

CALVIN D. SPITLER  
KEITH L. KILGORE  
PAUL W. KILGORE

LAW OFFICES  
**SPITLER and KILGORE**  
522 South Eighth Street  
P. O. Box 1188  
LEBANON, PENNSYLVANIA 17042  
  
(717) 273-7621



October 20, 1987

Mr. Richard H. White  
Technical Review Section  
Bureau of Transportation  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

Re: Pioneer Transport, Inc.  
A-00105837, F.1, Am-C

Dear Mr. White:

It is requested that I be granted an extension to November 26, 1987 in order to file Verified Statements as directed in your letter dated September 24, 1987.

The supporting shipper, Tex-Ark, presently has no officer in charge of the local plant other than the plant manager. It may be necessary to secure a statement from the home office at Hope, Arkansas.

Thank you.

Very truly yours,

CDS:lem

DOCUMENT  
FOLDER

**DOCKETED**  
APPLICATION DOCKET  
OCT 22 1987  
ENTRY No. MS



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

October 22, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

Calvin D. Spitler  
Attorney at Law  
522 South Eighth Street  
P.O. Box 1188  
Lebanon, PA 17042

In re: A-00105837, F. 1, Am-C

Application of Pioneer Transport, Inc.

Dear Mr. Spitler:

In accordance with your request of October 20, 1987 for an extension of time to file verified statements, we are granting an additional 30 days for filing of statements.

Please be advised that verified statements are now due on November 27, 1987. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

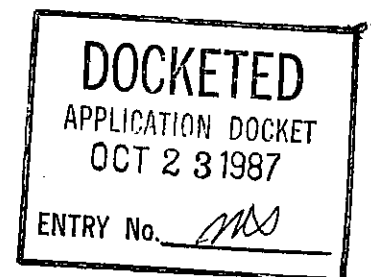
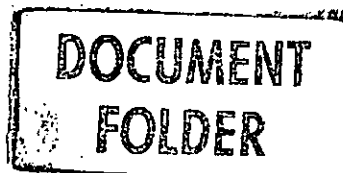
If you have any questions, please do not hesitate to contact us.

Very truly yours,

By Richard H. White  
For Peter S. Marzolf, Supervisor  
Technical Review Section  
Bureau of Transportation

CERTIFIED MAIL

RETURN RECEIPT REQUESTED



October 30, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

Charles E. Creager  
Attorney at Law  
1329 Pennsylvania Avenue  
P.O. Box 1417  
Hagerstown, Maryland 21741

In re: A-00105837, F. 1, Am-D - Application of Pioneer Transport,  
Inc.

Dear Sir:

The application of Pioneer Transport, Inc. has been captioned as attached and will be submitted for review provided no protests are filed on or before November 23, 1987. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of October 31, 1987.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:RP:11

cc: Applicant  
543 Strasburg Pike  
Lancaster, PA 17602

**DOCUMENT  
FOLDER**

**DOCKETED**  
APPLICATION DOCKET  
NOV 2 1987  
ENTRY No.     *AK*

A-00105837, F. 1, Am-D PIONEER TRANSPORT, INC. (543 Strasburg Pike, Lancaster, Lancaster County, PA 17602), a corporation of the Commonwealth of Pennsylvania, inter alia - metal, including iron, steel, aluminum and copper, metal products; and materials, supplies and equipment used in the manufacture or distribution of such commodities, for High Steel Service Center, Inc., from points in Pennsylvania to its facilities located in the city of Lancaster, Lancaster County; subject to the following condition: Provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles: SO AS TO PERMIT the transportation of property, from the Pennsylvania facilities of Lukens Steel Company, Carpenter Technology Corporation, Falconbridge U.S., Inc., Allegheny Ludlum Steel Corporation, Jessop Steel Company, East Penn Manufacturing Company, Glen Gery Corporation and Trim-Master Corporation, to points in Pennsylvania, and vice versa; subject to the following condition: Provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles. Attorney: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Maryland 21741.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

OCT 31 1987

DATE \_\_\_\_\_ SERVICE \_\_\_\_\_

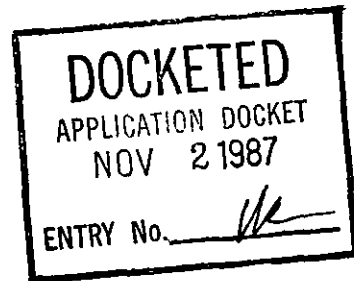
BUREAU OF TRANSPORTATION  
COMMON CARRIER  
OCTOBER 1987

A-00105837  
F. I  
Am-D

Application of Pioneer Transport, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, metal, including iron, steel, aluminum and copper, metal products; and materials, supplies and equipment used in the manufacture or distribution of such commodities, for High Steel Service Center, Inc., from points in Pennsylvania to its facilities located in the city of Lancaster, Lancaster County; subject to the following condition: Provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles: SO AS TO PERMIT the transportation of property, from the Pennsylvania facilities of Lukens Steel Company, Carpenter Technology Corporation, Falconbridge U.S., Inc., Allegheny Ludlum Steel Corporation, Jessop Steel Company, East Penn Manufacturing Company, Glen Gery Corporation and Trim-Master Corporation, to points in Pennsylvania, and vice versa; subject to the following condition: Provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles.

LM:11  
10/20/87

Application received: 10/2/87  
Application docketed: 10/15/87



NOV 23 1987

NH

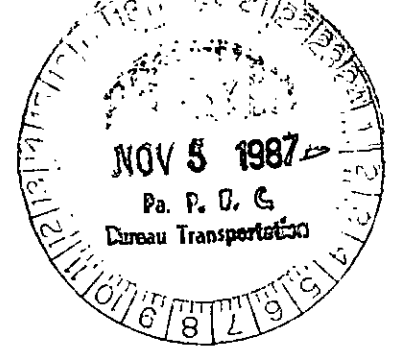
Protests due on No Hearings \_\_\_\_\_  
Protests due on Hearings - (5 days prior to date of hearing)  
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.

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

(814) 765-9611

November 4, 1987

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



COUNSEL TO THE FIRM  
WILLIAM T. DAVIS

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

FILE

RECEIVED

NOV 5 - 1987  
SECRETARY'S OFFICE  
Public Utility Commission

RE: PIONEER TRANSPORT, INC.  
A-105837, F.1, Am-D

Dear Mr. Rich:

I am transmitting herewith the original and one copy of the Protest of Butler Trucking Company, in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

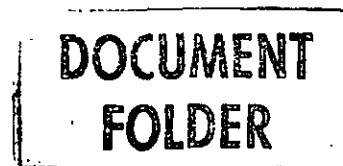
Very truly yours,

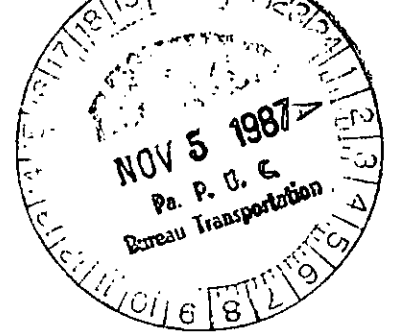
*Dwight L. Koerber, Jr.*  
Dwight L. Koerber, Jr.

cc: Butler Trucking Company  
Charles E. Creager, Esquire

Enclosures: Protest  
1 copy  
Copy of letter  
Envelope

DLK/jsr





BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**RECEIVED**

-----  
PIONEER TRANSPORT, INC.  
A-105837, F. & <sup>INC</sup> Am-D

NOV 5 - 1987  
SECRETARY'S OFFICE  
Public Utility Commission

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PROTEST OF  
BUTLER TRUCKING COMPANY

**FILE**

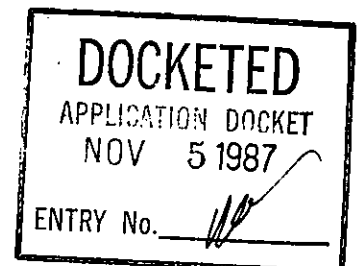
COMES NOW, BUTLER TRUCKING COMPANY, a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

Butler Trucking Company  
P. O. Box 88  
Woodland, PA 16881

2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire  
KRINER, KOERBER AND KIRK  
110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611



3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority and equipment.



4. Under authority granted to protestant in Docket No. 92978, Folder 1 and Amendments thereto, protestant is currently providing service to the supporting shippers. In view of the broad service that is already being provided, protestant asserts the entire operating authority it holds in its certificate from the PUC, such authority being set forth in Appendix B attached hereto.

5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic that would complement its present operations.

6. Protestant's interest would be satisfied if the application were to be amended so as to delete the conflicting authority of protestant.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

KRINER, KOERBER AND KIRK

By: 

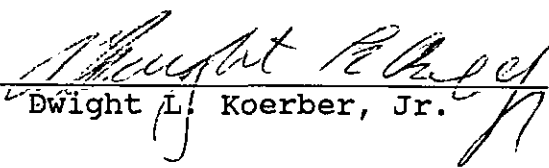
Dwight L. Koerber, Jr.  
Attorney for Protestant  
BUTLER TRUCKING COMPANY

DATED: November 4, 1987

CERTIFICATE OF SERVICE

I hereby certify that on this 4th of November, 1987, I have served a copy of the foregoing Protest upon applicant's representative, by first class mail, at the following name and address:

Charles E. Creager, Esquire  
1329 Pennsylvania Avenue  
P. O. Box 1417  
Hagerstown, MD 21741

  
Dwight L. Koerber, Jr.

APPENDIX A

Attached hereto is a copy of the publication of the application of Pioneer Transport, Inc., in A-105837, F.1, Am-D, as it appeared in the Pennsylvania Bulletin on October 31, 1987.

**A-00104747, Folder 1, Am-D. Miller's Trucking Service, Inc.** (R. D. 4, P. O. Box 467, Williamsport, Lycoming County, Pa. 17701), a corporation of the Commonwealth of Pennsylvania, *inter alia*—scrap metal, in dump vehicles, for Staiman Brothers, between points in the counties of Lycoming, Clinton and Northumberland, and from points in said counties, to points in Pennsylvania, and vice versa: *so as to permit* the transportation of scrap metal and scrap material for Simon Resources, Inc., and Coatesville Scrap Iron & Metal Co., between points in Pennsylvania. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

**A-00105009, Folder 2, Am-C. Delta Freight, Inc.** (Box 4, Lower Valley Road, Parkesburg, Chester County, Pa. 19365), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Procter & Gamble Distributing Company, from the facilities used by said shipper located in the counties of Lycoming, Lackawanna and Luzerne, to points in Pennsylvania, and vice versa; subject to the following conditions: that no right, power or privilege is granted to transport commodities in bulk; household goods in use; and commodities which, because of size or weight, require special equipment or special highway permits for their transportation: *so as to permit* the transportation of property, except commodities in bulk, household goods in use, and commodities which, because of size or weight, require special equipment, from the facilities of Scott Paper Company located in the counties of Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and vice versa.

**A-00105837, F. 1, Am-D. Pioneer Transport, Inc.** (543 Strasburg Pike, Lancaster, Lancaster County, Pa. 17602), a corporation of the Commonwealth of Pennsylvania, *inter alia*—metal, including iron, steel, aluminum and copper, metal products; and materials, supplies and equipment used in the manufacture or distribution of such commodities, for High Steel Service Center, Inc., from points in Pennsylvania to its facilities located in the city of Lancaster, Lancaster County; subject to the following condition: provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles: *so as to permit* the transportation of property, from the Pennsylvania facilities of Lukens Steel Company, Carpenter Technology Corporation, Falconbridge U. S., Inc., Allegheny Ludlum Steel Corporation, Jessop Steel Company, East Penn Manufacturing Company, Glen Gery Corporation and Trim-Master Corporation, to points in Pennsylvania, and vice versa; subject to the following condition: provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles. *Attorney:* Charles E. Creager, 1329 Pennsylvania Avenue, P. O. Box 1417, Hagerstown, MD 21741.

**A-00059731, Folder 24, Am-M. Jones Motor Co., Inc.** (Bridge Street and Schuylkill Road, Spring City, Chester County, Pa. 19475), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Lewisohn Sales Co., Inc., from its facilities, in the borough of Nescopeck, Luzerne County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport household goods in use, commodities in bulk and Class A and Class B explosives: *so as to permit* the transportation of property (except commodities in bulk, household goods in use, Class A and Class B explosives and commodities which, because of size or weight, require special equipment or highway permits for their transportation), from points in the county of Columbia and the township of

Salem, Luzerne County, to points in Pennsylvania, and vice versa. *Attorney:* Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.

**A-00073006, Folder 2, Am-S. William C. Confer** (R. R. 31, Box 35, Howard, Centre County, Pa. 16841), *inter alia*—lime and limestone for the White Rock Quarries, Chemical Limestone Company and American Limestone Company in the borough of Bellefonte, Centre County and the Tyrone Lime & Stone Company of Tyrone from their plants or railroad cars shipped by them to points of construction in the counties of Centre, Mifflin and Blair: *so as to permit* the transportation of (1) limestone and limestone products, in bulk, in dump vehicles, for White Rock Quarries, Inc., from the township of Spring, Centre County, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean; (2) coal, in bulk, in dump vehicles, for White Rock Quarries, Inc., from points in the counties of Clearfield, Centre, Clinton, Lycoming and Jefferson, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean and vice versa; and (3) coal, in bulk, in dump vehicles, for Westmoreland Coal Sales Co., between points in Pennsylvania. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

**A-00094695, Folder 2, Am-A. Samuel J. Varo and Russell J. Varo, Copartners t/d/b/a Adsit Moving & Storage** (8206 Edinboro Road, Erie, Erie County, Pa. 16509), *inter alia*—household goods and office furniture, in use, from points in the city of Erie, Erie County, and within 25 miles by the usually traveled highways of the limits of the said city to points in Pennsylvania, and vice versa: *so as to permit* the transportation of property, for American Sterilizer Co., from its facilities located in the township of Millcreek, Erie County, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00094695, F. 2, Am-A, seeking the following rights: hospital and medical equipment and supplies, for American Sterilizer Co., from its facilities located in the township of Millcreek, Erie County, to points in Pennsylvania, and vice versa. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

**A-00095190, F. 1, Am-R. The Blue Diamond Company** (6201 Pulaski Highway, Baltimore, MD 21205), a corporation of the State of Maryland, *inter alia*—(1) empty glass containers, in cartons, on pallets, from the plant of Metro-Pak Containers, located in the city of Washington, Washington County, Pa., to the facilities of Kraft Foods Division of Kraftco Corporation located in Macungie Township, Lehigh County, Pa.; (2) property from the facilities of Anchor Hocking Corp., in the borough of South Connellsville, Fayette County, and the borough of Youngwood, Westmoreland County, and within an airline distance of 2 statute miles of the limits of said boroughs, to points in Pennsylvania, and vice versa; with right No. 2 subject to the following conditions: that no right, power or privilege is granted to transport commodities in bulk; that no right, power or privilege is granted to transport brick or pipe from the county of McKean; that no right, power or privilege is granted to provide transportation from the village of Schenley, Armstrong County, and the city of Latrobe, Westmoreland County; (3) glass containers, from the facilities of Ball Glass Container Company, in the city of Washington, Washington County, to points in the counties of Adams and Lackawanna, and vice versa; and (4) property, from the facilities of Ball Glass Container,

APPENDIX B

Attached hereto is a copy of Protestant's authority in A-92978, F.1, and Amendments thereto.

BUTLER TRUCKING COMPANY

Pa. P.U.C. Operating Authority

A-92978

To transport, as a Class D carrier, coal from mines not served by railroad in the Counties of Blair, Bedford, Centre, Clearfield and Cambria, within fifty (50) miles by the usually traveled highways of the City of Altoona, Blair County, to points in the said city and within twenty (20) miles by the usually traveled highways of the limits of the said city.

To transport, as a Class D carrier, products of quarries and sand banks in the Counties of Blair, Bedford, Centre, Huntingdon and Clearfield to points within fifty (50) miles by the usually traveled highways of the point of origin.

To transport, as a Class D carrier, building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the Counties of Blair, Bedford, Huntingdon, Centre, Clearfield and Cambria, provided no haul shall exceed a distance of fifteen (15) miles which parallels the lines of the Huntingdon and Broad Top Mountain Railroad and Coal Company.

To transport, as a Class D carrier, firebrick and firebrick products, for the J. H. France Refractories, from its plants in the Village of Clarence, Snow Shoe Township, Centre County, and the Village of Winburne, Cooper Township, Clearfield County, to points in Pennsylvania, and the return of refused or damaged shipments.

To transport, as a Class D carrier, quarry products, lime and lime products, for Warner Company, from points in the Borough of Bellefonte, Centre County, and within five (5) miles of the limits of said borough to points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from J. H. France Refractories in the Borough of Snow Shoe, Centre County, to other points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from H. K. Porter Co. (formerly Patterson Fire Brick Company) in the Borough of Clearfield, Clearfield County, to other points in Pennsylvania, and the return of rejected products.

To transport, as a Class D carrier, clay products and clay for the Williams Grove Clay products Company, a division of North American Refractories, (formerly Williams Grove Clay Products Company), between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Williams Grove Clay Products Company, a division of North American Refractories, (Formerly Williams Grove Clay Products Company), from points in the Village of Bigler, Clearfield County, to points in Pennsylvania and vice versa.

To transport, as a Class D carrier, brick and terra cotta pipe from points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence to points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe;

the right immediately above to be subject to the following condition:

That no right, power or privilege is granted to transport brick from the plant of Hanley Company in the Borough of Summerville, Jefferson County.

To transport, as a Class D carrier, empty pallets, from points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe to points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence.

To transport, as a Class D carrier, brick, and refractory products, from the plants of the General Refractories Company in the Village of Salina, Bell Township, Westmoreland County and in the Township of Perry, Fayette County, to the plants of the Bethlehem Steel Company in the City of Bethlehem, Lehigh and Northampton Counties, and the right to return empty pallets and rejected materials to the point of origin.

A-92978, F.1, Am-A

To transport, as a Class D carrier, brick and clay products, from the plant of the Marion Brick Corporation (formerly the plant of H. K. Porter Co.) in the Township of Lawrence, Clearfield County, to points in the said township and to other points in Pennsylvania, and the return of refused, rejected and returned shipments to the point of origin.

