

PILLAR AND MULROY, P.C.

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JOHN A. PILLAR
THOMAS M. MULROY
SALLY A. DAVOREN
KEVIN W. WALSH

November 16, 1984

RECEIVED

NOV 19 1984

SECRETARY'S OFFICE
Public Utility Commission

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

RECEIVED

RE: Application of Phoenix Transport, Inc. -
Transfer - Julius C. Gardocky, Jr.
File 752-2

NOV 19 1984

Non-Rail Transportation
Public Utility Comm.

Dear Mr. Rich:

Enclosed for filing are the original and two copies of an application by Phoenix Transport, Inc. to purchase the operating authority of Julius C. Gardocky, Jr. at Docket A-95663. Attached to the application is the agreement of sale and other necessary exhibits. We have also enclosed a check in the amount of \$125.00 for the requisite filing fee.

Please acknowledge receipt of the enclosures by returning the copy of this letter of transmittal in the stamped, self-addressed envelope provided for that purpose. Any questions or comments regarding the filing can be directed to the undersigned.

Very truly yours,


JOHN A. PILLAR

KWW/jhm

Enclosures

cc: Julius Gardocky, Jr. (w/encl.)

DOCUMENT
FOLDER

NOV 19 1984

SEE INSTRUCTIONS ON BACK BEFORE PREPARING APPLICATION

SECRETARY'S OFFICE PUBLIC UTILITIES COMMISSION

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Phoenix Transport, Inc. for approval of the transfer and the beginning of the exercise of the right as a common carrier, described at Docket No. 95663 Folder No. issued to Julius C. Gardocky, Jr. for transportation of property

Application Docket No. A-00105900 19 Folder No. RECEIVED

NOV 19 1984

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION: The application of PHOENIX TRANSPORT, INC.

(Full and correct name of transferee) Pennsylvania Public Utility Comm

respectfully represents.

- 1. That the business address of applicant is: 500 West Englewood Avenue Lawrence PA 16105 New Castle PA 16105
2. That the name of applicant's attorney is: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Ave., Pgh., PA 15222
3. That applicant is a corporation

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

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 2 columns: Name, City Address. Includes checkboxes for APPL, COMP, and other status indicators.

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 N/A day of 19.

4. That applicant designates Julius C. Gardocky, Jr., 500 W. Englewood Ave., New Castle, PA 16105 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) None

6. That the applicant is 21 years of age or over N/A

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

Table with columns: Vehicle Type, No., Type of Body, Seating Capacity, Gross Weight. Includes a 'DOCKETED' stamp and a 'DOCUMENT FOLDER' stamp.

BEGINNING

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: See attached "giving effect" balance sheet (Appendix C to Exhibit C).

ASSETS

Value of Real Estate\$.....

Value of Personal Property\$.....

LIABILITIES

Amount of Mortgages\$.....

Amount of Judgments\$.....

Amount of Other Liabilities\$.....

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.) Julius C. Gardocky, Jr., the transferor herein, will be the majority shareholder of transferee; the purpose of this transaction is to transfer the business from a sole proprietorship to a corporation.

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 Julius C. Gardocky, Jr., as follows: (See instructions, Paragraph 4.) See attached Exhibit C, Appendices A and B.

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). Not applicable.

14. That the total amount of consideration to be paid is \$12,147.00. That the consideration was determined as follows: through arm's-length negotiations, considering the value of the assets.

That the consideration will be paid as follows: In stock and notes to be issued at the closing.

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. See attached.
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 Julius C. Gardocky, Jr. as a common carrier, and None 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 Phoenix 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 Julius C. Gardocky, Jr. as a common carrier for any and all operating periods up to the actual date of the approval of transfer of the certificate.

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 of public convenience (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 PHOENIX TRANSPORT, INC.
Signed and dated this 14 day of November 1984 By Julius C. Gardocky, Jr.
Julius C. Gardocky, Jr., President

Transferor sign here JULIUS C. GARDOCKY, JR.
Signed and dated this 14 day of November 1984 By Julius C. Gardocky, Jr.
Julius C. Gardocky, Jr.

