to G inclusive						

State who is to assume encumbrance and how it will be satisfied

19 The transferor hereby agrees to continue to render the service as described in Paragraph 11 of this application until the application for transfer is approved, whereupon transferor will surrender said certificate or permit for cancellation.

WHEREFORE, Transferee and Transferor pray your Honorable Commission to issue a Certificate (Certificate of public convenience or permit)

under the provisions of the Pennsylvania Public Utility Law, evidencing its approval of the right of the transferor to transfer and transferee to begin to exercise the right to operate motor vehicles for the transportation of persons or property as described in Paragraph 11 of this application.

Transferee sign here Timothy A. Capparelle
Timothy A. Capparelle, President

Signed and dated this 21st day of March 1985

Transferor sign here Thomas C. Capparelle
Thomas C. Capparelle

Signed and dated this 21st day of March 1985

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF Centre Notary } ss:

Personally appeared before me, a Public in and for said County and Commonwealth Timothy A. Capparelle

who being duly sworn according to law doth depose and say that the facts contained in the foregoing application are true and correct to the best of transferee's knowledge and belief, and that transferee is not now engaged in any intrastate transportation of persons or property for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 5) and will not engage in the transportation for which approval is herein sought unless and until he shall have received authorization for such transportation.

Sworn to and subscribed before me this 21st day of March, 1985

Commission Expires 8-3-85
per Notary Bureau 4-9-85 Jan S. Rose
(Signature of official authorized to administer oaths)

AFFIDAVIT OF TRANSFEROR

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF Centre Notary } ss:

Personally appeared before me, a Public in and for said County and Commonwealth Thomas C. Capparelle (Name of transferor)

who being duly sworn according to law doth depose and say that he is the holder of the certificates of public convenience or permits proposed to be transferred to T.C. Transport, Inc (Name of transferee)

the facts as contained in the foregoing application are true and correct to the best of his knowledge and belief.

Sworn to and subscribed before me this 21st day of March, 1985

Commission Expires 8-3-85
per Notary Bureau 4-9-85 Jan S. Rose
(Signature of official authorized to administer oaths)

INSTRUCTIONS TO BE FOLLOWED IN PREPARING APPLICATION
No Application Will Be Accepted From a Minor

1. A separate application must be filed for each type of service, such as common carrier of persons on schedule; contract carrier of persons; transportation of persons on call or demand; transportation of persons in group and party service; common carrier of property; contract carrier of property.
2. In Paragraph 5, state the number or numbers of any Public Service Commission, Pennsylvania Public Utility Commission, or Interstate Commerce Commission Certificate or Contract Carrier Permit now held by the applicant.
3. The balance sheet referred to in Paragraph 9 should be as of the latest date available and the Income Statement should be for the twelve months ending with the date of the balance sheet.
4. In Paragraph 11, describe service as authorized under the certificates or permits to be transferred, which the applicant proposes to render. If any part of the service is to be omitted, give reasons for such omission.
5. It is not required that applicant be represented by an attorney, unless applicant is a corporation.
6. The original application signed at the place designated, duly verified by affidavit and two copies of same must be filed at the office of the Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania. A filing fee of Ten Dollars (\$10.00) is required.
7. If fee is paid by check or post office money order, make same payable to State Treasurer. Checks must be certified.
8. If space provided in form is not sufficient, prepare on separate sheet, attach it to application and give it the same number as question or statement to which it refers.
9. THIS APPLICATION FORM IS ONLY TO BE USED IN APPLYING FOR A TRANSFER OF RIGHTS UNDER EXISTING CERTIFICATES OR PERMITS. No application will be entertained for a transfer of rights which have been canceled or which for other reasons are obsolete.

EXHIBIT ITEM NO. 3

Attached hereto is a copy of the Articles of Incorporation of T. C. Transport, Inc.

859248

85151882

Filed this 4th day of
MARCH, 1985

William L. Davis
Commonwealth of Pennsylvania
Department of State
Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
CORPORATION BUREAU

ARTICLES OF INCORPORATION
OF
T.C. TRANSPORT, INC.