A-92978, F.1, Am-B

To transport, as a Class D carrier, magnesite, in bulk in dump vehicles, from the facilities of A. P. Green Refractories Company in the borough of Tarentum, Alleghney County, to the plant site of North American Refractories Company in the borough of Womelsdorf, Berks County, and the return of refused and rejected shipments to the point of origin.

A-92978, F.1, Am-D

To transport, as a Class D carrier, clay products and clay, for the Marion Brick Corporation (formerly Williams Grove Clay Products Company, a division of North American Refractories) between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Marion Brick Corporation (formerly Williams Grove Clay Products Company, a division of North American Refractories) from points in the Village of Bigler, Clearfield County, to points in Pennsylvania, and vice versa.

A-92978, F.1, Am-E

To transport, as a Class D carrier, refractory products, and materials and supplies used in the manufacture, distribution and installation of refractory products, excluding commodities in bulk in tank or hopper-type vehicles, between points in the Township of Porter, Huntingdon County, the Township of Logan, Blair County, the Township of Lawrence, Clearfield County, the Township of Winslow, Jefferson County and the Township of Heidelberg, Berks County, and from points in the said townships and from the plant site of Crescent Brick Company, Incorporated in the Township of Plymouth, Montgomery County, to points in Pennsylvania, and vice versa;

subject to the following conditions:

1. No right, power or privilege is granted to render service between Plymouth Township, Montgomery County and the plant site of United States Steel at the Fairless Works, Bucks County.
2. No right, power or privilege is granted to render service in dump vehicles to or from the facilities of Sheridan Supply Co. in the township of Millcreek, Lebanon County.
3. No right, power or privilege is granted to transport ores from the Counties of Bucks, Chester, Lehigh, Montgomery, Northampton and Philadelphia.

4. No right, power or privilege is granted to render service to or from the County of Armstrong.
5. No right, power or privilege is granted to render service from the township of Heidelberg, Berks County, to the County of Clearfield.
6. No right, power or privilege is granted to render service from A.P. Green Refractories, Co., Allegheny County, to the Township of Plymouth, Montgomery County and the Township of Heidelberg, Berks County, or vice versa.
7. No right, power or privilege is granted to render service from or to Allegheny Brick Co., Allegheny County, except for transportation rendered in dump vehicles.
8. No right, power or privilege is granted to render service from or to Amstat Corporation, East Greenville, Montgomery County, except transportation is authorized from or to Heidelberg Township, Berks County.
9. No right, power or privilege is granted to render service from the Township of Lawrence, Clearfield County and the Township of Winslow, Jefferson County unless said transportation is rendered in conjunction with shipments originating at either the Township of Logan, Blair County the Township of Porter, Huntingdon County or the Township of Plymouth, Montgomery County, and destined to one consignee.
10. No right, power or privilege is granted to render service to the Township of Lawrence, Clearfield County or the Township of Winslow, Jefferson County, from points in the Counties of Allegheny, Westmoreland, Centre, Clearfield, Indiana, Lancaster, Cameron, Elk and Philadelphia.

A-92978, F.1, Am-F

To transport, as a Class D carrier, furnace lining scrap or refuse, from points in Pennsylvania to the plant sites of North American Refractories Company, in the Township of Pike, Clearfield County, the Township of Towamensing, Carbon County, the Township of Heidelberg, Berks County, and the Borough of Mt. Union, Huntingdon County.

A-92978, F.1, Am-G

To transport, as a Class D carrier, refractory products, from the plant site of A.P. Green Refractories Co., in the City of Philadelphia, Philadelphia County, to points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to perform transportation from Philadelphia to points in the Counties of Philadelphia, Bucks, Chester, Delaware and Montgomery.
2. That no right, power or privilege is granted to transport ores.
3. That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.

A-92978, F.1, Am-I

To transport, as a Class D common carrier by motor vehicles, lime, limestone and limestone products from the plant site of Marblehead Lime Company in the Township of Spring, Centre County, to points in Pennsylvania;

subject to the following conditions:

- (a) Provided that no right, power or privilege is granted to perform transportation in flatbed trailers and/or van trailers from the plant site of Marblehead Lime Company in the Township of Spring, Centre County, to points in Pennsylvania, and further,
- (b) Provided that no right, power or privilege is granted to perform transportation in dump vehicles between points within an airline distance of sixty (60) statute miles of the Borough of Bellefonte, Centre County.

A-92978, F.1, Am-J

To transport, as a Class D carrier, refractories, from the facilities of A.P. Green Refractories Co. in the Borough of Tarentum and the Township of Porter, Clarion County, to points in Pennsylvania;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in tank or hopper vehicles.

A-92978, F.1, Am-K

To transport, as a Class D carrier, brick and clay products, from the plant of the Glen-Gery Corporation (formerly the plant of Marion Brick Corporation), in the Township of Lawrence, Clearfield County, to points in the said township and to other points in Pennsylvania.

To transport, as a Class D carrier, clay products and clay, for the Glen-Gery Corporation (formerly Marion Brick Corporation) between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Glen-Gery Corporation (formerly Marion Brick Corporation) from points in the Village of Bigler, Clearfield County, to points in Pennsylvania, and vice versa.

A-92978, F.1, Am-L

To transport, as a Class D carrier, refractories, refractory products and commodities used or useful in the installation of refractories and refractory products, and materials, equipment, and supplies used in the production and distribution of refractories, refractory products and commodities used or useful in the installation of refractories and refractory products; from the facilities of Harbison-Walker Refractories, Division of Dresser Industries, Inc., in the Borough of Mount Union, Huntingdon County, and in the Borough of Clearfield, Clearfield County, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.

A-92978, F.1, Am-M

To transport, as a Class D carrier, crushed motor vehicles, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to provide service in dump trailers.
2. That no right, power or privilege is granted to provide service for Hodes Industries, Inc., to or from its facilities located in the County of Centre, the City of Lock Haven, Clinton County, and the Borough of Tyrone, Blair County.

A-92978, F.1, Am-N

To transport, as a Class D carrier, lumber and plywoods for Snavely Forest Products, Inc. between points in Pennsylvania.

A-92978, F.1, Am-O

To transport, as a Class D carrier, refractories and refractory materials, from the facilities of North American Refractories Company in the Township of Pike, Clearfield County, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in dump vehicles from or to the Counties of Allegheny, Beaver and Butler and from or to points within a seventy-five (75) mile radius of the facilities of North American Refractories Company at or near the Borough of Curwensville, Township of Pike, Clearfield County.

A-92978, F.1, Am-P

To transport, as a Class D carrier, refractories, and materials and supplies used in the manufacture or installation of refractories, from the facilities of Crescent Brick Company, Inc., Clearfield Products Division and Falls Creek Division, in the Township of Lawrence, Clearfield County, the Township of Winslow, Jefferson County, and the Borough of Falls Creek, Jefferson and Clearfield Counties, to points in Pennsylvania, and vice versa;

subject to the following condition:

That no right, power or privilege is granted to transport property, in bulk, in dump vehicles, from or to the Counties of Allegheny, Beaver and Butler, and that territory located within an airline distance of seventy-five (75) statute miles of the facilities of said shippers in the Township of Lawrence, Clearfield County and the Township of Winslow, Jefferson County and the Borough of Falls Creek, Clearfield and Jefferson Counties.

A-92978, F.1, Am-Q

To Transport, as a Class D carrier:

(1) Property between points in the County of Clearfield, and from points in said county, to points in Pennsylvania, and vice versa; and

(2) Ammonium nitrate for D. & J Maurer, Inc. from the Borough of Donora, Washington County, to points in Pennsylvania, and vice versa;

All of the authority above being subject to the following conditions:

First: That no right, power or privilege is granted to transport household goods.

Second: That no right, power or privilege is granted to transport property (except in bulk) to and from the facilities of American Home Foods Division of American Home Products Corporation, located in the Township of Turbot and the Borough of Milton, Northumberland County.

Third: That no right, power or privilege is granted to transport limestone and limestone products from York County.

Fourth: That no right, power or privilege is granted to transport sand, in bulk in truckloads, from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County, to the Boroughs of Donora, Washington County, and Industry, Beaver County.

A-92978, F.1, Am-R

To transport as a Class D carrier property:

- (1) From points in the Counties of Mercer and Beaver to points in Pennsylvania and vice versa; and
- (2) From points in Pennsylvania, on and west of U. S. Highway 220, to points in Pennsylvania east of U.S. Highway 220, and vice versa, restricted in paragraphs (1) and (2) herein to the transportation of shipments moving on flatbed tractor trailer units.
  - (a) Provided that no right, power or privilege is granted to transport shipments which because of size or weight limitations require the issuance of special permits from the Pennsylvania Department of Transportation;
  - (b) Provided that no right, power or privilege is granted to transport property from the Borough of St. Marys and the Township of Bensinger,

County of Elk; or from points in the Townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton and Warminster and the Boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, Penndel and Tullytown, all in Bucks County;

- (c) Provided that no right, power or privilege is granted to transport refractories, refractory products or materials, equipment and supplies used in the manufacture and installation of refractories and refractory products from the Counties of Allegheny, Clarion and Washington to points in Pennsylvania, and vice versa;
- (d) Provided that no right, power or privilege is granted to transport property, for or from or to the Pennsylvania facilities of Reynolds Manufacturing Company; Amsat Corporation, MonCo Products, Inc.; Freeport Brick company; Associated Ceramics and Technology; Solar Refractories; Dlubak Studios, Inc.; Hussey Metal Division, Copper Range Company; A. P. Green Refractories Company; Jones and Laughlin Steel Corporation; Bethlehem Steel Corporation; H. H. Robertson Company; Amax, Inc.; Climax Molybdenum Corp.; Molycorp, Inc.; General Electric Corporation; Sperry-New Holland Division of Rand Corp.; Zurn Industry Corp.; Copes Vulcan Company; Thalheimer Bros., Inc.; and Owens Corning Fiberglass Corporation;
- (e) Provided that no right, power or privilege is granted to transport property, having a prior or subsequent movement by water, from points in the Counties of Allegheny, Armstrong, Lawrence, Washington and Westmoreland;
- (f) Provided that no right, power or privilege is granted to transport property from, to, or between points in the Counties of Adams, Cambria, Cumberland, Daulphin, Franklin, Lancaster, Lebanon, Mifflin, and Somerset;
- (g) Provided that no right, power or privilege is granted to transport limestone and limestone products, in bags and other types of containers, for the J. E. Baker Company, from its plant in the Township of West Manchester, York County, and for the Thomasville Stone and Lime Company, from its plant in the Township of Jackson, York County, to points in Pennsylvania.

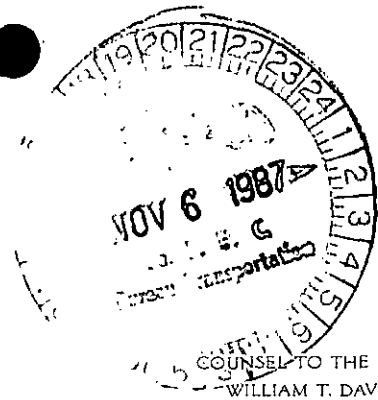
A-92978, F.1, Am-S

To transport, as a Class D Carrier, refractories and refractory products, for D.B.C.A., Division of the J. E. Baker Company, from points in the County of York, to points in Pennsylvania;

subject to the following condition:

That any traffic moving under the authority granted herein is limited to shipments moving on flatbed trailers.

KRINER, KOERBER AND KIRK  
ATTORNEYS-AT-LAW  
110 NORTH SECOND STREET  
P. O. BOX 1320  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-9611



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

November 5, 1987

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

RECEIVED  
FILE  
NOV 6 1987

RE: PIONEER TRANSPORT, INC.  
A-105837, F.1, Am-D

SECRETARY'S OFFICE  
Public Utility Commission

Dear Mr. Rich:

I am transmitting herewith the original and one copy of the Protest of Kephart Trucking Co., in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

Very truly yours,

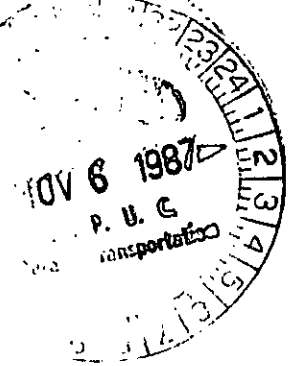
*Dwight L. Koerber, Jr.*  
Dwight L. Koerber, Jr.

cc: Kephart Trucking Co.  
Charles E. Creager, Esquire

Enclosures: Protest  
1 copy  
Copy of letter  
Envelope

DLK/jsr

DOCUMENT  
FOLDER



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

-----  
PIONEER TRANSPORT, INC.

**RECEIVED**

A-105837, F.1, Am-D

NOV 6 1987

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**FILE**

SECRETARY'S OFFICE  
Public Utility Commission

PROTEST OF

KEPHART TRUCKING CO.  
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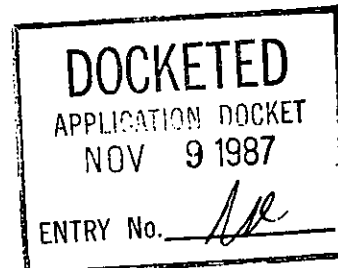
COMES NOW, KEPHART TRUCKING CO., a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

Kephart Trucking Co.  
P. O. Box 386  
Bigler, PA 16825

2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire  
KRINER, KOERBER AND KIRK  
110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611



3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority and equipment.



4. Protestant specializes in the transportation of property moving in bulk in dump vehicles, and holds very substantial operating authority to serve the involved shippers, in protestant's certificate number A-96036, a copy of which is attached hereto as Appendix B. All of that authority is asserted in conflict with the present application.

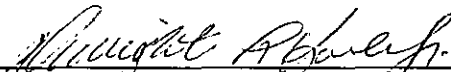
5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic necessary to Protestant's operations.

6. Protestant's interest would be satisfied if through a restriction against shipments moving in dump vehicles, in bulk, or deletion of the geographic authority protestant holds in its certificate.

7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,

KRINER, KOERBER AND KIRK


By:   
Dwight L. Koerber, Jr.  
Attorney for Protestant  
KEPHART TRUCKING CO.

DATE: November 5, 1987

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 1987, I have served a copy of the foregoing Protest upon applicant's representative, by first class mail, at the following name and address:

Charles E. Creager, Esquire  
1329 Pennsylvania Avenue  
P. O. Box 1417  
Hagerstown, MD 21741

  
\_\_\_\_\_  
Dwight L. Koerber, Jr.

APPENDIX A

Attached hereto is a copy of the publication of the application of Pioneer Transport, Inc., in A-105837, F.1, Am-D, as it appeared in the Pennsylvania Bulletin on October 31, 1987.

A-00104747, Folder 1, Am-D, Miller's Trucking Service, Inc. (R. D. 4, P. O. Box 467, Williamsport, Lycoming County, Pa. 17701), a corporation of the Commonwealth of Pennsylvania, *inter alia*—scrap metal in dump vehicles, for Staiman Brothers, between points in the counties of Lycoming, Clinton and Northumberland, and from points in said counties, to points in Pennsylvania, and vice versa: *so as to permit* the transportation of scrap metal and scrap material for Simon Resources, Inc., and Coatesville Scrap Iron & Metal Co., between points in Pennsylvania. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00105009, Folder 2, Am-C, Delta Freight, Inc. (Box 4, Lower Valley Road, Parkesburg, Chester County, Pa. 19365), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Procter & Gamble Distributing Company, from the facilities used by said shipper located in the counties of Lycoming, Lackawanna and Luzerne, to points in Pennsylvania, and vice versa; subject to the following conditions: that no right, power or privilege is granted to transport commodities in bulk, household goods in use, and commodities which, because of size or weight, require special equipment or special highway permits for their transportation: *so as to permit* the transportation of property, except commodities in bulk, household goods in use, and commodities which, because of size or weight, require special equipment, from the facilities of Scott Paper Company located in the counties of Chester, Delaware, Montgomery, and Philadelphia, to points in Pennsylvania, and vice versa.

A-00105837, F. 1, Am-D, Pioneer Transport, Inc. (543 Strasburg Pike, Lancaster, Lancaster County, Pa. 17602), a corporation of the Commonwealth of Pennsylvania, *inter alia*—metal, including iron, steel, aluminum and copper, metal products, and materials, supplies and equipment used in the manufacture or distribution of such commodities, for High Steel Service Center, Inc., from points in Pennsylvania to its facilities located in the city of Lancaster, Lancaster County, subject to the following condition: provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles: *so as to permit* the transportation of property, from the Pennsylvania facilities of Lukens Steel Company, Carpenter Technology Corporation, Falconbridge U. S., Inc., Allegheny Ludlum Steel Corporation, Jessop Steel Company, East Penn Manufacturing Company, Glen Gery Corporation and Trim-Master Corporation, to points in Pennsylvania, and vice versa; subject to the following condition: provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles. *Attorney:* Charles E. Creager, 1329 Pennsylvania Avenue, P. O. Box 1417, Hagerstown, MD 21741.

A-00059731, Folder 24, Am-M, Jones Motor Co., Inc. (Bridge Street and Schuylkill Road, Spring City, Chester County, Pa. 19475), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Lewisohn Sales Co., Inc., from its facilities, in the borough of Nescopeck, Luzerne County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport household goods in use, commodities in bulk and Class A and Class B explosives: *so as to permit* the transportation of property (except commodities in bulk, household goods in use, Class A and Class B explosives and commodities which, because of size or weight, require special equipment or highway permits for their transportation), from points in the county of Columbia and the township of

Salem, Luzerne County, to points in Pennsylvania, and vice versa. *Attorney:* Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.