COMMONWEALTH OF PENNSYLVANIA } ss:
COUNTY OF Lawrence

Personally appeared before me, a Notary Public and for said County and Commonwealth Julius C. Gardocky, Jr.

C. Gardocky, Jr. 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 14th day of November, 1984

DENO DeLORENZO, Notary Public
New Castle, Lawrence County, Pa.
My Commission Expires May 29, 1987

Deno De Lorenzo
(Signature of official authorized to administer oaths)

AFFIDAVIT OF TRANSFEROR

COMMONWEALTH OF PENNSYLVANIA } ss:
COUNTY OF Lawrence

Personally appeared before me, a Notary Public and for said County and Commonwealth Julius C. Gardocky, Jr.

C. Gardocky, Jr. 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 Phoenix Transport, Inc. that 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 14th day of November, 1984

DENO DeLORENZO, Notary Public
New Castle, Lawrence County, Pa.
My Commission Expires May 29, 1987

Deno De Lorenzo
(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.

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 (1)	Year of Manufacture (2)	Description					Date Purchased (8)	Condition When Purchased (New or Used) (9)	Original Cost (10)	Cost of Additions, Betterments, and Improvements (11)	Total Cost (12)	Depreciation (13)	Total Cost Less Depreciation (14)	Estimated Present Value (15)	Encumbrance (16)
		Type of Body (3)	Engine Number (4)	Capacity (5)	Manufacturer's Number (6)	Miles Operated (7)									
Trailmobile 74		Flat		50,000.	L30247		4/81.	used	5500.	2341.	7841.	6,194.	1,647.	1647. as 1/1/85	none
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 (A)	Date of Purchase, Installation or Construction (B)	Original Cost (C)	Depreciation (D)	Original Cost Less Depreciation (E)	Estimated Present Value (F)	Encumbrance (G)
Total columns C to G Inclusive						

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

Filing Fee: \$35

A107

Articles of
Incorporation—
Domestic Business CorporationCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
CORPORATION BUREAUCommonwealth of Pennsylvania
Department of State

Secretary of the Commonwealth

In compliance with the requirements of section 294 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1204) the undersigned, desiring to be incorporated as a business corporation, hereby certifies (certify) that:

1. The name of the corporation is:

PHOENIX TRANSPORT, INC.

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

500 W. Englewood Avenue

(NUMBER)

(STREET)

New Castle

(CITY)

Pennsylvania

16105

(ZIP CODE)

3. The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

To engage in and do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law, as amended, and for these purposes to have, possess, and enjoy all the rights, benefits, and privileges of said Act of Assembly.

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:

Ten Thousand (10,000) shares of common stock, having a par value of One (\$1.00) Dollar per share, the applicable stated capital being Ten Thousand (\$10,000) Dollars.

AGREEMENT

THIS AGREEMENT is made this 14th day of November, 1984, between JULIUS C. GARDOCKY, JR. (TRANSFEROR) of New Castle, Lawrence County, Pennsylvania, and PHOENIX TRANSPORT, INC. (TRANSFeree), a Pennsylvania corporation, having its principal place of business in New Castle, Lawrence County, Pennsylvania.

I. PREMISES

A. TRANSFEROR operates as a motor common carrier of property holding authority from the Interstate Commerce Commission (ICC) at Docket No. MC-171197, and from the Pennsylvania Public Utility Commission (PUC) at Docket No. 95663.

B. TRANSFeree is a newly formed Pennsylvania corporation having its registered office in New Castle, Lawrence County, Pennsylvania. Upon consummation of this Agreement, the issued and outstanding capital stock of TRANSFeree will be held by JULIUS C. GARDOCKY, JR.

C. TRANSFEROR desires to sell and transfer all of its operating authority issued by the ICC and PUC and certain other assets to TRANSFeree and TRANSFeree wishes to purchase and have transferred to it all of the operating authority issued to TRANSFEROR by the ICC and PUC, along with certain other assets.

II. TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties hereto, intending to be legally bound, agree as follows:

EXHIBIT C

1. TRANSFEROR hereby agrees to transfer to TRANSFEREE and TRANSFEREE hereby agrees to acquire from TRANSFEROR the following property:

1.1 All of the operating rights held by TRANSFEROR, including those issued by the ICC at Docket No. MC-171197 and by the PUC at Application Docket No. 95663 and folders thereto, copies of which are attached hereto as Appendices A and B respectively.