COMES NOW, the undersigned incorporator, in compliance with the requirements of Section 204 of the Business Corporation Law, Act of May 5, 1933 (P.L. 364)(15 P.S. §1204), desiring to be incorporated as a business corporation and hereby certifies as follows:

- (1) The name of the corporation is T. C. Transport, Inc.
- (2) The location of the initial registered office of the corporation in this Commonwealth is 216 West Beaver Avenue, Bellefonte, Pennsylvania 16823. (14)
- (3) The corporation is incorporated under the Business Corporation Laws of the Commonwealth of Pennsylvania for the following purpose or purposes:

The corporation shall have unlimited power to engage in and to do any lawful act concerning any or all lawful businesses for which corporations may be organized and incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania, as amended, or any other statute or statutes now or in the future applicable to the corporation.

(4) The term for which the corporation is to exist is perpetual.

(5) The aggregate number of shares which the corporation shall have authority to issue is one hundred thousand (100,000) shares of common stock, having no par value.

(6) In addition to the one hundred thousand (100,000) shares of capital stock, having no par value, which the corporation shall have authority to issue, the Board of Directors of the corporation shall be authorized to fix by a proper resolution the designations, preferences, qualifications, number and other pertinent provisions relative to specific classes or types of preferred stock.

(7) The shareholders of common stock of the corporation shall have preemptive rights as defined by Section 611 of the Pennsylvania Business Corporation Law, 15 §1611.

(8) The names and addresses of the incorporators and the number and class of shares subscribed to by same are as follows:

<u>Name</u>	<u>Address</u>	<u>Number and Class of Shares</u>
Thomas C. Capparelle	216 W. Beaver Bellefonte, PA 16823	100 shares of common stock

Timothy A. Capparelle 216 W. Beaver 100 shares of
Bellefonte, PA common stock
16823

IN WITNESS WHEREOF, the incorporators have signed and sealed
these Articles of Incorporation on this 20 day of February,
1985.

Thomas C. Capparelle
Thomas C. Capparelle

Timothy A. Capparelle
Timothy A. Capparelle

EXHIBIT ITEM NO. 16-C

Attached hereto is a copy of the Transfer Agreement between the parties.

TRANSFER AGREEMENT

THIS AGREEMENT, by and between THOMAS C. CAPPARELLE, of 216 West Beaver Avenue, Bellefonte, Pennsylvania 16823, referred to hereinafter as "Transferor", Party of the First Part,

A
N
D

T. C. TRANSPORT, INC., a Pennsylvania corporation, of 216 West Beaver Avenue, Bellefonte, Pennsylvania 16823, referred to hereinafter as "Transferee", Party of the Second Part.

W I T N E S S E T H :

WHEREAS, Transferor is the owner of certain operating authority issued by the Pennsylvania Public Utility Commission in Certificate No. A-100453; and

WHEREAS, Transferee is a Pennsylvania corporation duly incorporated under the Business Corporation Laws of Pennsylvania, with Transferor being one of the incorporators of Transferee; and

WHEREAS, the parties have entered into negotiations and have determined that the most appropriate means of providing for effective service to the shipping public is to have the operating authority transferred as provided herein;

NOW THEREFORE, in consideration of their mutual covenants and with the intention of being legally bound, the parties hereunto agree as follows:

(1) The authority to be transferred is that set forth in Appendix A, attached hereto, which contains all of the operating authority held by Transferor in Docket No. A-100453.

(2) The total purchase price for the operating authority shall be One (\$1.00) Dollar.

(3) This agreement is contingent upon final approval from the Pennsylvania Public Utility Commission, pursuant to the Transfer Application the parties will be filing herein.

(4) The parties hereby warrant that each of them holds the requisite capacity to enter into the present agreement, and that they both agree that this document shall be binding upon their heirs, successors, and assigns.

(5) Transferor further warrants that the aforesaid operating authority is not dormant and that he will continue to comply with all pertinent rules and regulations of the Pennsylvania Public Utility Commission, and that he will continue to operate the said operating authority, during the pendency of the transfer proceeding that will be filed relative to this matter.

(6) The parties agree that they will both take all necessary and proper steps so as to obtain approval of the transfer by the Pennsylvania Public Utility Commission, and will fully cooperate with the advice of Dwight L. Koerber, Jr., Esquire, who has been retained to handle this matter.

(7) It shall be the responsibility of Transferor to pay for the legal services and the cost of transferring the operating

authority.