A-00073006, Folder 2, Am-S, William C. Conter (R. R. 31, Box 35, Howard, Centre County, Pa. 16841), *inter alia*—lime and limestone for the White Rock Quarries, Chemical Limestone Company and American Limestone Company in the borough of Bellefonte, Centre County, and the Tyrone Lime & Stone Company of Tyrone from their plants or railroad cars shipped by them to points of construction in the counties of Centre, Mifflin and Blair: *so as to permit* the transportation of (1) limestone and limestone products, in bulk, in dump vehicles, for White Rock Quarries, Inc., from the township of Spring, Centre County, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean; (2) coal, in bulk, in dump vehicles, for White Rock Quarries, Inc., from points in the counties of Clearfield, Centre, Clinton, Lycoming and Jefferson, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean and vice versa; and (3) coal, in bulk, in dump vehicles, for Westmoreland Coal Sales Co., between points in Pennsylvania. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00094695, Folder 2, Am-A, Samuel J. Varo and Russell J. Varo, Copartners t/d/b/a Adsit Moving & Storage (8206 Edinboro Road, Erie, Erie County, Pa. 16509), *inter alia*—household goods and office furniture, in use, from points in the city of Erie, Erie County, and within 25 miles by the usually traveled highways of the limits of the said city to points in Pennsylvania, and vice versa: *so as to permit* the transportation of property, for American Sterilizer Co., from its facilities located in the township of Millcreek, Erie County, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00094695, F. 2, Am-A, seeking the following rights: hospital and medical equipment and supplies, for American Sterilizer Co., from its facilities located in the township of Millcreek, Erie County, to points in Pennsylvania, and vice versa. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00095190, F. 1, Am-R, The Blue Diamond Company (6201 Pulaski Highway, Baltimore, MD 21205), a corporation of the State of Maryland, *inter alia*—(1) empty glass containers, in cartons, on pallets, from the plant of Metro-Pak Containers, located in the city of Washington, Washington County, Pa., to the facilities of Kraft Foods Division of Kraftco Corporation located in Macungie Township, Lehigh County, Pa.; (2) property from the facilities of Anchor Hocking Corp., in the borough of South Connellsville, Fayette County, and the borough of Youngwood, Westmoreland County, and within an airline distance of 2 statute miles of the limits of said boroughs, to points in Pennsylvania, and vice versa; with right No. 2 subject to the following conditions: that no right, power or privilege is granted to transport commodities in bulk; that no right, power or privilege is granted to transport brick or pipe from the county of McKean; that no right, power or privilege is granted to provide transportation from the village of Schenley, Armstrong County, and the city of Latrobe, Westmoreland County; (3) glass containers, from the facilities of Ball Glass Container Company, in the city of Washington, Washington County, to points in the counties of Adams and Lackawanna, and vice versa; and (4) property, from the facilities of Ball Glass Container,

APPENDIX B

Attached hereto is a copy of Protestant's operating authority in A-96036, Folder 1, and Amendments thereto.

KEPHART TRUCKING CO.

Pa.P.U.C. Operating Authority

A-96036

To transport, as a Class D carrier, coal from points in the counties of Clearfield, Centre and Cambria to points in the boroughs of Bellefonte and State College, Centre County, and the city of Altoona, Blair County; no haul to exceed a distance of sixty-five (65) miles from point of origin to point of destination; excluding the transportation of coal from the Bradford Coal Company in the townships of Bradford and Pike, Clearfield County.

To transport, as a Class D carrier, coal, wood, clay, limestone and building materials, in bulk in dump trucks, between points in the counties of Clearfield, Centre and Blair, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal from points in the counties of Clearfield, Centre and Cambria to points in the borough of Williamsburg, Blair County, no haul to exceed a distance of sixty-five (65) miles from point of origin to point of destination; excluding the transportation of coal from the Bradford Coal Company in the townships of Bradford and Pike, Clearfield County.

A-96036, F.1, Am-A

To transport, as a Class D carrier, coal for Bradford Coal Co., Inc., from points in production of the said corporation in the county of Clearfield to points in that part of Pennsylvania bounded and described as follows:

Bounded on the west by Highway Route 220 between the Pennsylvania-Maryland state line and Williamsport and Highway Route 14 between Williamsport and Columbia Crossroads, Bradford County; on the north by an unnumbered highway from Columbia Crossroads to Milan via Springfield, Harkness and East Smithfield; on the east by Highway Route 220 between Milan and Towanda, by Highway 309 between Tunkhannock and Tamaqua, by a line running from Tamaqua through Reading and West Chester and the Pennsylvania-Delaware and Pennsylvania-Maryland state lines including the borough of Bristol, Bucks

County, and the Bridesburg section of the city of Philadelphia bounded as follows: Beginning at the Tacony-Palmyra Bridge, thence via Levick Street, Frankford Avenue and Frankford Creek to the Delaware River; and including all points on the aforesaid routes.

That no right, power or privilege is granted to transport coal to points in the cities of Hazelton, Luzerne County, Reading, Berks County, and Lancaster, Lancaster County.

A-96036, F.1, Am-D

To transport, as a Class D carrier, coal and dirt between points in the borough of Clearfield, Clearfield County, and within an airline distance of twenty-five (25) statute miles of the limits of the said borough.

A-96036, F.1, Am-E

To transport, as a Class D carrier, coal, in bulk, from the facilities of Bradford Coal Company in the townships of Bradford and Pike, Clearfield County, to points in the borough of Freeport, Armstrong County, and points within an airline distance of five (5) statute miles of the limits of said borough.

A-96036, F.1, Am-F

To transport, as a Class D carrier, clay, from the facilities of Lansberry Coal and Excavating Co. in the township of Bradford, Clearfield County, to the facilities of Robinson Clay Products, Division of Clow Corp., located in the borough of Pottstown, Montgomery County, and to the facilities of Hazleton Brick Co., located in the township of Hazle, Luzerne County.

A-96036, F.1, Am-G

To transport, as a common carrier, clay, from the facilities of Lansberry Coal and Excavating Co., in the township of Bradford, Clearfield County, to the facilities of Pomona Clay Products Co., located in the borough of Pottstown, Montgomery County, and to the facilities of Hazleton Brick Co., located in the township of Hazle, Luzerne County.

A-96036, F.1, Am-H

To transport, as a Class D carrier, coal from points in the counties of Fayette, Westmoreland and Somerset, to the facilities of James M. Stott Coal Company, Inc., in the township of Rush, Centre County.

A-96036, F.1, Am-I

To transport, as a Class D carrier, sand and gravel, from points in the counties of Lycoming and Montour, to points in the counties of Clearfield, Centre, Blair, Cambria and Jefferson; subject to the following conditions:

1. That no right, power or privilege is granted to render service for, from or to, the facilities of J. H. Hommer Lumber Company, R. L. Zimmerman Concrete Products and McGill Lumber Company.
2. That no right, power or privilege is granted to provide service for Lycoming Silica Sand Company from its facilities in the counties of Lycoming and Montour to points located within an airline distance of one hundred (100) statute miles of the point of origin.
3. That no right, power or privilege is granted to provide service to points in the county of Centre except points located in the borough of Philipsburg in said county.

A-96036, F.1, Am-J

To transport, as a Class D carrier, coal, in bulk in dump vehicles, for Bradford Coal Co., from tipples or points of production of Bradford Coal Co., Inc., located in the county of Clearfield, to points in Pennsylvania, and vice versa, subject to the following condition:

That no right, power or privilege is granted to provide transportation from or to points in Clinton County.

A-96036, F.1, Am-K

To transport, as a Class D carrier, coal, from mines or stripping operations in the counties of Cambria, Somerset,

Westmoreland, Blair, Indiana, Clearfield and Centre, to railroad sidings or docks in the said counties, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.

To transport, as a Class D carrier, building materials in bulk in dump trucks, between points in the counties of Cambria, Somerset, Blair, Indiana, Clearfield, Centre and Westmoreland, excluding the borough of Latrobe, Westmoreland County, no haul to exceed a distance of fifty (50) miles from point of origin to point of destination.

A-96036, F.1, Am-L

To transport, as a Class D carrier, sand, from the facilities of Lycoming Silica Sand Company, located in the borough of Montoursville, Lycoming County, to points in the county of Huntingdon, subject to the following conditions:

1. That no right, power or privilege is granted to provide service for Lycoming Silica Sand.
2. That no right, power or privilege is granted to provide transportation to points within an airline distance of fifty (50) statute miles of the limits of the city of Lock Haven, Clinton County.
3. That no right, power or privilege is granted to provide transportation to points in Smithfield and Walker Townships, Huntingdon County.

A-96036, F.1, Am-M

To transport, as a Class D carrier, lime and limestone, in dump vehicles, from the facilities of Narehood Limestone, Inc., in the counties of Blair and Huntingdon, to points in Pennsylvania within an airline distance of one hundred (100) statute miles of the point of origin.

A-96036, F.1, Am-N

To transport, as a Class D carrier, property for Derrick Equipment Company, Inc., between points in Pennsylvania.

A-96036, F.l, Am-P

1. To transport, as a Class D carrier, excavated materials, and road and building construction materials such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the counties of Lawrence, Beaver, Butler and Allegheny.

2. To transport, as a Class D carrier, coal from mines in the counties of Butler and Lawrence within twenty-five (25) miles by the usually traveled highways of the city of New Castle, Lawrence County, to points in the said city and within twenty-five (25) miles by the usually traveled highways of the limits of said city.

3. To transport, as a Class D carrier, coal from mines and tipples in the counties of Lawrence, Butler, Beaver, Mercer, Venango, Allegheny, Washington, Westmoreland and Fayette to tipples, railroad sidings and consumers in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

4. To transport, as a Class D carrier, building materials, in bulk in dump trucks, sand, gravel, soil, limestone, cement blocks, slag and lime between points in the counties of Mercer, Venango, Westmoreland, Fayette and Washington, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

5. To transport, as a Class D carrier, lime for the Warner Company from points in the borough of Leetsdale, Allegheny County, to points within an airline distance of fifty (50) miles of the limits of said borough, and the return of refused or rejected shipments to the point of origin.

6. To transport, as a Class D carrier, coal from mines or stripping operations within a radius of seventy-five (75) miles of the limits of the city of Pittsburgh, Allegheny County, to points in the said territory, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

7. To transport, as a Class D carrier, materials, such as are usually transported in dump trucks and by concrete truck mixers, between points in the borough of Ambridge, Beaver County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough, provided no haul shall exceed a

distance of twenty-five (25) miles from point of origin to point of destination.

8. To transport, as a Class D carrier, in dump vehicles, materials such as are usually transported in dump vehicles, between points in the borough of Ambridge, Beaver County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough, and from points in the said territory to points within one hundred fifty (150) miles of the City-County Building in the city of Pittsburgh, Allegheny County, and vice versa.

9. To transport, as a Class D carrier, property, in bulk, in dump vehicles, and which is unloaded by dumping, between points in the city of Pittsburgh, Allegheny County, and within fifty (50) miles of the limits of said city and from points in said territory to points in Pennsylvania, and vice versa; with right No. 9 immediately above to be subject to the following conditions:

(a) That no right, power or privilege is granted to transport coal and coke between points in the counties of Allegheny, Butler, Beaver, Washington, Westmoreland, Lawrence, Mercer and Armstrong, except as herein above authorized.

(b) That no right, power or privilege is granted to transport property for the Bethlehem Steel Company and the United States Steel Corporation, in bulk in dump trucks and in dump trailers, between points in the city of Johnstown, Cambria County, and within twenty-five (25) miles of the limits of said city.

(c) That no right, power or privilege is granted to transport pig iron, coke and ammonium sulfate, in dump vehicles, from the plant of Alan Wood Steel Company in the townships of Upper Merion and Plymouth, Montgomery County, to customers of said company beyond an airline distance of one hundred fifty (150) miles of the said plant, and on the return, clay in bulk and coal, in dump vehicles, to the said plant; provided, however, that this restriction shall not apply to the transportation of pig iron, in dump vehicles, to the plant of Bethlehem Steel Company located in the county of Cambria.

(d) That no right, power or privilege is granted to transport ferromanganese, in dump vehicles, from the

plant of E. J. Lavino Company in the township of Millcreek, Lebanon County.

(e) That no right, power or privilege is granted to render service from the city of Johnstown, the boroughs of Franklin and East Conemaugh and the township of West Taylor, Cambria County, for the Bethlehem Steel Company to points on and east of Highway Route 219 and north of Highway Routes 322 and 62; and no right is granted to transport property, in dump trucks and dump trailers, for Robel Construction Company, Inc., Menahan Sand and Gravel Company, Central Contracting and Supply Company and Whitaker Brothers between points in the city of Johnstown, Cambria County, and within an airline distance of twenty-five (25) miles of the limits of said city, except for the transportation of coal, coke, iron ore and manganese ore.

10. To transport, as a Class D carrier, salt and salt products, in bags and in mixed shipments in bags and bulk, from the plant of the Diamond Crystal Salt Company in the city of New Kensington, Westmoreland County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments to the point of origin; excluding transportation in bags to the steel plants of the Bethlehem Steel Company in the county of Cambria, and further excluding the transportation of commodities in bulk in tank vehicles or in hopper-type vehicles.

11. To transport, as a Class D carrier, stone, lime, debris, amesite, building materials, excavated materials and road and building construction materials and other materials, such as are usually transported in dump trucks, between points not to exceed a distance of seventy-five (75) miles from point of origin to point of destination in the counties of Erie, Crawford, Warren and Venango.

12. To transport, as a Class D carrier, commodities, in bulk in dump vehicles and which are unloaded by dumping, between points in the city of Oil City, Venango County, and from points in the said city to points in Pennsylvania, and vice versa; with right No. 12 above subject to the following conditions:

(a) That no right, power or privilege is granted to transport coal, coke, lime and lime products, iron ore and salt, in bulk in dump vehicles.

(b) That no right, power or privilege is granted to transport clay, in bulk in dump vehicles, from points in the counties of Clearfield and Cambria.

(c) That no right, power or privilege is granted to transport sand in bulk from the Pennsylvania Glass Sand Corporation in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.

13. To transport, as a Class D carrier, commodities in dump vehicles for the Electralloys Corporation from its plant site in Oil City, Venango County, to points in Pennsylvania.

14. To transport, as a Class D carrier, commodities in dump vehicles for the Venango Metallurgical Products Company from points in Pennsylvania to its plant site in Oil City, Venango County.

15. To transport, as a Class D carrier, cullet, soda ash, nepheline syenite, lime and limestone products and industrial sand in bulk in dump vehicles from points in Pennsylvania to points in the boroughs of Marienville, Forest County, Brockway, Jefferson County, and Port Allegany, McKean County; with right No. 15 above subject to the following condition:

That no right, power or privilege is granted to transport sand from the facilities of the Pennsylvania Glass Sand Corporation located in the boroughs of McVeytown, Mifflin County, and Mapleton, Huntingdon County.

16. To transport, as a Class C carrier, property, in bulk, in dump vehicles, from the city of Erie, Erie County, to points in Pennsylvania; with right No. 16 above subject to the following condition:

That no right, power or privilege is granted to transport salt in bulk to or from points east of the eastern boundary of the counties of McKean, Cameron, Clearfield, Blair and Bedford.

17. To transport, as a Class D carrier, slag, crushed stone, limestone, asphalt, amesite and similar coal tar surfacing materials, from the borough of Sharpsville, Mercer County and the township of Mahoning, Lawrence County, to other points within thirty-five (35) miles, by the usually traveled highways, of the limits of the said borough and said township, excluding the county of Washington.

18. To transport, as a Class D carrier, building materials in bulk in dump trucks, soil, slag, reddog, sand, stone and gravel between points in the counties of Fayette, Westmoreland, Washington, Allegheny, Beaver, Butler, Lawrence and Mercer,

provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination, excluding the right to transport brick to, from or between points in Allegheny County.

19. To transport, as a Class D carrier, coal, coke and other solid fuels from points in the counties of Fayette, Westmoreland, Washington, Allegheny, Beaver, Butler, Lawrence and Mercer, to stock piles or railroad sidings in the said counties, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

20. To transport, as a Class D carrier, coal, coke and other fuels for domestic consumption between points in the counties of Fayette, Westmoreland, Washington, Allegheny, Beaver, Butler, Lawrence and Mercer, provided no haul shall exceed a distance of fifteen (15) miles from point of origin to point of destination.

21. To transport, as a Class D carrier, property, in bulk in dump trucks, (excluding building materials and road building materials), from the plant of the Interlake Iron Corporation in the city of Erie, Erie County, to points within an airline distance of two hundred fifty (250) statute miles of the limits of said city, excluding transportation to the plants of the Bethlehem Steel Company in Cambria County.

22. To transport, as a Class D carrier, property, in bulk in dump trucks, (excluding building materials and road building materials), from the plant of Miller & Company in the city of Erie, Erie County, to points within an airline distance of two hundred fifty (250) statute miles of the limits of said city, excluding transportation to the plants of the Bethlehem Steel Company.

23. To transport, as a common carrier, furnace lining scrap or refuse, from points in Pennsylvania to the plant sites of North American Refractories Company, in the townships of Pike, Clearfield County, Towamensing, Carbon County, and Heidelberg, Berks County and the borough of Mount Union, Huntingdon County.

24. To transport, as a Class D carrier, by motor vehicles, scrap metals in dump vehicles and which are unloaded by dumping, between points in Pennsylvania on and west of U. S. Highway 15; with right No. 24 above subject to the following conditions:

(a) Provided that no right, power or privilege is hereby granted to provide from the city of Williamsport, Lycoming County, except as is presently authorized.

(b) Provided that no right, power or privilege is hereby granted to transport scrap metals from the facilities of the Jersey Shore Steel Company in the village of Avis, Clinton County, except as presently authorized.

(c) Provided that no right, power or privilege is hereby granted to transport aluminum, brass and copper scrap to or from the borough of Bellefonte, Centre County, and points within a radius of one mile thereof except as presently authorized.

25. To transport, as a Class D carrier, by motor vehicle, scrap metal in dump vehicles and which are unloaded by dumping between points in Pennsylvania; with right No. 25 above subject to the following conditions:

(a) That no right, power or privilege is hereby granted to render service from the city of Williamsport, Lycoming County; to and from the township of Ontelaunee, Berks County; to the borough of Milton, Northumberland County; from the village of Avis, Clinton County; and to and from the facilities of Hodes Industries, Inc., located in the county of Centre, the city of Lock Haven, Clinton County, and the borough of Tyrone, Blair County, except as presently authorized.