1.2 Certain revenue equipment and the other assets proposed to be transferred as shown on Appendix C, with which TRANSFEROR conducts its motor carrier business.

2. The parties have based this Agreement on the balance sheet of TRANSFEROR, which is incorporated herein as Appendix C. Accordingly, TRANSFEROR shall convey to TRANSFEREE assets having a total book value of \$12,147.00.

3. In consideration of the transfer of the net assets referred to in paragraph 2 above, TRANSFEREE will issue on the date of consummation capital stock having a total value of \$2,500.00, and a demand note in the amount of \$9,647.00 to JULIUS C. GARDOCKY, JR.

4. TRANSFEREE shall proceed immediately with preparation of necessary applications and other documents to secure the approval of the ICC, the PUC, and any other federal or state regulatory body required to accomplish the transfer of operating rights, physical assets and other properties covered by this Agreement. TRANSFEROR and TRANSFEREE agree to execute any and all agreements, applications or other documents that may be necessary to accomplish the aforesaid purpose.

5. TRANSFEROR agrees to advance to the corporation such additional cash as may be necessary for its working capital in the first year of its existence, such advances to be repaid at the financial convenience of the corporation.

6. TRANSFEREE agrees that, upon approval of the proposed transaction by federal and state regulatory agencies as required by law, its shareholders, directors and officers shall take appropriate action to affirm the intent and terms of this Agreement and to consummate the Agreement on behalf of the TRANSFEREE.

7. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of each party hereto.

III. EXECUTION

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year above stated.

WITNESS:

JULIUS C. GARDOCKY, JR.

Elizabeth V Gardocky

Julius C. Gardocky, Jr.
Julius C. Gardocky, Jr., Owner

ATTEST:

PHOENIX TRANSPORT, INC.

Elizabeth V Gardocky
Secy.

By: Julius C. Gardocky, Jr.
President

INTERSTATE COMMERCE COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MC 171197*

JULIUS GARDOCKY, JR.
NEW CASTLE, PENNSYLVANIA

SERVICE DATE

NOV 30 1983

This Certificate of Public Convenience and Necessity is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will become effective only when the carrier has met the compliance requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043), the designation of agents upon whom process may be served (49 CFR 1044), and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For common carriers with irregular route authority: Any irregular route authority authorized in this certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document and will be valid as long as the carrier maintains compliance with the above requirements.

By the Commission.

James H. Bayne
Acting Secretary

(SEAL)

Note: If there are any discrepancies regarding this document please notify the Commission within 30 days.

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting as follows, over regular routes: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) Between Cleveland, Ohio, and Pittsburgh, PA: (a) From Cleveland over Ohio Highway 14 via Salem, Ohio, to Unity, Ohio, thence via Ohio Highway 170 to East Palestine, Ohio, thence via Ohio Highway 165 to junction Pennsylvania Highway 51 (also from Unity, Ohio, via Ohio, Highway 14 to junction Pennsylvania Highway 51), thence over Pennsylvania Highway 51 to Pittsburgh, and return over the same routes. Serving the intermediate points of Ravenna, Ohio, and those in Pennsylvania; and the off-route points of Kent, Ohio, and Midland and Ellwood City, PA. (b) From Cleveland to Salem as specified above, thence over Ohio Highway 45 to Lisbon, Ohio, and thence over U. S. Highway 30 to Pittsburgh, and return over the same route. Serving the intermediate point of Imperial, PA. (c) From Cleveland over U. S. Highway 422 via Warren, Ohio, to Portersville, PA., thence over U.S. Highway 19 to Pittsburgh, and return over the same route. Serving the intermediate points of Warren and Youngstown, Ohio, and New Castle and Zelienople, PA. (d) From Cleveland to Warren as specified above, thence over Ohio Highway 82 to the Ohio-Pennsylvania State line at Sharon, PA., thence over Pennsylvania Highway 518 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to New Castle, PA., thence over Pennsylvania Highway 65 (formerly Pennsylvania Highway 88) to Pittsburgh, and return over the same route. Serving all intermediate points in Pennsylvania. (e) Serving the site of the plant of General Motors Corporation, Euclid Division, located on Ohio Highway 91 near Darrowville (Summit County), Ohio, as an off-route point in connection with carrier's regular route operations between Cleveland, Ohio, and Pittsburgh, PA., authorized in (A) above. (f) Between Cleveland, Ohio, and junction U. S. Highway 21 and Ohio Highway 18, serving all intermediate points and the off-route point of West Richfield, Ohio: and (g) From Cleveland over U. S. Highway 21 to junction Ohio Highway 18, and return over the same route. RESTRICTION: The authority granted immediately above is restricted solely to the interchange of traffic at terminals of connecting line motor carriers. ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (a) Between Edinburg Ohio, and Youngstown, Ohio, in connection with carrier's regular route operations authorized hereinabove under (A), serving no intermediate points: From Edinburg over Ohio Highway 18 to Youngstown, and return over the same route. (b) Between Deerfield, Ohio, and junction U. S. Highways 224 and 422, in connection with carrier's regular route operations authorized hereinabove under (A), serving no intermediate points: From Deerfield over U. S. Highway 224 to junction U. S. Highway 422, and return over the same route, and (c) Between Canfield, Ohio, and Columbiana, Ohio, in connection with carrier's regular route operations authorized hereinabove under (A), serving no intermediate points: From Canfield over Ohio Highway 46 (portion formerly Ohio Highway 367) to Columbiana, and return over the same route; and