(8) The parties hereby both authorize Dwight L. Koerber, Jr., Esquire, and Kriner and Koerber, of 110 North Second Street, Clearfield, Pennsylvania 16830, to sign all documents relative to the filing and implementation of an adoption tariff and/or any other tariff document, as might be required by the Pennsylvania Public Utility Commission on this matter.

(9) It is agreed and understood that this Agreement shall be construed in accordance with and under the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, the parties have set forth their hands and seals on the year and date written below.

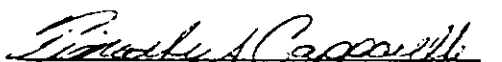
PARTY OF THE FIRST PART/
TRANSFEROR:


Thomas C. Capparelle

DATE:

3/21/85

PARTY OF THE SECOND PART/
TRANSFeree:


T. C. Transport, Inc.
By: Timothy A. Capparelle
President
DATE: 3-21-85

APPENDIX A TO TRANSFER AGREEMENT

Attached hereto is a copy of the operating authority to be transferred, in A-100453.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held October 6, 1977
Harrisburg, PA 17120

Commissioners Present:

Robert K. Bloom, Acting Chairman
Helen B. O'Bannon
Michael Johnson

Application Docket Nos. 100453 and 74199 - Application of THOMAS C. CAPPARELLE, Bellefonte, Centre County, at A. 100453 for approval of the transfer to applicant of part of the rights held by HAROLD J. SETTLE at A. 74199. CN 7706/1112

O R D E R

BY THE COMMISSION:

By application docketed June 22, 1977, Thomas C. Capparelle, seeks approval of the transfer to applicant of part of the rights granted to Harold J. Settle under the certificate issued at A. 74199.

The application was published in the Pennsylvania Bulletin on July 30, 1977. No protests were filed and no hearing held.

Applicant proposes to purchase two of the transferor's three motor carrier trucking rights at A. 74199, no vehicles or other assets being included, for a total consideration of \$500.

This consideration will be paid in full upon approval of application.

Applicant shows assets of \$30,000, subject to no liabilities.

Transferor's gross intrastate carrier revenues as per annual and assessment reports were: 1974 - \$10,684, 1975 - \$5,654 and 1976 - \$7,402.

Transferor's supplemental assessment in behalf of the Consumer Advocate has not as yet been paid.

The investigation by the Bureau of I.S.&E. indicates that transferor has not operated since November, 1976 because he is retiring.

FINDINGS

Applicant appears to be financially fit to operate as a common carrier and it appears the transferor's certificate is in good standing and therefore subject to being transferred.

DOCKETED
APPLICATION DOCKET

OCT 21 1977

ENTRY No. BW.....

Having reviewed the proceedings involved herein, we find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary; THEREFORE,

IT IS ORDERED: That the application filed by Thomas C. Capparelle at A. 100453 be approved and that a certificate be issued to the applicant granting the following rights:

To transport, as a Class D carrier, coal from stripping operations and deep mines in the townships of Snow Shoe, Burnside, Curtin and Rush, Centre County, and the townships of Karthaus, Covington and Girard, Clearfield County, to ramps, tipples, railroad sidings and coal preparation plants in the said townships.

To transport, as a Class D carrier, coal from stripping operations, deep mines, preparation plants, ramps and tipples in the townships of Snow Shoe, Burnside, Curtin and Rush, Centre County, and the townships of Karthaus, Covington and Girard, Clearfield County, to consumers in the county of Centre, provided no haul shall exceed a distance of fifty (50) 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 \$500 consideration paid by applicant for the rights and 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. 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.

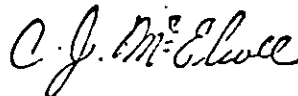
IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending payment of the supplemental 1977-78 assessment in behalf of the Consumer Advocate.

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

IT IS FURTHER ORDERED: That upon compliance with this order and the related order at A. 96381, F. 1, Am-C the rights granted the transferor Harold J. Settle at A. 74199 be canceled and the record be marked closed.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: October 6, 1977.

ORDER ENTERED: OCT 20 1977

EXHIBIT ITEM NO. 16-D

There are no unpaid business debts of Transferor, but if any should develop, Transferor will be responsible for making payment.

EXHIBIT ITEM NO. 16-E

The gross intrastate common carrier revenue generated by Transferor for the past three years is as follows:

<u>YEAR</u>	<u>AMOUNT</u>
1984	\$91,779.14
1983	\$89,458.09
1982	\$73,926.11