(b) That no right, power or privilege is hereby granted to transport aluminum, brass and copper scrap to or from the borough of Bellefonte, Centre County, and points within a radius of one mile thereof except as presently authorized.

26. To transport, as a Class D carrier, coke in dump vehicles, from the township of Upper Merion, Montgomery County, to points in Pennsylvania on and west of U. S. Highway Route 219.

27. To transport, as a Class D carrier, decorative stone and landscaping materials, in bulk, in dump vehicles, for Old Dutch Materials Company, from the boroughs of Mercer, Mercer County and Telford, Montgomery County and the city of Lebanon, Lebanon County, to points in Pennsylvania.

28. To transport, as a Class D carrier, hazardous chemicals and hazardous industrial waste, in drums and other containers, between points in Pennsylvania; with right No. 28 above subject to the following conditions:

(a) That the service herein authorized is limited to that rendered from originators of hazardous chemicals and hazardous waste to disposal or treatment sites licensed or approved by the Pennsylvania Department of Environmental Resources.

(b) That no right, power or privilege is granted to provide transportation in tank vehicles.

(c) That disposition of hazardous chemicals and hazardous waste material at points other than licensed or approved sites, as above authorized, may be deemed just and sufficient cause for the revocation of the authority granted herein.

(d) That all vehicles, drums and other containers utilized in the service here authorized shall conform to any current or future standards established by the Department of Environmental Resources for the transportation of hazardous materials, failure to do so may be deemed just and sufficient cause for suspension or revocation of the authority granted herein.

A-96036, F.1, Am-R

(a) To transport, as a Class D carrier, salt, in dump vehicles, between points in Pennsylvania.

(b) To transport, as a Class D carrier, coal and coke, in dump vehicles, for Keystone Coal Company, between points in Pennsylvania, provided that no right, power or privilege shall be granted to transport coal from points east of U. S. Highway 15.

(c) To transport, as a Class D carrier, coal, in dump vehicles, for Swistock Associates Coal Corp., from its facilities in the counties of Clearfield and Cambria to points in Pennsylvania, and from points west of U. S. Highway 219 to its facilities in the counties of Clearfield and Cambria, provided that no right, power or privilege shall be granted to transport coal to the facilities of Pennsylvania Power & Light Company in the counties of Montour and Snyder.

(d) To transport, as a Class D carrier, coal, in dump vehicles, for C & K Coal Company, between its facilities in the counties of Clarion, Cambria, and Jefferson and from its facilities in the counties of Clarion, Cambria and Jefferson to points in Pennsylvania.

(e) To transport, as a Class D carrier, stone, sand, and amesite, in dump vehicles for Glen O. Hawbaker, Inc., between points in Pennsylvania, provided that no right, power or privilege shall be granted to transport stone and sand from points east of U. S. Highway 15, and further provided that no right, power or privilege shall be granted to transport sand and stone from the facilities of Pennsylvania Glass Sand Corporation in the counties of Mifflin and Huntingdon.

(f) To transport, as a Class D carrier, stone, sand, and amesite, in dump vehicles, between points in Pennsylvania west of U. S. Highway 219, except from points in the county of Somerset.

(g) To transport, as a Class D carrier, limestone and limestone products, in dump vehicles, for J. E. Baker Company, from its facilities in West Manchester Township, County of York, to points in Pennsylvania, provided that no right, power or privilege shall be granted to transport limestone and limestone products to points in the counties of Lebanon, Wayne, Pike, Lackawanna, Bradford, Wyoming, Susquehanna, Luzerne, Monroe, and Sullivan, and further provided that no right, power or privilege shall be granted to transport limestone and limestone products to the facilities owned or used by manufacturers and producers of iron and steel and iron and steel products.

(h) To transport, as a Class D carrier, coal, in dump vehicles, for Avery Coal Company, from its facilities in the county of Clearfield to points in Pennsylvania, provided that no right, power or privilege shall be granted to transport coal to points in the counties of Clinton, Montour, Northumberland, and Snyder.

(i) To transport, as a Class D carrier, property in dump vehicles, for Kephart Trucking Co., Wallace A. Kephart, and Wallace A. Kephart and Timothy L. Kephart, a partnership, between points in Pennsylvania.

(j) To transport, as a Class D carrier, scrap, in dump vehicles, from the Borough of Milton, County of Northumberland, to points in Pennsylvania and vice versa.

(k) To transport, as a Class D carrier, coal, in dump vehicles, from points in Pennsylvania to the facilities of Pennsylvania Electric Company in the Borough of Warren, County of Warren, provided that no right, power or privilege shall be granted to transport coal for A.M.E. Coal Company, River Hill Coal Company, Johnson & Morgan Coal Company, Hall's Coal Co., Inc., and King Coal Sales Company.

A-96036, F.1, Am-S

1. To transport, as a Class D carrier, coal, in dump vehicles, from points in the county of Cambria, to points in the counties of Berks, Montgomery, Bucks, Philadelphia, Delaware, Chester, Northampton and Lehigh.

2. To transport, as a Class D carrier, coal, in dump vehicles, from points in the county of Elk to points in the counties of Berks, Montgomery, Bucks, Philadelphia, Delaware, Chester, Northampton and Lehigh.

3. To transport, as a Class D carrier, coal, in dump vehicles, for S.S.M. Coal North America, Inc.; P & S Coal Company; I.U.E. Coal Sales Company; H.N. Hartwell & Co., Inc.; Hawley Fuels, Inc.; United Eastern Coal Sales, Inc.; Hepburnia Coal Co.; and Connecticut Coal Company, from points in the counties of Jefferson and Clearfield to points in the counties of Berks, Montgomery, Bucks, Philadelphia, Delaware, Chester, Northampton and Lehigh.

With rights 1, 2 and 3 above subject to the following condition:

That no right, power or privilege is granted to perform service from those points in the counties of Cambria, Elk and Clearfield lying within an airline distance of seventy-five (75) statute miles of the limits of the City of Williamsport, Lycoming County, to points in Lehigh County or from those points in the counties of Cambria, Clearfield, Elk and Jefferson lying within an airline distance of one hundred (100) statute miles of the limits of the City of Williamsport, Lycoming County, to those points in Lehigh County lying within an airline distance of seventy-five (75) statute miles of the limits of said city;

With right 2 above subject to the following condition:

That no right, power or privilege is granted to perform service for Coal Hill Mining Company, Inc.; H.N. Hartwell & Co., Inc.; Hall's Coal Co., Inc.; or Seaview Fuels, Inc., to points in the counties of Berks and Northampton;

With right 3 above subject to the following condition:

That no right, power or privilege is granted to perform service for H.N. Hartwell & Co., Inc., to points in the counties of Berks and Northampton.

A-96036, F.1, Am-T

To transport, as a Class D carrier, lime and limestone products, in dump vehicles, from the facilities of The J. E. - Baker Company in the township of West Manchester, York County, to points in Pennsylvania, subject to the following condition:

That no right, power or privilege is granted to provide service to points in the city of Reading, Berks County, the borough of Steelton, Dauphin County and the township of Falls, Bucks County.

ARTHUR L. BERGER  
FRANCIS B. HAAS, JR.  
G. THOMAS MILLER  
DONALD R. WASEL  
RICHARD R. LEFEVER  
J. THOMAS MENAKER  
CLYDE W. MCINTYRE  
S. BERNE SMITH  
ROD J. PERA  
EDWARD W. ROTHMAN  
ROBERT A. MILLS  
W. JEFFRY JAMOUNEAU  
HERBERT R. NURICK  
DAVID E. LEHMAN  
NORMAN I. WHITE  
F. MURRAY BRYAN  
RICHARD W. STEVENSON  
WILLIAM A. CHESNUTT  
HENRY R. MACNICHOLAS  
WILLIAM M. YOUNG, JR.  
ROBERT M. CHERRY  
DAVID B. DISNEY  
H. LEE ROUSSEL  
MAURICE A. FRATER  
C. GRAINGER BOWMAN  
JOHN S. OYLER  
DELANO M. LANTZ

HARVEY FREEDENBERG  
JASON S. SHAPIRO  
ERIC L. BROSSMAN  
ROBERT D. STETS  
TERRY R. BOSSERT  
MARY JANE FORBES  
JEFFREY B. CLAY  
DAVID M. KLEPPINGER  
NEAL S. WEST  
FRANKLIN A. MILES, JR.  
MICHAEL A. DOCTROW  
STEPHEN A. MOORE  
DANA S. SCADUTO  
ELIZABETH A. DOUGHERTY  
ALAN R. BOYNTON, JR.  
BRUCE D. BAGLEY  
GARY F. YENKOWSKI  
DIANE M. TOKARSKY  
JAMES J. DODD-O  
BERNARD A. LABUSKES, JR.  
ANNE K. FIORENZA  
JOHN M. ABEL  
RICHARD S. KAHLBAUGH  
KEVIN J. FREDERICK  
DAVID M. WATTS, JR.  
TRENT HARGROVE

MCNEES, WALLACE & NURICK  
ATTORNEYS AT LAW

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HARRISBURG, PA. 17108-1166  
TELEPHONE (717) 232-8000  
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STERLING G. MCNEES  
1923-1959

DAVID M. WALLACE  
1942-1967

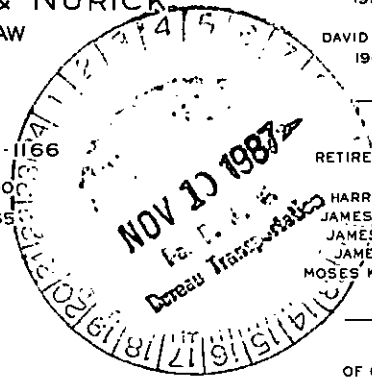
RETIRED PARTNERS

HARRY H. FRANK  
JAMES H. BOOSER  
JAMES W. HAGAR  
JAMES H. KING  
MOSES K. ROSENBERG

OF COUNSEL

GILBERT NURICK  
EDWARD C. FIRST, JR.  
ROBERT H. GRISWOLD  
JEFFERSON C. BARNHART  
SAMUEL A. SCHRECKENGAUST, JR.

November 6, 1987



RECEIVED

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

HAND DELIVERY NOV 6 1987

SECRETARYS OFFICE  
Public Utility Commission

Re: APPLICATION OF PIONEER TRANSPORT, INC.  
PA PUC DOCKET NO. A.00105837, F.1, Am-D  
PROTEST ON BEHALF OF DAILY EXPRESS, INC.

FILE


Dear Secretary Rich:

Enclosed for filing on behalf of Daily Express, Inc., please find an original and two (2) copies of a protest to the above-captioned application. Copies of the protest are being forwarded to applicant's attorney and directly to applicant.

Please acknowledge receipt hereof by date stamping the copy of this letter of transmittal.

Very truly yours,

MCNEES, WALLACE & NURICK

By   
William A. Chesnutt

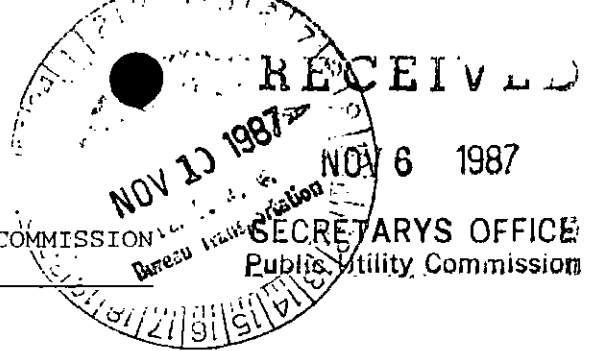
WAC/law

Enclosures

cc: Charles E. Creager, Esquire (w/enclosures)  
Pioneer Transport, Inc. (w/enclosures)  
E. S. Moore, Jr., Daily (w/enclosures)



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION



In re:

PIONEER TRANSPORT, INC.  
A. 00105837, F.1, Am-D  
PROTEST ON BEHALF OF DAILY EXPRESS, INC.

**FILE**

AND NOW COMES, Daily Express, Inc. and protests this application, notice of which appeared in the Pennsylvania Bulletin as shown in attached Appendix "A", representing as follows:

1. The name, business address and telephone number of the protestant are as follows:

Daily Express, Inc.  
P. O. Box 39  
Carlisle, PA 17013  
(717) 243-5757

2. The name, business address and telephone number of the protestant's attorney are:

William A. Chesnutt, Esquire  
McNees, Wallace & Nurick  
P. O. Box 1166  
Harrisburg, Pennsylvania 17108-1166  
(717) 232-8000

3. Protestant holds authority issued by this Commission in conflict with that sought by applicant in this proceeding. Protestant transports a substantial amount of traffic between points in the application territory. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenues derived, or to be derived, therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant

**DOCUMENT  
FOLDER**

**DOCKETED**  
APPLICATION DOCKET  
NOV 12 1987  
ENTRY No. 10

application. Diversion of present and future traffic would have an adverse impact on protestant.

4. This Commission has issued various authorities to protestant under Docket No. A.0085189. An abstract of pertinent portions of the authorities issued under that docket, upon which Daily predicates this protest, is set forth in Appendix "B" attached hereto. Daily provides an adequate and satisfactory service under those authorities. The authority sought in this application is in substantial conflict with the authorities set forth in Appendix "B".

5. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public. Moreover, approval of this application would endanger and impair the operations of Daily in a manner and to an extent contrary to the public interest.

6. Restrictive amendment by applicant of the authority sought here to eliminate any and all conflict with authority now held by Daily and acceptance of such amendment by the Commission, would result in withdrawal of this protest.

7. This protest also relates to the fitness of the applicant.

WHEREFORE, Daily Express, Inc. respectfully prays that this application be dismissed.

DAILY EXPRESS, INC.

By:   
MCNEES, WALLACE & NURICK

P. O. Box 1166  
Harrisburg, PA 17108-1166

Dated: November 6, 1987

A-00104747, Folder 1, Am-D. Miller's Trucking Service, Inc. (R. D. 4, P. O. Box 467, Williamsport, Lycoming County, Pa. 17701), a corporation of the Commonwealth of Pennsylvania, *inter alia*—scrap metal, in dump vehicles, for Staiman Brothers, between points in the counties of Lycoming, Clinton and Northumberland, and from points in said counties, to points in Pennsylvania, and vice versa; so as to permit the transportation of scrap metal and scrap material for Simon Resources, Inc., and Coatesville Scrap Iron & Metal Co., between points in Pennsylvania. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00105009, Folder 2, Am-C. Delta Freight, Inc. (Box 4, Lower Valley Road, Parkesburg, Chester County, Pa. 19365), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Procter & Gamble Distributing Company, from the facilities used by said shipper located in the counties of Lycoming, Lackawanna and Luzerne, to points in Pennsylvania, and vice versa; subject to the following conditions: that no right, power or privilege is granted to transport commodities in bulk; household goods in use; and commodities which, because of size or weight, require special equipment or special highway permits for their transportation: so as to permit the transportation of property, except commodities in bulk, household goods in use, and commodities which, because of size or weight, require special equipment, from the facilities of Scott Paper Company located in the counties of Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and vice versa.

A-00105837, F. 1, Am-D. Pioneer Transport, Inc. (543 Strasburg Pike, Lancaster, Lancaster County, Pa. 17602), a corporation of the Commonwealth of Pennsylvania, *inter alia*—metal, including iron, steel, aluminum and copper, metal products; and materials, supplies and equipment used in the manufacture or distribution of such commodities, for High Steel Service Center, Inc., from points in Pennsylvania to its facilities located in the city of Lancaster, Lancaster County; subject to the following condition: provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles: so as to permit the transportation of property, from the Pennsylvania facilities of Lukens Steel Company, Carpenter Technology Corporation, Falconbridge U. S., Inc., Allegheny Ludlum Steel Corporation, Jessop Steel Company, East Penn Manufacturing Company, Glen Gery Corporation and Trim-Master Corporation, to points in Pennsylvania, and vice versa; subject to the following condition: provided that no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles. *Attorney:* Charles E. Creager, 1329 Pennsylvania Avenue, P. O. Box 1417, Hagerstown, MD 21741.

A-00059731, Folder 24, Am-M. Jones Motor Co., Inc. (Bridge Street and Schuylkill Road, Spring City, Chester County, Pa. 19475), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property, for Lewisohn Sales Co., Inc., from its facilities, in the borough of Nescopeck, Luzerne County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport household goods in use, commodities in bulk and Class A and Class B explosives: so as to permit the transportation of property (except commodities in bulk, household goods in use, Class A and Class B explosives and commodities which, because of size or weight, require special equipment or highway permits for their transportation), from points in the county of Columbia and the township of

Salem, Luzerne County, to points in Pennsylvania, and vice versa. *Attorney:* Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.