IRREGULAR ROUTES: (A) General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the terminal and intermediate and off-route points in Ohio specified in (A) above, on the one hand, and, on the other, Altoona, PA., and points in that part of Pennsylvania bounded by a line beginning at Sharon and extending along U. S. Highway 62 to Mercer, thence along U. S. Highway 19 to Portersville, thence along U. S. Highway 422 to Ebensburg, thence along U. S. Highway 219 to Somerset, thence along Pennsylvania Highway 53 to junction U. S. Highway 40, thence along U. S. Highway 40 to the Pennsylvania-West Virginia State line, and thence along the Pennsylvania-West Virginia State line to point of beginning, and those in Brooke, Hancock, Marshall, and Ohio Counties, W. VA., including points on the indicated portions of the highways specified; and (B) General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Cuyahoga County, Ohio. REGULAR ROUTES: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of PPG Industries, Inc., at or near Kebert Park, Greenwood Township, Crawford County, PA., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Pittsburgh, PA.

Any tacking rights of irregular route authorities granted as a result of applications filed on or before November 23, 1973, are not affected by this certificate if the tacking complies with 49 CFR 1042.10(b) (3).

* This Certificate cancels Certificates No. MC-59957 (Sub 33) and (Sub 34) issued December 14, 1965 and October 4, 1968, respectively, acquired by the above named carrier pursuant to the Decision of the Commission in MC-FC-81692.

INTERSTATE COMMERCE COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MC-171197 (Sub-No. 1)X*

JULIUS GARDOCKY, JR.
NEW CASTLE, PENNSYLVANIA

SERVICE DATE

MAR 22 1984

This Certificate of Public Convenience and Necessity is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will become effective only when the carrier has met the compliance requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043), the designation of agents upon whom process may be served (49 CFR 1044), and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For common carriers with irregular route authority: Any irregular route authority authorized in this certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document and will be valid as long as the carrier maintains compliance with the above requirements.

By the Commission.

James H. Bayne
Acting Secretary

(SEAL)

Note: If there are any discrepancies regarding this document please notify the Commission within 30 days.

Supersede: Certificate No. MC-171197.

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting as follow, over regular routes: general commodities (except classes A and B explosives, household goods, and commodities in bulk), (A)(1) between Cleveland, OH and Pittsburgh, PA: (a) from Cleveland over Ohio 14 via Salem, OH, to Unity, OH, then via Ohio Hwy 170 to East Palestine, OH, then via Ohio Hwy 165 to junction Pennsylvania Hwy 51 (also from Unity, OH, via Ohio 14 to junction Pennsylvania Hwy 51), then over Pennsylvania Hwy 51 to Pittsburgh, serving all intermediate points, and points in Portage County, OH, and Beaver and Lawrence Counties, PA as off-route points, (b) Cleveland to Salem as specified above, then over Ohio Hwy 45 to Lisbon, OH, and then over U.S. Hwy 30 to Pittsburgh, serving all intermediate points, (c) from Cleveland over U.S. Hwy 422 via Warren, OH, to Portersville, PA, then over U.S. Hwy 19 to Pittsburgh, serving all intermediate points, and points in Trubull County, OH, and Butler County, PA, as off-route points, (d) from Cleveland to Warren as specified above, then over Ohio Hwy 82 to the Ohio-Pennsylvania State line at Sharon, PA, then over Pennsylvania Hwy 518 to junction Pennsylvania Hwy 18, then over Pennsylvania Hwy 18 to New Castle, PA, then over Pennsylvania Hwy 65 (formerly Pennsylvania Hwy 88) to Pittsburgh, serving all intermediate points, and (e) serving points in Summit County, OH, as an off-route point in connection with carrier's regular route operations between Cleveland, OH, and Pittsburgh, PA, authorized in (A) above, and (2) between Cleveland, OH and junction U.S. Hwy 21 and Ohio Hwy 18, from Cleveland over U.S. Hwy 21 to junction Ohio Hwy 18, serving all intermediate points. ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: general commodities (except classes A and B explosives, household goods, and commodities in bulk), (a) between Edinburg, OH and Youngstown, OH, in connection with carrier's regular route operations authorized hereinabove under (A), serving no intermediate points: from Edinburg over Ohio Hwy 18 to Youngstown, (b) between Deerfield, OH, and junction U.S. Hwys 224 and 422, in connection with carrier's regular route operations authorized hereinabove under (A), serving no intermediate points: from Deerfield over U.S. Hwy-224 to junction U.S. Hwy 422, and (2) between Canfield, OH and Columbiana, OH, in connection with carrier's regular route operations authorized hereinabove (A), serving no intermediate points: from Canfield over Ohio Hwy 46 (portion formerly Ohio 367) to Columbiana, and IRREGULAR ROUTES: (A) general commodities (except classes A and B explosives, household goods, and commodities in bulk), between the terminal and intermediate and off-route points in Ohio specified in (A) above, on the one hand, and, on the other, points in Blair County, PA and points in that part of Pennsylvania bounded by a line beginning at Sharon and extending along U.S. Hwy 62 to Mercer, then along U.S. Hwy 19 to Portersville then along U.S. Hwy 422 to Ebensburg,

then along U.S. Hwy 219 to Somerset, then along Pennsylvania Hwy 53 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the Pennsylvania-West Virginia State line, and then along the Pennsylvania-West Virginia State line to point of beginning, and those in Brooke, Hancock, Marshall, and Ohio Counties, WV, including points on the indicated portions of the highways specified; and (B) general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in Cuyahoga County, OH. REGULAR ROUTES: general commodities (except classes A and B explosives, household goods, and commodities in bulk), serving points in Crawford County, PA, as off-route points in connection with carrier's presently authorized regular-route operations to and from Pittsburgh, PA.

Any tacking rights of irregular route authorities granted as a result of applications filed on or before November 23, 1972, are not affected by this certificate if the tacking complies with 49 CFR 1042.10(b)(3).

*This certificate cancels No. MC-171197 (Sub-No. 1)X issued, February 29, 1984.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 95663.

Application of JULIUS C. GARDOCKY, JR.

REPORT AND ORDER
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JULIUS C. GARDOCKY, JR., dated November 7, 1969, to operate motor vehicles as a common carrier and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by PENNSYLVANIA TRANSFER CO., a corporation of the Commonwealth of Pennsylvania, under reports and orders issued at A. 83114, Folder 2 on May 14, 1956 and the certificate of public convenience issued thereunder, as modified and amended, and Folder 3 on May 14, 1956 and the certificate of public convenience issued thereunder, which certificates will be subsequently cancelled as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by JULIUS C. GARDOCKY, JR., the Commission finds and determines that approval of the application, limited to the following rights:

1. To transport, as a Class B carrier, property between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Meshannock, Union and North Beaver, Lawrence County. (Formerly A. 83114, F.2)
2. To transport, as a Class C carrier, property from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Meshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city. (Formerly A. 83114, F. 2)
3. To transport, as a Class D carrier, household goods in use and baggage between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa. (Formerly A. 83114, F. 2)
4. To transport, as a Class D carrier, beer, ale and other brewed products for the Union Brewing Company from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania within one hundred fifty (150) miles by the usually traveled highways of the limits of the said city, and return of empty containers. (Formerly A. 83114, F. 2)

1950
1960 to
1966 Act.