A-00073006, Folder 2, Am-S. William C. Confer (R. R. 31, Box 35, Howard, Centre County, Pa. 16841), *inter alia*—lime and limestone for the White Rock Quarries, Chemical Limestone Company and American Limestone Company in the borough of Bellefonte, Centre County and the Tyrone Lime & Stone Company of Tyrone from their plants or railroad cars shipped by them to points of construction in the counties of Centre, Mifflin and Blair: so as to permit the transportation of (1) limestone and limestone products, in bulk, in dump vehicles, for White Rock Quarries, Inc., from the township of Spring, Centre County, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean; (2) coal, in bulk, in dump vehicles, for White Rock Quarries, Inc., from points in the counties of Clearfield, Centre, Clinton, Lycoming and Jefferson, to points in that part of Pennsylvania lying east of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Cameron and McKean and vice versa; and (3) coal, in bulk, in dump vehicles, for Westmoreland Coal Sales Co., between points in Pennsylvania. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00094695, Folder 2, Am-A. Samuel J. Varo and Russell J. Varo, Copartners t/d/b/a Adsit Moving & Storage (8206 Edinboro Road, Erie, Erie County, Pa. 16509), *inter alia*—household goods and office furniture, in use, from points in the city of Erie, Erie County, and within 25 miles by the usually traveled highways of the limits of the said city to points in Pennsylvania, and vice versa: so as to permit the transportation of property, for American Sterilizer Co., from its facilities located in the township of Millcreek, Erie County, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00094695, F. 2, Am-A, seeking the following rights: hospital and medical equipment and supplies, for American Sterilizer Co., from its facilities located in the township of Millcreek, Erie County, to points in Pennsylvania, and vice versa. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00095190, F. 1, Am-R. The Blue Diamond Company (6201 Pulaski Highway, Baltimore, MD 21205), a corporation of the State of Maryland, *inter alia*—(1) empty glass containers, in cartons, on pallets, from the plant of Metro-Pak Containers, located in the city of Washington, Washington County, Pa., to the facilities of Kraft Foods Division of Kraftco Corporation located in Macungie Township, Lehigh County, Pa.; (2) property from the facilities of Anchor Hocking Corp., in the borough of South Connellsville, Fayette County, and the borough of Youngwood, Westmoreland County, and within an airline distance of 2 statute miles of the limits of said boroughs, to points in Pennsylvania, and vice versa; with right No. 2 subject to the following conditions: that no right, power or privilege is granted to transport commodities in bulk; that no right, power or privilege is granted to transport brick or pipe from the county of McKean; that no right, power or privilege is granted to provide transportation from the village of Schenley, Armstrong County, and the city of Latrobe, Westmoreland County; (3) glass containers, from the facilities of Ball Glass Container Company, in the city of Washington, Washington County, to points in the counties of Adams and Lackawanna, and vice versa; and (4) property, from the facilities of Ball Glass Container,

Authorities of Daily Express, Inc. under Pa. PUC Docket No. A. 0095189, to perform transportation as a Class D motor common carrier, of:

Folder 2:

prefabricated buildings and component parts thereof for Inland Homes Corporation between points in the Borough of Hanover, York County, and within an airline distance of five (5) miles of the limits of said borough and from points in said territory to other points in Pennsylvania,

Folder 3:

property from the plant of United States Steel Corporation (formerly United States Steel Homes, Inc.,) located in the Township of Hampden, Cumberland County, to points in Pennsylvania, and vice versa;

Folder 3, A-A:

farm wagons, combines, self-propelled vehicles (except highway trucks and automobiles) and equipment, attachments and parts intended for use in conjunction with farm wagons, combines and self-propelled vehicles (except highway trucks and automobiles), when moving in conjunction therewith, by driveaway and towaway service, between points in Pennsylvania.

farm wagons, combines, self-propelled vehicles (except highway trucks, buses, automobiles and chassis thereof) and equipment, attachments and parts intended for use in conjunction with farm wagons, combines and self-propelled vehicles (except highway trucks, buses, automobiles and chassis thereof), when moving in conjunction therewith, by truckaway service, between points in Pennsylvania.

DAILY EXPRESS, INC.  
A.0085189, continued:

Folder 3, Am-B

unpacked glass and glass in packages which because of size or weight require the use of special equipment, and unpacked glass and glass in packages which because of size or weight do not require the use of special equipment, when moving in mixed shipments with the unpacked glass and glass in packages which because of size or weight require the use of special equipment from the plant site of PPG Industries, Inc., in the township of South Middleton, Cumberland County, to points in Pennsylvania, and vice versa.

Folder 3, Am-C

feed, fertilizer, lime, farm machinery, farm supplies, fresh tomatoes, peas, beans, sweet corn, apples, hay, straw, potatoes and livestock between points in the borough of Hanover, York County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough, provided that all transportation shall begin or end at a farm.

livestock from points in the borough of Hanover, York County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough to points within one hundred fifty (150) miles by the usually traveled highways of the limits of the said borough, and vice versa, provided that all transportation shall begin or end at a farm.

building materials, such as are usually transported in bulk in dump trucks, between points in the borough of Hanover, York County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said borough; provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

property, excluding household goods in use, between points in the borough of Gettysburg, Adams County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.

property, excluding household goods in use, from points in the borough of Gettysburg, Adams County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, to points within forty (40) miles by the usually traveled highways of the limits of the said borough, and vice versa.

DAILY EXPRESS, INC.  
A.0085189

Folder 3. Am-C, continued:

feed, insecticides and fertilizer for E. S. Kelley from the borough of Gettysburg, Adams County, to points within fifty (50) miles by the usually traveled highways of the limits of the said borough, and vice versa.

farm products and supplies from farms in the county of Adams to points within thirty-five (35) miles by the usually traveled highways of the limits of the borough of Gettysburg, Adams County.

products from Adams County Farm Bureau Station in the borough of Gettysburg, Adams County, to points within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa;

food and food products for Davenport, Inc., between points in the city of Harrisburg, Dauphin County.

property for the Glen-Gery Shale Brick Corporation from rail sidings in the city of Harrisburg, Dauphin County, to points in the said city.

property for the Glen-Gery Shale Brick Corporation from the city of Harrisburg, Dauphin County, to plants of the said corporation located in the city of Reading and the boroughs of Shoemakersville, Wyomissing and Ephrata, and vice versa.

brick from plants of the Glen-Gery Shale Brick Corporation located at Harrisburg, Reading, Shoemakersville, Wyomissing and Ephrata to points of construction within one hundred (100) miles by the usually traveled highways of the respective plants; provided, however, that the right, power and privilege hereby granted shall include the right to transport excess parts of such loads to dealers' places of business.

coal and coke between points in the city of Harrisburg, Dauphin County, and within six (6) miles by the usually traveled highways of the limits of the said city.

river coal from wharves on the Susquehanna River in Dauphin County to points in the city of Harrisburg, Dauphin County, and within six (6) miles by the usually traveled highways of the limits of the said city.

DAILY EXPRESS, INC.  
A.0035189

Folder 3, Am-C, continued:

building and construction materials, such as are transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the counties of Dauphin, Cumberland, Perry, York; Lebanon and Lehigh.

tractors for The Oliver Corporation from the city of Harrisburg, Dauphin County, to farms within one hundred (100) miles by the usually traveled highways of the limits of the said city.

building construction materials between points in the city of Harrisburg, Dauphin County, and within twenty (20) miles by the usually traveled highways of the limits of the said city; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

contractors' equipment, farm machinery, and other heavy and bulky property, which because of its weight or bulk requires special handling, or service, between points in the city of Harrisburg, Dauphin County, and within an airline distance of twenty-five (25) miles of the State Capitol in the said city and from points in said area to points in Pennsylvania, and vice versa, excluding the city of Lancaster as a point of origin.

iron and steel and iron and steel articles and products between points in the county of Dauphin located within an airline distance of fifteen (15) miles of the State Capitol in the city of Harrisburg, and from points in said territory to other points in Pennsylvania, and vice versa, excluding the city of Lancaster, Lancaster County, as a point of origin;

(1) logs, pallets, wood chips or shavings, poles, mine timber, wood flour or fiber in bags, in bulk or packages, wood fiber products, furring strips and crating lumber, and (2) fasteners, moulding and other accessories and supplies for use in erection or installation of items in (1), between points in the county of Bradford and from points in said county to other points in Pennsylvania, and vice versa;

DAILY EXPRESS, INC.  
A.C095189

Folder 3. Am-E

buildings, building panels, building parts, and materials, accessories and supplies used in the installation, erection and construction of buildings, building panels, and building parts, except commodities in bulk, from the plant site and storage facilities of the Butler Manufacturing Company in the townships of Annville and North Annville, Lebanon County, to points in Pennsylvania.

Folder 3. Am-F

building and construction materials and other heavy objects between points in the counties of Dauphin, Cumberland, Lebanon and Perry;

building and construction materials and other heavy objects from points in the counties of Dauphin, Cumberland, Lebanon and Perry to other points in Pennsylvania and vice versa;

building and construction materials and other heavy objects from the borough of Danville, Montour County, to points in Pennsylvania, east of a line drawn between Eldred, McKean County, and the intersection of Bedford-Fulton County line with the Pennsylvania-Maryland State line, and vice versa;

steel and steel products for the Bethlehem Steel Company from the rail terminals located in the area east of said north and south line to any other point in said area;

property from the plant sites, construction sites and storage areas of the Downingtown Iron Works, Division of Pressed Steel Tank Company, in the borough of Downingtown, Chester County, and within an airline distance of three (3) miles of the limits of said borough, to points in Pennsylvania located on and west of the Susquehanna River and its north branch, and vice-versa,

iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production assembly and distribution of iron and steel from the plant site of Allegheny Ludlum Steel Corporation in the township of Valley, Chester County, to points in Pennsylvania, excluding points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester;

DAILY EXPRESS, INC.  
A.0035189

Folder 3. Am-F, continued:

property, from the facilities of McGraw-Edison Company in the township of Upper Macungie, Lehigh County, to points in Pennsylvania;

concrete products, from points within four (4) miles of the limits of the borough of Manchester, York County to points in Pennsylvania and vice versa.

Folder 3. Am-G

property, from the facilities of E. I. DuPont de Nemours & Co. located in the township of North Towanda, Bradford County, and points within an airline distance of five (5) statute miles thereof, to the facilities of E. I. DuPont de Nemours & Co., located in the township of Plains, Luzerne County, and points within an airline distance of five (5) statute miles thereof and the city of Hazleton, Luzerne County, and points within an airline distance of five (5) statute miles thereof, and vice versa.

Folder 3. Am-I

glass and glass products, from the facilities of PPC Industries, Inc., located in the township of Greenwood, Crawford County and in the borough of Ford City, Armstrong County, to points in Pennsylvania, and vice versa.

Folder 3. Am-J

property (excluding commodities in bulk and household goods in use) between points in Pennsylvania. Subject to the following conditions: that no right, or privilege is granted: (1) to perform transportation in closed van trailer equipment; (2) to perform transportation to or from the facilities of Bethlehem Steel Corporation in the County of Cambria; (3) to perform transportation to or from the facilities of Patterson Kelly Company, Inc. in the County of Monroe; (4) to perform transportation to or from the facilities of Sharon Steel Corporation at or near the City of Farrell, in the County of Mercer; (5) to transport property which because of size or weight requires the use of rigging and special equipment, from railhead to railhead or from railhead to points of installation between points in Pennsylvania; (6) to perform

DAILY EXPRESS, INC.  
A.0085189

Folder 3. Am-J, continued:

transportation to or from the facilities of Sprout-Waldron, Division of Koppers Company, Inc., in the Borough of Muncy, in the County of Lycoming; (7) to transport limestone or limestone products from the facilities of J. E. Baker Co. in the Township of West Manchester, in the County of York; (8) to transport wood or wood products to or from the facilities of Velda U.S., Inc. in the Township of Wayne, County of Clinton; or (9) to transport plate steel from the facilities of Lukens Steel Company, Division of Lukens, Inc., in the Township of Upper Merion, in the County of Montgomery, and in the City of Coatesville, in the County of Chester, to points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest of Daily Express, Inc. was served on applicant's attorney as follows:

Charles E. Creager, Esquire  
1329 Pennsylvania Avenue  
P. O. Box 1417  
Hagerstown, MD 21741

and directly to applicant by mailing same by first class mail, postage prepaid, at Harrisburg, Pennsylvania on this 6th day of November, 1987.



WILLIAM A. CHESNUTT  
McNEES, WALLACE & NURICK  
P. O. Box 1166  
Harrisburg, PA 17108-1166  
(717) 232-8000

Attorneys for Protestant  
Daily Express, Inc.

Dated: November 6, 1987

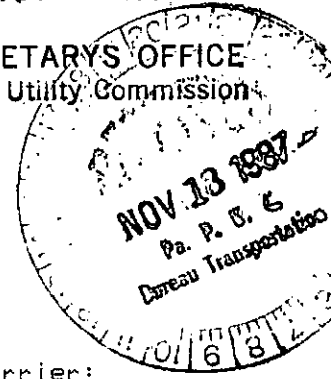
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NOV 18 1987

PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of Application Docket  
Pioneer Transport, Inc. No. A-00105837, F.1, Am-D

SECRETARYS OFFICE  
Public Utility Commission



PROTEST

To The Pennsylvania Public Utility Commission:

In accordance with 52Pa. Code 53.381, protest of the above application is hereby made on behalf of the below-named motor carrier:

Kulp and Gordon, Inc. Pothouse Road Docket No.  
P. O. Box 628 A. 67731  
Phoenixville, Pa. 19460

on the following grounds:

FILE

(1) That the service proposed will be competitive with and detrimental to the existing authorized service of the above-named motor carrier. Adverse impact upon the above-named motor carrier is set forth at Appendix 1 hereto.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accommodation, convenience or safety of the public.

A copy of the pertinent operating authority of the above-named motor carrier is attached hereto as Appendix 2. Also attached hereto, as Appendix 3, is a suggested restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier above-named.

Pursuant to Section 333 (c) of the Public Utility Code (66Pa.C.5333 (c)), we hereby request a list of the witnesses expected to testify in the above-entitled proceeding, together with the subject matter of their anticipated testimony.

I hereby certify that a copy of this Notice of Protest has, on this date, been served upon applicant and/or its counsel by mailing a copy of same to the address set forth in the Pennsylvania Bulletin dated October 31, 1987.

By: *Charles Kulp, Jr.*  
Charles Kulp, Jr.  
Traffic Mgr. for Protestant  
P.O. Box 628  
Phoenixville, Pa. 19460  
(215) 933-7725

CK, Jr. :bw

cc: Charles E. Creager  
1329 Pennsylvania Avenue  
P.O. Box 1417  
Hagerstown, MD 21741

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
NOV 18 1987  
ENTRY No. *12*

KULP & GORDON, INC.

Acceptable Restrictive Amendment

"Provided that no right, power or privilege is granted to provide service on concrete products from the facilities of Lukens Steel Co.; and iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products from points in the city of Coatesville, Chester County, and within an airline distance of three (3) statute miles of the limits of said city."

KULP & GORDON, INC.

Adverse Impact

Kulp & Gordon, Inc. is an experienced carrier providing an active, daily service pursuant to Pennsylvania Public Utility Commission authority which partially duplicates the authority sought in this proceeding. In addition, this protestant continually solicits additional traffic within the application territory.

Kulp & Gordon, Inc. transports over a million pounds within the scope of this application. A grant of the authority sought in this proceeding could have a serious detrimental effect upon the overall operations of this protestant by tending to divert important traffic and revenue from Kulp & Gordon, Inc.

Certificate No. A-67731

SUPPLEMENT NO. 3

Supplement No. 3 contains  
all changes.

To  
FREIGHT PA. P.U.C. NO. 60  
Cancels  
Supplement No. 2

KULP AND GORDON, INC.

---

DIRECTORY  
OF  
AUTHORIZED OPERATING AUTHORITY  
SHOWING  
CERTIFICATED ROUTES  
BETWEEN  
POINTS IN PENNSYLVANIA

APPLICABLE WHEN AND TO THE EXTENT SPECIFIC REFERENCE IS MADE HERETO BY TARIFFS OF  
CLASS AND COMMODITY RATES OR OTHER PUBLICATION.  
(FOR APPLICATION SEE RULE 1)

ISSUED: FEBRUARY 23, 1982

EFFECTIVE:

MARCH 25, 1982  
(Except as otherwise provided)

Issued by:

CHARLES KULP, JR., Traffic Manager  
P. O. Box 628  
Phoenixville, PA 19460

T&E 34-82

RULES AND REGULATIONS

RULE 2: GOVERNING PUBLICATIONS - supplements thereto and reissues thereof.

\*(1)

- (a) FREIGHT PA. P.U.C. No. 58, issued by this carrier.
- (b) Middle Atlantic Conference, Agent, Participating Carrier Directory, Freight Pa. P.U.C. No. A-349, Tariff No. 131-C.

Amend Folder 2 shown on pages 2, 3, 4 and 5 by adding the following:

FOLDER 2, Am-L (1)

To transport, as a Class D carrier, concrete products from the facilities of A. C. Miller Concrete Products, Inc., in the township of Charlestown, Chester County, to points in Pennsylvania; and steel rods from points in Pennsylvania to the facilities of A. C. Miller Concrete Products, Inc., in the township of Charlestown, Chester County.

SUBJECT TO THE FOLLOWING CONDITION:

That no right, power or privilege is granted to provide service from points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia to the facilities of A. C. Miller Concrete Products, Inc.

To transport, as a Class D carrier, roof insulation, hot tops, and side boards from the facilities of C. G. Sproule and Assoc., Inc. in the borough of Phoenixville and the township of Schuylkill, Chester County, to points in Pennsylvania.

Amend Folder 2 shown on page 2, 3, 4 and 5 by adding the following:

FOLDER 2, Am-M (2)

To transport, as a Class D carrier, equipment, materials and supplies used or useful in the production and distribution of iron and steel, from points in the borough of Ambler, Montgomery County, and within an airline distance of three (3) statute miles of the limits thereof, to points in the city of Coatesville, Chester County, and within an airline distance of three (3) statute miles of the limits thereof.

Amend Folder 2 shown on page 2, 3, 4 and 5 by adding the following:

#FOLDER 2, Am-N:

To transport, as a Class D carrier, property, for Phoenix Steel Corporation, from points in the borough of Phoenixville, Chester County, and within an airline distance of six (6) statute miles thereof, to points in Pennsylvania and vice versa.

SUBJECT TO THE FOLLOWING CONDITION:

That no right, power or privilege is granted to transport property in bulk.

(1) Reissued from Supplement No. 1, effective November 20, 1980.

\*(1) Reissued from Supplement No. 1, effective December 18, 1980.

(2) Reissued from Supplement No. 2, effective December 15, 1980.

# - Effective February 24, 1982 "Issued under authority of Title 52, Section 23.42."

CERTIFICATE NO. A-677

FREIGHT PA. P.U.C. NO. 60  
Cancels  
Freight Pa. P.U.C. No. 42

KULP AND GORDON, INC.  
DIRECTORY  
OF  
AUTHORIZED OPERATING AUTHORITY  
SHOWING  
CERTIFICATED ROUTES  
BETWEEN  
POINTS IN PENNSYLVANIA

APPLICABLE WHEN AND TO THE EXTENT SPECIFIC REFERENCE IS MADE HERETO BY TARIFFS  
OF CLASS AND COMMODITY RATES OR OTHER PUBLICATIONS.  
(FOR APPLICATION SEE RULE 1)

ISSUED: JANUARY 28, 1980

EFFECTIVE: FEBRUARY 27, 1980  
(Except as otherwise provided)

Issued by:

CHARLES KULP, JR., Traffic Manager  
P. O. Box 628  
Phoenixville, PA 19460

T&E 26-80

SCOPE OF OPERATING AUTHORITY

FOLDER 2:

To transport, as a Class D carrier, property from points in the Borough of Downingtown, Chester County, to points in the Borough of Phoenixville, Chester County, and within six (6) miles by the usually traveled Highways of the limits of the said borough, and vice versa, via Highways Routes 30 and 113, and also via Highway Routes 30 and 29, including intermediate points.