- 5. To transport, as a Class D carrier, beer and other brewed products from breweries within one hundred (100) miles by the usually traveled highways of the limits of the city of New Castle, Lawrence County, to distributors of brewed products in the city of New Castle, Lawrence County, and the return of empty containers from the said city to the said breweries. (Formerly A. 83114, F. 2)
- 6. To transport, as a Class D carrier, property for the Elliott Brothers Steel Company from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa. (Formerly A. 83114, F. 2)
- 7. To transport, as a Class B carrier, property between points in the borough of Ellwood City, Lawrence County. (Formerly A. 83114, F. 2)
- 8. To transport, as a Class C carrier, property from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa. (Formerly A. 83114, F. 2)
- 9. To transport, as a Class C carrier, property in emergencies, not to exceed six (6) trips per year, from the borough of Ellwood City, Lawrence County, to points within twenty-five (25) miles by the usually traveled highways of the limits of the said borough, and vice versa. (Formerly A. 83114, F. 2)
- 10. To transport, as a Class D carrier, household goods in use between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough. (Formerly A. 83114, F. 2)
- 11. To transport, as a Class D carrier, household goods in use from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa; (Formerly A. 83114, F. 2)

and that the above rights 7 to 11, inclusive, be subject to the following restrictive condition:

That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County.

12. To transport, as a Class D carrier, food and food products for the Office of Public Assistance, Pennsylvania Department of Public Welfare, from its warehouse in the city of New Castle, Lawrence County, to points in the counties of Butler, Allegheny, Armstrong, Fayette, Greene, Washington and Westmoreland, and vice versa; (Formerly A. 83114, F. 3)

and subject to the following conditions is necessary or proper for the service, accommodation 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 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.

THIRD: 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.

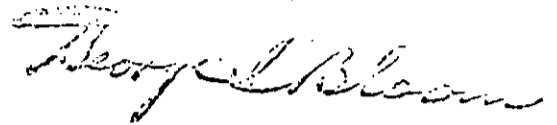
FOURTH: That the \$1,000 consideration paid by applicant for the rights and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property less any amount recorded in condition 3 above or in the alternative be charged off against applicant's ownership equity, provided the latter is sufficient in amount to absorb said charge off.

FIFTH: 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 revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised 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.

NOW, to wit, February 20, 1970, IT IS 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.

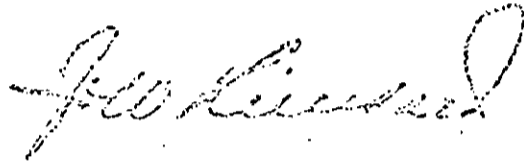
IT IS FURTHER ORDERED: That in the event said applicant, has not on or before thirty days from the date of service of this order complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION



Chairman

ATTEST:



Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Application Docket No. 95663
Folder 1, Am-B

Application of JULIUS C. GARDOCKY, JR.

SUPPLEMENTAL REPORT AND ORDER
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JULIUS C. GARDOCKY, JR., dated September 17, 1970, for modification of the report and order issued under date of February 20, 1970 and the certificate of public convenience issued thereunder, and upon protests and having been duly presented in accordance with the rules of the Commission and full investigation of the matters and things involved having been had, and it appearing that applicant amended his application whereby protests were withdrawn, the Commission finds and determines that approval of the proposed modification is necessary or proper for the service, accommodation or convenience of the public; THEREFORE:

NOW, to wit, September 7, 1971, IT IS ORDERED: That the report and order issued under date of February 20, 1970 and the certificate of public convenience issued thereunder be and is hereby modified and amended so as to include the following right:

To transport, as a Class D carrier, property for National Steel Service Center, Inc., a division of National Steel Corp., from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa; excluding the transportation of commodities in bulk in tank vehicles or in hopper-type vehicles.