To transport, as a Class D carrier, property from points in the Borough of Phoenixville, Chester County, and within six (6) miles by the usually traveled highways of the limits of the said borough to points in the City and County of Philadelphia, and vice versa, via Ridge Pike, Norristown, Jeffersonville, and Highway Route 422, including intermediate points, except between Philadelphia and Oaks, Montgomery County, and intermediate points.

To transport, as a Class D carrier, property from points in the City of Coatesville, Chester County, and within six (6) miles by the usually traveled highways of the limits of said city to points in the City and County of Philadelphia, and vice versa, via Highway Route 30, including intermediate points, except between Malvern, Chester County, and Philadelphia, and intermediate points.

To transport, as a Class D carrier, parcels for Strawbridge and Clothier Department Store from Philadelphia to their customers in the Borough of Phoenixville, Chester County, and within fourteen (14) miles by the usually traveled highways of the limits of said borough, excluding the Boroughs of Norristown and Bridgeport, Montgomery County.

With the right to render service between Philadelphia and Coatesville via Phoenixville, or between Philadelphia and Phoenixville via Coatesville, provided that the rates and charges for service between points on said routes are based upon the most direct route between the point of origin and point of destination.

To transport, as a Class D carrier, property between points in the City of Coatesville, Chester County, and within ten (10) miles by the usually traveled highways of the limits of the said city.

To transport, as a Class D carrier, steel products and building materials between points within twenty-five (25) miles by the usually traveled highways of the limits of the City of Coatesville, Chester County.

To transport, as a Class D carrier silk from points in the City of Coatesville, Chester County to points within twenty-five (25) miles by the usually traveled highways of the limits of said city.

To transport, as a Class D carrier, farm products and farm supplies, including livestock, between points in the Borough of Phoenixville, Chester County, and within fifteen (15) miles by the usually traveled highways of the limits of the said borough.

To transport, as a Class D carrier, farm products and farm supplies including livestock, from points in the Borough of Phoenixville, Chester County, and within fifteen (15) miles by the usually traveled highways of the limits of said borough, to points within seventy-five (75) miles by the usually traveled highways of the limits of said borough, and vice versa.

(continued...)

SCOPE OF OPERATING AUTHORITY

FOLDER 2: (concluded)

To transport, as a Class D carrier, property between points in the Borough of Phoenixville, Chester County, and within eight (8) miles by the usually traveled highways of the limits of said borough.

To transport, as a Class D carrier, stacks, tanks, boilers and boiler parts, requiring special rigging in unloading at destination from the Borough of Phoenixville, Chester County, and within three miles of the limits of said borough to points in Pennsylvania within seventy-five (75) miles by the usually traveled highways of the limits thereof, and vice versa.

To transport, as a Class D carrier, lime and limestone from the Borough of Phoenixville, Chester County, and within eight (8) miles by the usually traveled highways of the limits of said borough to farms within fifty (50) miles by the usually traveled highways of the limits of said borough.

To transport, as a Class D carrier, road and excavating machinery from the Borough of Phoenixville, Chester County, and within eight (8) miles by the usually traveled highways of the limits of said borough to points within fifty (50) miles by the usually traveled highways of the limits of said borough and vice versa.

To transport, as a Class C carrier, concrete pipe and concrete products from the Borough of Phoenixville, Chester County, and within eight (8) miles by the usually traveled highways of the limits of said borough, to job sites within fifty (50) miles by the usually traveled highways of the limits of said borough.

To transport, as a Class C carrier, brick and clay products from the Borough of Phoenixville, Chester County, and within three (3) miles of the limits of said borough to points in Pennsylvania within twenty-five (25) miles by the usually traveled highways of the limits of said borough including the City of Philadelphia.

To transport, as a Class D carrier, property for the Reichel Laboratories from their plant in the Village of Kimberton, Chester County, to points within fifty (50) miles by the usually traveled highways of the limits of said village, and vice versa.

Authorize Interchange with Class A, B, and D carrier, with the right to establish through routes and joint rates.

FOLDER 2, Am-F:

To interchange property moving to or from the Borough of:

Phoenixville, Chester County, and points within six (6) miles by the usually traveled highways of the limits of said borough with Class A carriers and Class B carriers and with Class D carriers operating over regular route, at the City of Philadelphia and the Borough of Phoenixville, and Downton for transportation to or from points beyond the limits of said territory, with the right to establish through routes and joint rates.

(continued...)

SCOPE OF OPERATING AUTHORITY

FOLDER 2, Am-F: (concluded)

To interchange property moving to or from the City of Coatesville, Chester County, and points within six (6) miles by the usually traveled highways of the limits of said city, with Class A carriers and Class B carriers and with Class D carriers operating over regular routes, at the City of Philadelphia and the Boroughs of Phoenixville, and Downingtown for transportation to or from points beyond the limits of said territory, with the right to establish through routes and joint rates.

To interchange property moving to or from points on Highway Route 30 between the City of Coatesville and the Borough of Malvern, Chester County, both inclusive, with Class A carriers and Class B carriers and with Class D carriers operating over regular routes, at the City of Philadelphia and the Boroughs of Phoenixville, and Downingtown, for transportation to or from points beyond the limits of said territory, with the right to establish through routes and joint rates.

FOLDER 2, Am-G

To transport, as a Class D carrier, property for the Phoenix Bridge Co. and Phoenix Steel Corporation between points in the Borough of Phoenixville, Chester County, and within six (6) miles of the limits of said borough and from points in said territory to other points within one hundred fifty (150) miles by the usually traveled highways of the limits of said borough.

FOLDER 2, Am-H

To transport, as a Class D carrier, structural steel and iron, equipment, materials and supplies used in the installation or erection of such commodity for Morris Wheeler & Co., Inc., from the borough of Royersford, Montgomery County, to points within 100 miles by the usually traveled highways of the limits of said borough, and vice versa.

FOLDER 2 Am-I:

To transport, as a Class D carrier, steel forgings, from the facilities of Cann & Saul Steel Company in the borough of Royersford, Montgomery County, to the township of Bensalem, Bucks County; to points in the county of Delaware on and south of U. S. Route 1; and to points in the county of Montgomery on and east of U. S. Route 202.

FOLDER 2, Am-J: (Note 1)

To transport, as a Class D carrier, iron and steel, iron and steel articles and products and such materials, supplies and equipment used or useful in the production, assembly, and distribution of iron and steel and iron and steel articles and products from the property of the United States Steel Company located in Falls Township, Bucks County, to points within an airline distance of one hundred fifty (150) statute miles of the said property and vice versa;

(continued...)

FOLDER 2, Am-J: (Note 1) (concluded)

SUBJECT TO THE FOLLOWING CONDITIONS:

That no right, power or privilege is granted:

(1) to haul liquids, in bulk, in tank vehicles.

(2) to transport iron and steel, iron and steel articles and products and such materials, supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products, from the plant or facilities of the United States Gypsum Company in Philadelphia or for the United States Gypsum Company from Philadelphia.

Note 1: For rates, rules and regulations refer to Freight Pa. P.U.C. No. 37, issued by Tariffs and Enforcement Department, Philadelphia Chapter, Pennsylvania Motor Truck Association, supplements thereto and reissues thereof.

FOLDER 2, Am-K:

To transport, as a Class D carrier, precast concrete products, from the facilities of Universal Concrete Products Corporation located in the borough of Pottstown and the township of West Pottsgrove, both in Montgomery County, to points in Pennsylvania.

FOLDER 3:

To transport, as a Class D carrier, paper and paper products for the Beach and Arthur Paper Company or its successor between its plants in the Village of Modena, Chester County, and the borough of North Wales, Montgomery County.

FOLDER 4, Am-A

To transport, as a Class D carrier, property for C-E Refractories, Division of Combustion Engineering, Inc. from its plant in the township of Upper Merion, Montgomery County, to points within an airline radius of one-hundred (100) miles of said township, and the return of refused materials. (See Note 1 for restriction).

Subject to the following condition:

That no right, power or privilege is granted to render the service herein authorized to the following points: Philadelphia, Phoenixville, Downingtown, Coatesville, Norristown, West Chester and points on Highway Route 11 from West Nanticoke to Northumberland and points within five (5) miles of said route.

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**FOLDER 4, Am-B (New)**

To transport, as a Class D carrier, property from the facilities of Lukens Steel Co., in the township of Plymouth, Montgomery County, to points in Pennsylvania and vice versa.

Subject to the following conditions:

1. That no right, power or privilege is granted to transport commodities in bulk in tank, hopper or dump vehicles.
  2. That no right, power or privilege is granted to transport limestone and limestone products for the J. E. Baker Co. from its plant in the township of West Manchester, York County and from the the Thomasville Stone & Lime Company from its plant in the township of Jackson, York County.
- 

**FOLDER 5:**

To transport, as a common carrier, flour for Mrs. Hubbell's Bakeries, Inc., from Highspire, Dauphin County, to Phoenixville, Chester County.

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**FOLDER 6:**

To transport, as a Class D carrier, new household goods and office furniture and equipment between Philadelphia, and within twenty (20) miles by the usually traveled highways of the limits of same city.

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**FOLDER 7:**

To transport, as a Class D carrier, steel plates, no shipment to exceed ten thousand (10,000) pounds in weight, from points in the City of Coatesville, Chester County, to points in the cities of Williamsport, Lycoming County, Sunbury, Northumberland County, Easton, Northampton County, Allentown, Lehigh County, Wilkes-Barre and Hazelton, Luzerne County, Scranton and Carbondale, Lackawanna County, and Bethlehem, Northampton and Lehigh Counties, and the Boroughs of Muncy, Lycoming County, Emmaus, Lehigh County, East Stroudsburg, Monroe County, Danville, Montour County, Berwick, Columbia County, and Honesdale, Wayne County.

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**FOLDER 10:**

To transport, as a Class A carrier, property, excluding household goods in use, from the Borough of Norristown, Montgomery County, to the City and County of Philadelphia, via Bridgeport and Conshohocken, and vice versa.

(continued...)

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§ - Effective: JANUARY 29, 1980

"Issued under authority of Title 52, Pa. Code Section 23.42."

**FOLDER 10: (concluded)**

To transport, as a Class D carrier, eggs in crates from Tri-County Producers Cooperative Association, Inc., from the Village of Center Point (Norchester) Montgomery County, to the Valley Forge Hospital, Chester County, and the Boroughs of Norristown, Bridgeport and Conshohocken, Montgomery County, and the return of damaged, refused, and unsold eggs in crates and empty egg crates to the auction house of Tri-County Producers Cooperative Association, Inc., in the Village of Center Point (Norchester).

**FOLDER 10, Am-A**

To transport, as a Class D carrier, empty glass bottles, from the property of Diamond Glass Company, in the Borough of Royersford, Montgomery County, to the property of McNeil Laboratories, Inc. in the township of Whitemarsh, Montgomery County and to the property of Vick Manufacturing Division, Richardson-Merrell, Inc. in the borough of Hatboro, Montgomery County.

**FOLDER 11:**

To transport, as a Class D carrier, paper for the Modena Paper Mills from the Borough of Modena, Chester County, to the Cities of Harrisburg, Bethlehem, Scranton and Middletown with the right to transport or return rejected or damaged shipments.

**FOLDER 11, Am-A**

To transport, as a Class D carrier, printed matter and materials, equipment and supplies such as are used in the production, distribution and sale of printed matter, from the facility of Cav Mart Incorporated, in the township of Upper Merion, Montgomery County, and the facilities of Braceland Bros., Inc., and Braceland Press, Inc., in the city of Philadelphia, Philadelphia County, to the facilities of Graphic Crafts, in the township of West Lempeter, Lancaster County, and Bindery Associates, in the township of East Hempfield, Lancaster County and vice versa.

**FOLDER 12:**

To transport, as a Class D carrier, property for the Beloit Eastern Corporation from points in the Borough of Downingtown, Chester County and within six (6) miles of the limits of said borough, to points within an airline distance of one hundred (100) miles of the limits of said borough, and vice versa.

To transport property, as a Class B carrier, between points in the Borough of Downingtown, Chester County, and within (5) miles, by the usually traveled highways, of the limits of said borough.

To transport property, as a Class C carrier, from points in the Borough of Downingtown, Chester County, and within three (3) miles of the limits of said borough to points in Pennsylvania within thirty-five (35) miles, by the usually traveled highways, of the limits of said borough.

(continued...)

SCOPE OF OPERATING AUTHORITY

FOLDER 12: (concluded)

To transport property for Downingtown Iron Works and Allen E. Keim, as a Class D carrier, from points in the Borough of Downingtown, Chester County, and within three (3) miles of the limits of said borough to points in Pennsylvania within sixty (60) miles, by the usually traveled highways, of the limits of said borough.

To transport, as a Class D carrier, property, excluding household goods and office furniture, in use, between points in Pennsylvania within an airline distance of ten (10) miles of the Chester County Court House in the Borough of West Chester, Chester County.

To transport, as a Class D carrier, farm products, machinery and supplies, including livestock, between points in the Village of Romansville, Chester County, and within fifteen (15) miles by the usually traveled highways of the limits of said village.

To transport, as a Class D carrier, farm products, machinery and supplies, including livestock, from points in the Village of Romansville, Chester County, and within fifteen (15) miles by the usually traveled highways of the limits of said village to points within fifty (50) miles by the usually traveled highways of the limits of said village and vice versa.

To transport, as a Class B carrier, hay, feed, grain and straw for C. P. Fulton between points in the village of North Brook, Chester County.

To transport, as a Class D carrier, hay, feed, grain, and straw for C. P. Fulton between points in the Village of North Brook, Chester County, to points in Pennsylvania and vice versa.

To transport, as a Class D carrier, baled hay and straw for J. T. Hickman from farms in the County of Chester to points in the City of Philadelphia and within ten (10) miles by the usually traveled highways of the limits of said city.

To transport property, as a Class D carrier, between the Borough of West Chester, Chester County, and the City and County of Philadelphia, excluding intermediate points, via West Chester Pike, 69th Street and Market Street, Chestnut Street, Woodland Avenue, Market Street, 21st Street, Arch Street, Front Street to 54 North Front Street.

To transport, as a Class C carrier, merchandise for Montgomery Ward and Company, from points in the Borough of West Chester, Chester County, to customers of said company within thirty (30) miles, by the usually traveled highways, of the limits of said borough.

FOLDER 13:

To transport, as a Class D carrier, Iron and Steel and Iron and Steel articles and products from the property of Lukens Steel Co., Inc., located in the City of Coatesville, Chester County, to points in Pennsylvania and the return of refused or damaged merchandise, excluding the transportation of manufactured Iron and Steel articles for the Bethlehem Steel Company to the City of Johnstown, the Boroughs of Franklin and Conemaugh and the Township of West Taylor, Cambria County.

SCOPE OF OPERATING AUTHORITY

FOLDER 13, Am-A

To transport, as a Class D carrier, iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products from points in the City of Coatesville, Chester County, and within an airline distance of three (3) statute miles of the limits of said city to points in Pennsylvania, excluding the counties of Dauphin and Lebanon.

SUBJECT TO THE FOLLOWING CONDITIONS:

First: That no right, power or privilege is granted to transport liquids in bulk in tank vehicles or property in bulk in dump vehicles.

Second: That no right, power or privilege is granted to render service to the plants of the Bethlehem Steel Corporation in the county of Cambria.

Third: That no right, power or privilege is granted to transport property which, because of size or weight, requires special handling or the use of special equipment, such as winch trucks or tractors, pole trailers, extendable trailers or carryalls.

FOLDER 13, Am-B

To transport, as a Class D carrier, steel frames, steel trusses, metal decking, metal siding and coiled steel, requiring mechanical unloading and the use of flatbed trailers, from the plant of National Rolling Mills Company and Roll Form Products, Inc., in the township of East Whiteland, Chester County to points in the counties of Montgomery, Bucks, Berks, Lehigh, Lancaster and Schuylkill, and vice versa.

SUBJECT TO THE FOLLOWING CONDITIONS:

First: That no right, power or privilege is granted to render service to points within twenty-five (25) miles by the usually traveled highways of the limits of the city of Coatesville, Chester County; to points within an airline distance of eight (8) statute miles of the limits of the city of Phoenixville, Chester County; and to points within an airline distance of ten (10) statute miles of the Chester County Courthouse in the borough of West Chester, Chester County.

Second: That no right, power or privilege is granted to render service from the plant site or facilities of the United States Steel Corporation located in Falls Township, Bucks County.

FOLDER 13, Am-C

To transport, as a Class D carrier, stainless steel ingots from the City of Oil City, Venango County to the property of G. O. Carlson, Inc., located in the City of Coatesville, Chester County.

FOLDER 15:

To transport, as a Class D carrier, horse hair, goat hair and cattle hair, in bales from the facilities of Frank Healis Company in the Borough of Bristol, Bucks County, to Charles Lachman Division of Greenville Mills, Inc., in the Borough of Phoenixville, Chester County; and the return of refused or rejected shipments.

# 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.

Charles E. Creager  
Creager Bldg, Box 1417  
1329 Penna. Ave.  
Hagerstown, MD 21741

Date November 16, 1987

CR 127028 A

**DOCKETED**  
NOV 18 1987

**DOCUMENT  
FOLDER**

In re application of Pioneer Transport, Inc.  
A-00105837, F.1, Am-D.....\$125.00

Revenue account 001780-017601-102 9ck

ck 2798 Checks \$125.00 Currency \_\_\_\_\_

Utility account 50.26

C. Joseph Meisinger  
For Department of Revenue

# 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.

Pioneer Transport, Inc.  
543 Strasburg Pike  
Lancaster, PA 16702

Date November 16, 1987

**DOCKETED**  
NOV 18 1987

CR 127036 A

In re application of Pioneer Transport, Inc.  
A-00105837, P.1, Am-C.....\$25.00

**DOCUMENT  
FOLDER**

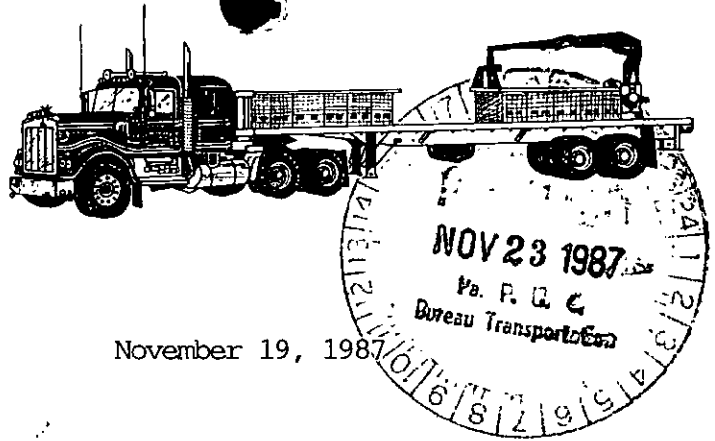
Revenue account: 001780-017601-102 (ck)  
ck 400 Checks \$25.00 Currency \_\_\_\_\_  
Utility account 50:26

C. Joseph Maisinger  
For Department of Revenue

# H.M. KELLY, INC. TRUCKING

P.O. BOX 87 • NEW OXFORD, PA 17350

telephone (717) 624-4421



November 19, 1987

The Honorable Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
Post Office Box 3265  
Harrisburg, Pennsylvania 17120

**RECEIVED**

NOV 23 1987

Re: Application of Pioneer Transport, Inc.  
A-00105837, F. 1, Am-D

**SECRETARYS OFFICE**  
**Public Utility Commission**

Dear Mr. Rich:

Enclosed for filing please find an original and two (2) copies of a protest of H. M. Kelly, Inc. to the above-referenced application. A copy of the protest is being forwarded to the applicant's attorney.

Please acknowledge receipt hereof by date stamping the copy of this letter of transmittal.

Very truly yours,

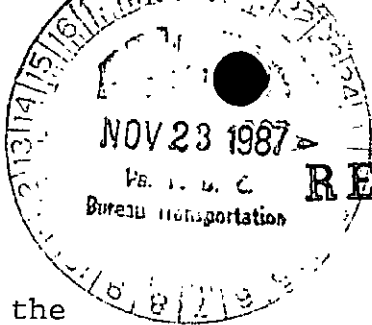
H. M. KELLY, INC.

A handwritten signature in cursive script, appearing to read 'Edmond B. Frock, Jr.'.

Edmond B. Frock, Jr.  
President

EBF/dkb

**DOCUMENT  
FOLDER**



RECEIVED

NOV 23 1987

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARYS OFFICE  
Public Utility Commission

\_\_\_\_\_

PIONEER TRANSPORT, INC.  
A-00105837, F. 1, Am-D

\_\_\_\_\_

PROTEST OF H. M. KELLY, INC.

FILE

\_\_\_\_\_

AND NOW COMES, H. M. Kelly, Inc. and protests this application, notice of which appeared in the Pennsylvania Bulletin, Vol. 17, No. 44, Saturday, October 31, 1987, and in support thereof respectfully represents:

1. The name, business address and telephone number of the protestant are as follows:

H. M. Kelly, Inc.  
R. D. 1  
New Oxford, PA 17350  
717-632-6949

2. Protestant holds authority issued by this Commission in conflict with that sought by applicant in this proceeding. Protestant transports a substantial amount of traffic between points in the application territory. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenue derived, or to be derived

DOCUMENT FOLDER

DOCKETED  
APPLICATION DOCKET  
NOV 24 1987  
ENTRY No. *114*

therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by an approval of the instant application. Diversion of present and future traffic would have an adverse impact on protestant.

3. This Commission has issued various authorities to protestant under Docket No. A.0089905. Copies of the authorities held by the protestant that it regards in conflict with this application are attached hereto as Exhibit #1. H. M. Kelly, Inc. provides adequate, satisfactory and continuous service under these authorities. The proposed territory sought by the applicant embraces virtually all of the geographic territory, services provided, and shippers served by the protestant in its authority as set forth in Exhibit #1.

4. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public. Moreover, approval of this application would endanger and impair the operations of H. M. Kelly, Inc. in a manner and to an extent contrary to the public interest.

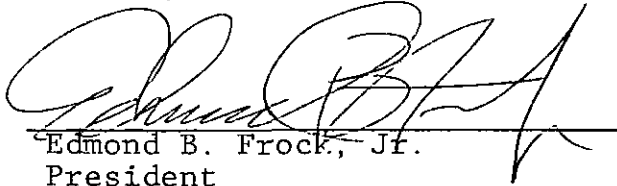
5. Restrictive amendment by applicant of the authority sought here to eliminate any and all conflict with authority now held by H. M. Kelly and acceptance of such amendment by the Commission, would result in withdrawal of this protest.

6. This protest also relates to the fitness of the applicant.

WHEREFORE, H. M. Kelly, Inc. respectfully prays that this application be dismissed or denied.

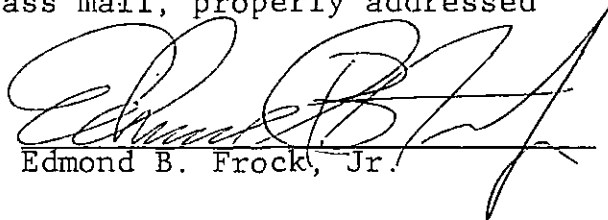
H. M. KELLY, INC.

By:

  
Edmond B. Frock, Jr.  
President

Certificate of Service

I HEREBY CERTIFY that on this \_\_\_\_\_ day of November, 1987, a copy of the foregoing protest was mailed to Charles E. Creager, Esquire, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, MD 21741, by first-class mail, properly addressed and postage prepaid.

  
Edmond B. Frock, Jr.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

---

Application Docket No. 89905  
Folder 2

---

Application of H. M. KELLY, INC., a proposed corporation of the Commonwealth of Pennsylvania

---

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

---

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of H. M. KELLY, INC., a proposed corporation of the Commonwealth of Pennsylvania, filed February 13, 1963, to operate motor vehicles as a common carrier, 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 the rights granted herein are in effect a transfer of the rights which have been held by HAROLD M. KELLY, under reports and orders issued at A. 85714, Folder 1 on December 15, 1958, Folder 2 on July 25, 1960 and the certificates 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 H. M. KELLY, INC., a proposed corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following rights:

1. To transport, as a Class D carrier, brick, clay products and building blocks from points in the Township of Oxford, Adams County, to points in Pennsylvania. (Formerly A. 85714, Folder 1)
2. To transport, as a Class D carrier, brick and clay products from points in the Township of East Hempfield, Lancaster County, to points in Pennsylvania. (Formerly A. 85714, Folder 1)
3. To transport, as a Class D carrier, brick and clay products from the Borough of Darlington, and the Township of Darlington, Beaver County, the Township of Hazle, Luzerne County, and the Township of Curtin, Centre County, to points in the Township of Oxford, Adams County. (Formerly A. 85714, Folder 1)
4. To transport, as a Class D carrier, processed fluorspar (not in containers) in varying forms, such as brick-size blocks and smaller from points in the Township of Menallen, Adams County, to points in Pennsylvania, and on return movements such incidental facilities as pallets used in transporting the processed fluorspar; (Formerly A. 85714, Folder 2)

with the rights in paragraphs 1, 2 and 3 subject to the following condition:

That no right, power or privilege is granted to make deliveries to the facilities of the Bethlehem Steel Company located at Johnstown, Franklin, East Conemaugh and West Taylor Township, Cambria County;

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

SEÇOND: That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose, to fix a valuation on the property and/or 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 the accounts of the transferee will reflect the same book values as therecords of the transferor at the effective date of the transfer, with respect to the assets acquired and liabilities assumed, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its 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 certificate holder shall comply with all 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, April 22, 1963, 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*[Signature]*  
Secretary

*[Signature]*  
Chairman

PUBLIC UTILITY COMMISSION

Application Docket No. 89905  
Felder 2, Am-A

Application of H. M. KELLY, INC., a corporation  
of the Commonwealth of Pennsylvania

SUPPLEMENTAL REPORT AND ORDER  
MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of H. M. KELLY, INC., a corporation of the Commonwealth of Pennsylvania, dated January 27, 1970, for modification of the report and order issued under date of April 22, 1963 and the certificate of public convenience issued thereunder, and upon protest, 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 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, April 20, 1970, IT IS ORDERED: That the report and order issued under date of April 22, 1963 and the certificate of public convenience issued thereunder, be and is hereby modified and amended so as to include the following right:

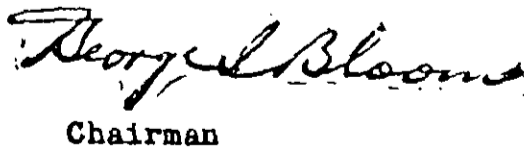
To transport, as a Class D carrier, brick and clay products, excluding firebrick, in vehicles equipped with mechanical unloaders, from points in the counties of Beaver, Butler, Lawrence, Allegheny (excluding the facilities of A. P. Green Company in the borough of Tarentum and Allegheny Brick Company in the township of East Deer) and Armstrong (excluding the facilities of Freeport Brick Company in the township of South Buffalo, Kittanning Brick Company and Haws Refractories Company in the township of Washington, Howe Sound Company in the township of Rayburn and Harbison-Walker Company in the township of Pine) to points in that part of Pennsylvania on and east of Highway Route 220.

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.

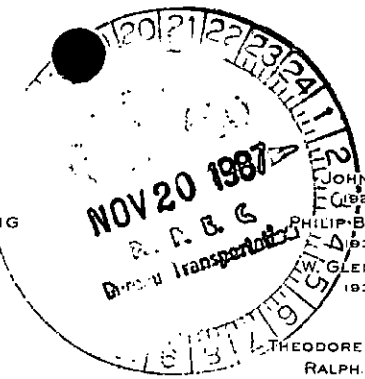
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

  
Secretary

  
Chairman

dw



LAW OFFICES

HARPER & DRIVER

707 AVENUE OF THE ARTS BUILDING

BROAD AND CHESTNUT STREETS

PHILADELPHIA, PA. 19107

(215) 735-3090

WESTON C. OVERHOLT, JR.  
RONALD C. UNTERBERGER  
ROBERT C. STEIGER  
LARRY R. MCDOWELL  
JEFFREY R. ABBOTT  
JAMES M. CROTTY

\*ALSO MEMBER N. J. BAR

JOHN HARPER  
1927-1984  
PHILIP B. DRIVER, JR.  
1934-1981  
W. GLENN GEORGE  
1934-1972

THEODORE K. WARNER, JR.  
RALPH P. HIGGINS  
OF COUNSEL

November 18, 1987

RECEIVED

NOV 20 1987

FILE

SECRETARY'S OFFICE  
Public Utility Commission

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

Re: Application of Pioneer Transport, Inc.  
Docket No. A 001 058 37  
Our File No. 14,020 L

Dear Secretary Rich:

I enclose herewith a Protest of Ace Motor Freight, Inc. in connection with the above matter. Kindly file this of record.

Copies of the Protest have been forwarded to Charles E. Creager, Esquire, counsel for applicant.

Thank you.

Very truly yours,

*Larry R. McDowell*

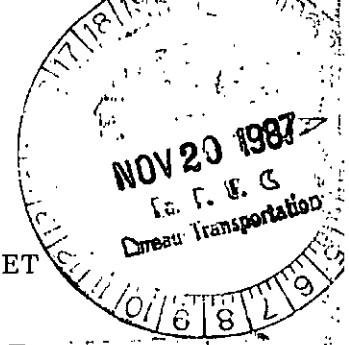
LARRY R. MCDOWELL

LRM:jsk  
Enclosure

cc: Charles E. Creager, Esquire  
Andrew C. Womeldorf, President

DOCUMENT  
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE: APPLICATION OF : APPLICATION DOCKET  
Pioneer Transport, Inc. : NO. A. 00105837

RECEIVED  
NOV 20 1987  
SECRETARYS OFFICE  
Public Utility Commission

PROTEST

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

In accordance with 52 Pa. Code §3.381, protest of the above application is hereby made on behalf of the below-named motor carrier(s):

CARRIER	ADDRESS	DOCKET NO.
Ace Motor Freight, Inc.	RD #2 Sommerville, PA 15864	A 97068

FILE

on the following grounds:

(1) That the service proposed will be competitive with and detrimental to the existing authorized service of the above-named motor carrier(s). Adverse impact upon the above-named motor carrier(s) is set forth at Appendix 1 hereto.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accommodation, convenience or safety of the public.

A copy of the pertinent operating authority of the above-named motor carrier(s) is attached hereto as Appendix 2. Also attached hereto, as Appendix 3, is a suggested restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier(s) above-named. If no amendment is attached, no amendment is acceptable to satisfy protestant's interest.

PURSUANT TO SECTION 333(c) OF THE PUBLIC UTILITY CODE (66 PA. C.S. §333(c)), WE HEREBY REQUEST A LIST OF THE WITNESSES EXPECTED TO TESTIFY IN THE ABOVE-ENTITLED PROCEEDING, TOGETHER WITH THE SUBJECT MATTER OF THEIR ANTICIPATED TESTIMONY.

I hereby certify that a copy of this Notice of Protest has, on this date, been served upon applicant and/or its counsel (if any) by mailing a copy of same to the address(es) set forth in the Pennsylvania Bulletin dated 10/31/87.

DOCUMENT FOLDER

cc: Charles E. Creager, Esquire  
Andrew C. Womeldorf, President

By: Larry R. McDowell  
LARRY R. MCDOWELL, ESQUIRE  
Attorney for Protestant(s)  
707 Avenue of the Arts Building  
Philadelphia, Pennsylvania 19107  
(215) 735-3090  
Date: 11-18-87

DOCKETED  
APPLICATION DOCKET  
DEC 7 1987  
ENTRY No. 11

ADVERSE IMPACT

Protestant is presently and for nearly thirty years has served the supporting shipper. Approval of this application would be detrimental to protestant, as protestant derives approximately \$15,000 a month in revenue in serving the supporting shipper.

APPENDIX 1

Application of ACE MOTOR FREIGHT, INC., a  
corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of ACE MOTOR FREIGHT, INC., a corporation of the Commonwealth of Pennsylvania, dated July 14, 1971, to operate motor vehicles as a common carrier, 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 the rights granted herein are in effect a transfer of the rights which have been held by CURTIS WONELDORF, trading and doing business as ACE MOTOR FREIGHT, under report and order issued at A. 89169 on July 23, 1962, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by ACE MOTOR FREIGHT, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class D carrier, clay products from the borough of Summerville, Jefferson County, to points in Pennsylvania, with the right to return empty pallets and refused or rejected materials.
2. To transport, as a Class D carrier, dry raw materials, used or useful in the manufacture of clay products, excluding fly ash and cement in bulk or bags, with a minimum of fifteen thousand (15,000) pounds, from points in Pennsylvania to the plant site of Hanley Company in the borough of Summerville and the township of Clover, Jefferson County;

with right number 2, above, subject to the following conditions:

That no right, power or privilege is granted to transport commodities in dump vehicles from the borough of Martinsburg, Blair County, and points within an airline distance of thirty (30) statute miles of the limits of said borough.

That no right, power or privilege is granted to transport commodities in dump vehicles from points in the counties of Beaver, Lawrence and Allegheny.

3. To transport, as a Class D carrier, materials, used for use in the manufacture of glass products, and paper cartons and containers from points in the borough of Summerville, Jefferson County, to points in the borough of Lewis Run, McKean County, and vice versa.

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 property and 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 the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

FOURTH: 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, April 11, 1972, 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*George Bloom*

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held July 16, 1982

Commissioners Present:

Susan M. Shanahan, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro  
Clifford L. Jones

Application of Ace Motor Freight, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of (1) coal, in dump vehicles, from the facilities of Reddinger Coal Co., Inc. and Terry Coal Sales, Inc. (formerly Ernest C. Dean Contractors), in the township of Mahoning, Armstrong County, to the Duquesne Power & Light Company, in the borough of Cheswick, Allegheny County; (2) coal, in dump vehicles, from the facilities of Reddinger Coal Co., Inc. and Terry Coal Sales, Inc. (formerly Ernest C. Dean Contractors), in the township of Mahoning, Armstrong County, and the townships of Porter and Redbank, Clarion County, to points in Pennsylvania beyond an airline distance of seventy-five (75) statute miles of the point of origin; excluding, however, the right to serve any point within an airline distance of 75 statute miles of the borough of Barnesboro, Cambria County, except as provided in Paragraph (1) above; and (3) face or building brick, from the plantsite of Glen-Gery Corporation (formerly Marion Brick Corporation), in the townships of Lawrence and Bradford, Clearfield County, to points in Pennsylvania.

A-00097068  
F. 1  
Am-I

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Kent S. Pope for Ace Motor Freight, Inc.

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to enter a supporting statement. Glen-Gery Corporation manufactures building brick at their Bigler and Clearfield plants. Approximately 57 million bricks are manufactured annually. The product is classified as face or building brick normally packaged 325 per pack held together by steel banding. A truckload is normally 40,000 pounds. It is expected that as much as one truckload per day could be offered to the applicant for transportation.

Glen-Gery has customers at nearly any point in Pennsylvania and it is expected the applicant will be used to any point in Pennsylvania. Glen-Gery is now approaching its Spring and Summer season which is a heavy shipping period. It is essential that it has an additional carrier available to meet its peak demands. Often a carrier is required with equipment capable of unloading brick at jobsites. It appears the applicant has equipment which will permit them to provide this somewhat specialized service.