IT IS FURTHER ORDERED: That the applicant will not be permitted to operate or engage in any transportation granted herein until compliance with the requirements of the Public Utility Law, relative to the filing and acceptance of a tariff establishing just and reasonable rates.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

George Bloom

ATTEST:

Chairman

Will Peter

Secretary

PHOENIX TRANSPORT, INC.

Proforma Balance Sheet

Cash		\$ 7,500.00
1974 Used trailer	\$7,841.00	
Less accumulated depreciation	<u>6,194.00</u>	1,647.00
PUC and ICC Rights		<u>3,000.00</u>
TOTAL ASSETS		\$12,147.00
Loan from Julius Gardocky		\$ 9,647.00
Common stock, \$1 par value; 10,000 shares authorized; 100 shares issued and outstanding		<u>2,500.00</u>
TOTAL LIABILITIES AND STOCKHOLDERS' EQUITY		<u>\$12,147.00</u>

APPENDIX C

Application of Phoenix Transport, Inc.

Exhibit D

Statement of Unpaid Business Debts of
Transferor

The Transferor has no unpaid business debts. Current expenses are met from current revenues. Accordingly, Transferee will assume no debts of Transferor.

Application of Phoenix Transport, Inc.

Exhibit E

Statement of Gross Common Carrier Intrastate
Operating Revenues
of Transferor

1981	-	\$ 91,725.01
1982	-	64,901.63
1983	-	59,198.43
1984 (through October)-		53,411.51

December 14, 1984

IN REPLY PLEASE
REFER TO OUR FILE

John A. Pillar
Attorney at Law
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222

A-00105900 - Application of Phoenix Transport, Inc.

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of Phoenix Transport, Inc. for the rights of Julius C. Gardocky, Jr.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before January 7, 1985. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that Julius C. Gardocky, Jr. will continue to render the service covered by his certificate and comply with all the rules of the Commission, including the carrying of continuous insurance, until final disposition is made of the application by the Commission. We wish to emphasize the above as failure to comply with these requirements, will result in the dismissal of the application.

You are further advised that the above application will be published in the Pennsylvania Bulletin of December 15, 1984.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Non-Rail Transportation

DE:RP:nm
cc: Applicant
500 West Englewood Avenue
New Castle, PA 16105

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 14 1984
ENTRY No. *N/C*

A-00105900 PHOENIX TRANSPORT, INC. (500 West Englewood Avenue, New Castle, Lawrence County, PA 16105), a corporation of the Commonwealth of Pennsylvania - (1) as a Class B carrier, property between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County; (2) as a Class C carrier, property from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city; (3) as a Class D carrier, household goods in use and baggage between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (4) beer, ale and other brewed products for the Union Brewing Company from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania within one hundred fifty (150) miles by the usually traveled highways of the limits of the said city, and return of empty containers; (5) beer and other brewed products from breweries within one hundred (100) miles by the usually traveled highways of the limits of the city of New Castle, Lawrence County, to distributors of brewed products in the city of New Castle, Lawrence County, and the return of empty containers from the said city to the said breweries; (6) property for the Elliott Brothers Steel Company from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa; (7) as a Class B carrier, property between points in the borough of Ellwood City, Lawrence County; (8) as a Class C carrier, property from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa; (9) as a Class C carrier, property in emergencies, not to exceed six (6) trips per year, from the borough of Ellwood City, Lawrence County, to points within twenty-five (25) miles by the usually traveled highways of the limits of the said borough, and vice versa; (10) as a Class D carrier, household goods in use between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; (11) household goods in use from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa; and that the above rights 7 to 11, inclusive, be subject to the following restrictive condition: That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County; (12) food and food products for the Office of Public Assistance, Pennsylvania Department of Public Welfare, from its warehouse in the city of New Castle, Lawrence County, to points in the counties of Butler, Allegheny, Armstrong, Fayette, Greene, Washington and Westmoreland, and vice versa; and (13) property for National Steel Service Center, Inc., a division of National Steel Corp., from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa; excluding the transportation of commodities in bulk in tank vehicles or in hopper-type vehicles; which is to be a transfer of the rights authorized under the certificate issued at A-00095663 to Julius C. Gardocky, Jr., subject to the same limitations and conditions. Attorney: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

DEC 15 1984

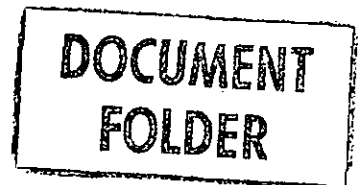
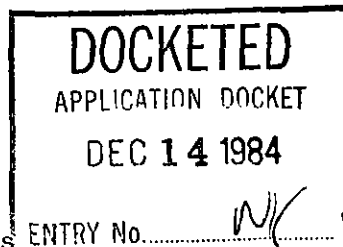
BUREAU OF NON-RAIL TRANSPORTATION
COMMON CARRIER

DECEMBER 1984

A-00105900

Application of Phoenix Transport, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, (1) as a Class B carrier, property between points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County; (2) as a Class C carrier, property from points in the city of New Castle and the townships of Taylor, Shenango, Hickory, Neshannock, Union and North Beaver, Lawrence County to points in the counties of Mercer, Lawrence and Beaver and the western part of the county of Butler, extending as far east as the city of Butler but excluding said city; (3) as a Class D carrier, household goods in use and baggage between points in the county of Lawrence and from points in said county to points in Pennsylvania, and vice versa; (4) beer, ale and other brewed products for the Union Brewing Company from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania within one hundred fifty (150) miles by the usually traveled highways of the limits of the said city, and return of empty containers; (5) beer and other brewed products from breweries within one hundred (100) miles by the usually traveled highways of the limits of the city of New Castle, Lawrence County, to distributors of brewed products in the city of New Castle, Lawrence County, and the return of empty containers from the said city to the said breweries; (6) property for the Elliott Brothers Steel Company from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa; (7) as a Class B carrier, property between points in the borough of Ellwood City, Lawrence County; (8) as a Class C carrier, property from the borough of Ellwood City, Lawrence County, to points within fifteen (15) miles by the usually traveled highways of the limits of the said borough, and vice versa; (9) as a Class C carrier, property in emergencies, not to exceed six (6) trips per year, from the borough of Ellwood City, Lawrence County, to points within twenty-five (25) miles by the usually traveled highways of the limits of the said borough, and vice versa; (10) as a Class D carrier, household goods in use between points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough; (11) household goods in use

NH



Protests due on No Hearings ENTRY No. NK JAN 7 1985
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____ SERVICE _____

- 2 -

A-00105900

from points in the borough of Ellwood City, Lawrence County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania, and vice versa; and that the above rights 7 to 11, inclusive, be subject to the following restrictive condition: That no right, power or privilege is granted to furnish transportation which originates in the townships of Shenango, Taylor, and North Beaver, Lawrence County; (12) food and food products for the Office of Public Assistance, Pennsylvania Department of Public Welfare, from its warehouse in the city of New Castle, Lawrence County, to points in the counties of Butler, Allegheny, Armstrong, Fayette, Greene, Washington and Westmoreland, and vice versa; and (13) property for National Steel Service Center, Inc., a division of National Steel Corp., from its plant in the city of New Castle, Lawrence County, to points in Pennsylvania, and vice versa; excluding the transportation of commodities in bulk in tank vehicles or in hopper-type vehicles; which is to be a transfer of the rights authorized under the certificate issued at A-00095663 to Julius C. Gardocky, Jr., subject to the same limitations and conditions.

MW:gm
12/3/84

Application received: 11/19/84
Application docketed: 12/3/84
Monitor: Commissioner Fischl

Protests due on No Hearings _____
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.

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:

Phoenix Transport, Inc.
500 West Englewood Ave.
New Castle, PA 16105

Date December 20, 1984

CR 112541A

DOCKET
DEC 26 1984

DOCUMENT
FOLDER

In re application of Phoenix Transport, Inc.
A-00105900.....\$125.00

Revenue account 01780-17001-102 (ck)

ck 1596 Checks \$125.00 Currency _____

Utility account 50:26

C. Joseph Meisinger

For Department of Revenue