#### DISCUSSION AND FINDINGS

Ace Motor Freight, Inc., by the amended application, seeks to provide service from the facilities of one shipper to points in Pennsylvania. As originally filed Ace had proposed to serve two additional shippers, Reddinger Coal Co., Inc. and Terry Coal Sales, Inc., but that part of the proposal was eliminated by the restrictive amendment. The sole supporting shipper, Glen-Gery Corporation, is particularly concerned that it has sufficient motor carriers available during its peak shipping season. The applicant, which is an experienced carrier in Pennsylvania, can provide equipment with automatic unloaders. This type of equipment is needed to make jobsite deliveries which are common to the shipper's operations.

We find:

1. The applicant has the fitness, experience and equipment necessary to render the proposed service.
2. Approval of the application as amended will aid the supporting shipper in meeting its Pennsylvania transportation requirements.
3. Approval of the application, as amended, is an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, as amended, and that the certificate issued May 19, 1972, as amended, be further amended to include the following right:

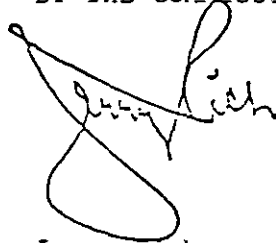
To transport, as a Class D carrier, face or building brick, from the plantsites of Glen-Gery Corporation (formerly Marion Brick Corporation), in the townships of Lawrence and Bradford, Clearfield County, to points in Pennsylvania.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: July 16, 1982

ORDER ENTERED: JUL 23 1982

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held October 14, 1983

Commissioners Present:

Linda C. Talliaferro, Chairman  
Michael Johnson  
James E. Cawley

Application of Ace Motor Freight, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, face or building brick, from the plant sites of Glen-Gary Corporation (formerly Marion Brick Corporation), in the townships of Lawrence and Bradford, Clearfield County, to points in Pennsylvania: SO AS TO PERMIT the transportation of (1) property, from the facilities of Glen-Gary Corporation, located in the counties of Clearfield, Adams, York, Northumberland and Berks, to points in Pennsylvania, and vice versa; and (2) property, from the facilities of Watson-town Brick Company, located in the county of Northumberland, to points in Pennsylvania, and vice versa.

A-00097068  
F. 1  
Am-J

Harper & Driver, by Larry R. McDowell for the applicant.  
McNees, Wallace & Nurick, by Herbert R. Nurick for protestant, Samuel J. Lansberry, Inc.  
John E. Fullerton for protestant, R. J. Glass, Inc.  
Kriner and Koerber, by Dwight L. Koerber, Jr., for protestant, Butler Trucking Company.

ORDER

BY THE COMMISSION:

This matter comes before the Commission by an application filed on February 23, 1983, and published in the Pennsylvania Bulletin of March 26, 1983. Three carriers filed protests. One withdrew upon reconsideration of its interest in the matter and two withdrew based on a restrictive amendment which excludes the transportation of commodities

We find:

1. That the applicant has shown that a public need for the proposed service, as amended, does exist.
2. That the applicant is fit, ready, willing and able to properly render the service as proposed and amended.
3. That approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as amended and that the certificate issued to the applicant on May 19, 1972, as amended, be further amended to include the following rights:


1. To transport, as a Class D carrier, property (except commodities in bulk), from the facilities of Glen-Gary Corporation, located in the counties of Clearfield, Adams, York, Northumberland and Berks, to points in Pennsylvania, and vice versa.
2. To transport, as a Class D carrier, property (except commodities in bulk), from the facilities of Watsonstown Brick Company, located in Northumberland County, to points in Pennsylvania, and vice versa.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,

  
Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: October 14, 1983

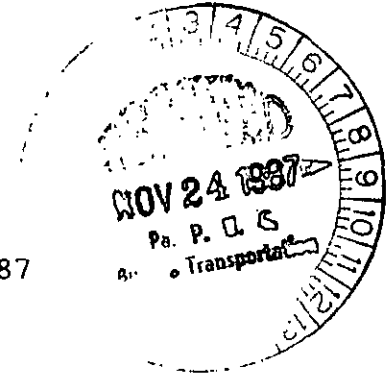
ORDER ENTERED: OCT 25 1983

LAW OFFICES  
SPITLER and KILGORE  
522 South Eighth Street  
P. O. Box 1188  
LEBANON, PENNSYLVANIA 17042

CALVIN D. SPITLER  
KEITH L. KILGORE  
PAUL W. KILGORE

(717) 273-7621

November 23, 1987



Mr. Richard H. White  
Technical Review Section  
Bureau of Transportation  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

Re: Pioneer Transport, Inc.  
A-00105837, F.1, Am-C

Dear Mr. White:

It is requested that applicant be granted a second extension to December 28, 1987 in order to file Verified Statements as directed in your letter dated September 24, 1987.

Due to communication problems we have been unable to secure shipper's verified statement to be prepared by one Jay Dillard of Hope, Arkansas, the home office of Tex-Ark. The statement will reportedly be sent this day. There is no one locally who is authorized to make this statement.

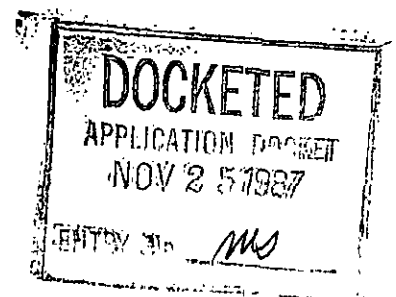
Thank you.

Very truly yours,

*C. D. Spittle*

CDS:lem

cc: Pioneer Transport, Inc.





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

November 24, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

Calvin D. Spitler  
Attorney at Law  
522 South Eighth Street  
P.O. Box 1188  
Lebanon, PA 17042

In re: A-00105837, F.1, Am-C  
Application of Pioneer Transport, Inc.

Dear Mr. Spitler:

In accordance with your telephone request of November 23, 1987 for an extension of time to file verified statements, we are granting an additional 30 days for filing of statements.

Please be advised that verified statements are now due on December 28, 1987. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

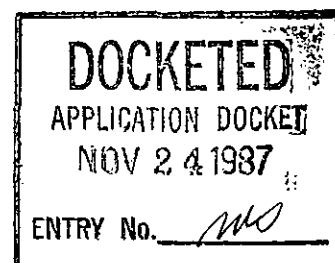
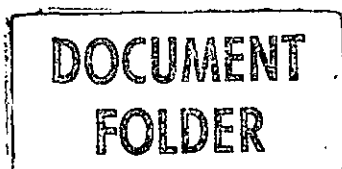
If you have any questions, please do not hesitate to contact us.

Very truly yours,

By Peter S. Marzolf, Supervisor  
For Richard H. White  
Technical Review Section  
Bureau of Transportation

CERTIFIED MAIL

RETURN RECEIPT REQUESTED



Transp/Tech Rev/DW/A-105837, F.I., Am-C

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery.

3. Article Addressed to:  
  
Calvin D. Spitler  
522 South Eighth Street  
P.O. Box 1188  
Lebanon, PA 17042

4. Article Number **44957**

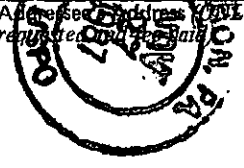
Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

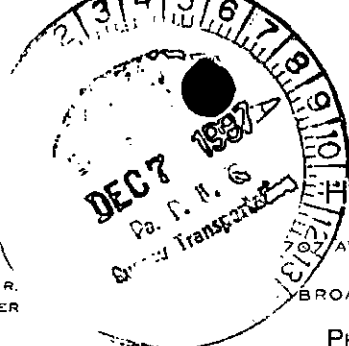
5. Signature - Addressee  
**X** *Louise E. Mark*

6. Signature - Agent  
**X**

7. Date of Delivery

8. Addressee's address ONLY if registered and fee paid  


*AW*



LAW OFFICES

HARPER & DRIVER

AVENUE OF THE ARTS BUILDING

BROAD AND CHESTNUT STREETS

PHILADELPHIA, PA. 19107

(215) 735-3090

WESTON C. OVERHOLT, JR.  
RONALD C. UNTERBERGER  
ROBERT C. STEIGER  
LARRY R. MCDOWELL  
JEFFREY R. ABBOTT  
JAMES M. CROTTY

\*ALSO MEMBER N. J. BAR

JOHN HARPER  
1927-1984  
PHILIP B. DRIVER, JR.  
1934-1981  
W. GLENN GEORGE  
1934-1972

THEODORE K. WARNER, JR.  
RALPH P. HIGGINS  
OF COUNSEL

December 4, 1987

Ms. Nancy Kauffman  
PENNSYLVANIA PUBLIC  
UTILITY COMMISSION  
P.O. Box 3265  
Harrisburg, PA 17120

Re: Application of Pioneer Transport, Inc.  
Docket No. A 001 05837, F.1, AM-D  
Our File No. 14,020 L

Dear Ms. Kauffman:

This will confirm our telephone conversation on November 23, 1987. Please be advised that the Protest filed on behalf of Ace Motor Freight, Inc. is in connection with the application in the above matter. You indicated that upon receipt of this letter, the Protest would be marked as timely filed on November 20, 1987.

Thank you.

Very truly yours,

*Larry R. McDowell*  
LARRY R. MCDOWELL

LRM:jsk

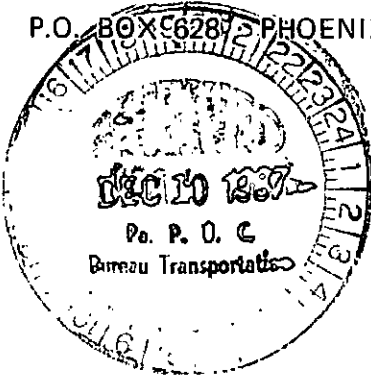
cc: Charles E. Creager, Esquire

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 7 1987  
ENTRY No. *14*



P.O. BOX 3265 PHOENIXVILLE, PENNSYLVANIA 19460 · PHONE 215-933-7725



7 December 1987

RECEIVED

DEC 10 1987  
SECRETARY'S OFFICE  
Public Utility Commission

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

FILE

Re: PUC Application of Pioneer Transport, Inc.  
Docket No. A-00105837, F.1, Am-D

Dear Secretary Rich:

We are a protestant in the above-captioned proceeding.

We have reevaluated our interest in this proceeding and request the withdrawal of our protest.

We do wish to remain a party of record for the receipt of any Orders or Decisions entered by the Commission in this proceeding.

Very truly yours,

*Charles Kulp, Jr.*  
Charles Kulp, Jr.  
Traffic Manager

CK, Jr.:skm

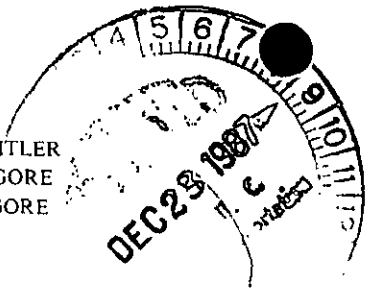
cc: Charles E. Creager  
P.O. Box 1417  
Hagerstown, MD 21741

Robert Toia, General Traffic Mgr.  
Lukens Steel Co.  
Coatesville, PA 19320

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 11 1987  
ENTRY No. \_\_\_\_\_

CALVIN D. SPITLER  
KEITH L. KILGORE  
PAUL W. KILGORE



LAW OFFICES  
**SPITLER and KILGORE**  
522 South Eighth Street  
P. O. Box 1188  
LEBANON, PENNSYLVANIA 17042

(717) 273-7621

December 22, 1987

Mr. Peter S. Marzolf, Supervisor  
Technical Review Section  
Bureau of Transportation  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

Attention: Richard H. White

Re: A-00105837, F.1, Am-C - Application  
of Pioneer Transport, Inc.

Dear Mr. White:

Delivered herewith for filing, please find Verified  
Statement of Applicant and Verified Statement of Supporting  
Shipper.

Thank you.

Very truly yours,

CDS:lem  
Enclosures

**DOCUMENT  
FOLDER**

**DOCKETED**  
APPLICATION DOCKET  
DEC 28 1987  
ENTRY No. *MW*



handling, mechanical loading and side unloading on jobsites, for Tex-Ark Joist Company, from its plant site located in the city of Lebanon, Lebanon County, to points in Pennsylvania, and vice versa; (2) steel and related materials used in the manufacturing of steel joists, angles, uprights and roof brackets from points in Pennsylvania to the plant site of Tex-Ark Joist Company, located in the city of Lebanon, Lebanon County; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk, in tank or hopper-type vehicles.

5. Applicant has authority at present in Pennsylvania as docketed at A.-00105837, Folder 1 and at F.1. Am-A; also emergency temporary authority at the within docket number.

6. There is no duplicating authority. There are no other certificated carriers rendering service to the knowledge of your affiant.

7. There will be no duplicating operations resulting from the grant of authority.

8. Applicant has terminal facilities available at Malvern in East Whiteland Township, Chester County, in the City of Lancaster, Lancaster County and in the Borough of Murrysville, Westmoreland County. These terminals have full service facilities and are presently being utilized by Falcon Transport, Inc., in interstate operations in forty-eight states. The communications network comprises regular and Watts line telephone service between corporate headquarters at 543 Strasburg Pike, Lancaster, Lancaster County and the terminals.

9. Applicant will utilize such leased equipment as may be necessary from the list hereto attached and marked, Exhibit "A".

These items of equipment are presently leased to Falcon Transport, Inc. in interstate operations and, as required, to applicant in intrastate operations.

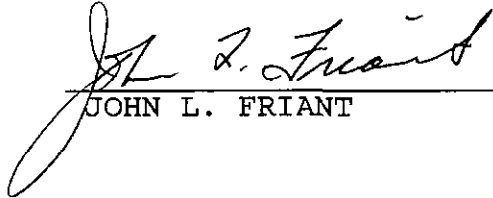
10. There is a full-time Safety Director employed by Falcon Transport, Inc. in its interstate operations. All safety regulations of the PUC, ICC and DOT are complied with. There are regular inspections and all drivers are carefully trained and qualified. The same safety program is followed by applicant in its intrastate operations.

11. Applicant presently provides intrastate service to the supporting shipper under a grant of emergency temporary authority. Falcon Transport, Inc. presently provides interstate service to the supporting shipper, if required, in all forty-eight states: Falcon presently has approximately fifty leased units domiciled in Pennsylvania at Malvern, Lancaster and Murrysville. Some of these, as required, are utilized by applicant for intrastate transportation under appropriate leases. Exhibit "B" hereto attached shows representative intrastate shipments made by TEX-ARK JOIST COMPANY. No protests were filed.


12. The applicant will provide service on call with delivery on a same day or overnight basis.

13. A current balance sheet and income statement for the year ended June 30, 1987 are attached as Exhibit "C".

14. There may be some empty miles, backhauls and dead heading. Every effort will be made to keep same to a minimum.

  
\_\_\_\_\_  
JOHN L. FRIANT

Sworn to and subscribed  
before me this 21<sup>st</sup> day  
of December, 1987.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
3/25/89



**PIONEER TRANSPORT, INC.**  
 543 Strasburg Pike  
 Lancaster, PA 17602  
 November 1, 1987

EQUIPLST

LEASE#	FIRST NAME	DRIVER	OWNER	TRAC YEAR	TRAC MAKE	TRAC SRL #	TRAC LIC #
13-129	GEORGE	WESTERFER	JAMES FLOWERS, INC.	1972	MACK	T25522	PA CM20746
13-172	WILLIAM	WELLS	CONSOL. MACH. EQUIP.	1974	FORD	06635	DE C54754
28-020	L.	DUFF		1974	FRTLNR	085737	PA AA35862
28-021	PAUL	ZIPPERLE		1975	WHITE	102181	NJ XNN25F
28-032	DONALD	MORROW		1968	KENWORTH	205498	PA CJ77009
28-037	JAMES	LUTZ		1970	FORD	H12932	PA CT41320
28-047	ROY	THOMAS	SUPER SVC. MOTORS	1975	IHC	A13311	OH 155866
28-052	J.	WERNER		1978	MACK	T17670	PA CJ72824
28-060	RONALD	SLAGLE		1975	FORD	V77801	PA 63276CD
28-061	WILLIAM	DUNCAN		1974	WHITE	085699	PA AA40102
28-066	RAYMOND	CASHDOLLAR		1972	KENWORTH	126792	OH 16JU45
28-079	ROBERT	WALTERS JR		1975	GMC	593663	PA 22749CJ
28-080	DENNIS	BROOME		1972	KENWORTH	44838J	PA AA55738
51-001	CLARENCE	POUST		1979	KENWORTH	78416K	OH 19095
51-002	ELWOOD	KELSON	CLARENCE POUST	1979	GMC	579643	OH 177480
51-003	HENRY	JONES		1981	FRTLNR	024817	OH 14EL85
51-004	LESTER	BAKER		1979	MACK	ST1780	PA
51-007	DALE	WOLFE		1979	MACK	T14162	OH 16NG20
51-010	FRANKLIN	HEINBACH JR.	S & F TRANS.	1973	DIA RED	600552	PA AA52501
51-011	EARL	KELSON JR		1980	IHC	A10771	PA
51-015	ROBERT	DEBO	MARIE DEBO	1977	PETERBILT	85394N	DE
54-001	CLYDE	BOOKS		1977	GMC	584847	PA AA44875
54-002	KENNETH	PHILLIPS		1973	IHC	523198	PA AA42618
54-003	DAVID	BOOKS		1973	DIA RED	596721	FL TEMP
54-004	RANDY	RUDY		1973	WHITE	077910	PA AA48415
54-005	JAMES	NEUMEISTER		1979	IHC	A12347	PA 57503CB
54-009	DONALD	HAAK		1979	FORD	EK5197	NJ XD34KH
54-010	CLARKE	LONG JR.		1973	CHEVROLET	190003	AA42458
54-011	DONALD	HEINBAUGH		1974	KENWORTH	137811	NJ XG26TL
54-013	ARTHUR	BRENNEMAN		1971	WHITE	054123	MD FE5981
54-014	EARL	ALTLAND		1980	FRTLNR	180342	PA AA47954
54-015	JAMES	SHADE	JOHN PHILLIPS	1979	KENWORTH	71761K	PA AA56508
54-016	JAMES	SHADE		1978	FRTLNR	135174	OH

33

- 13- Malvern
- 28- Irwin
- 51- Milton
- 54- Harrisburg

Exh "A"

PIONEER TRANSPORT, INC.  
 543 Strasburg Pike  
 Lancaster, PA 17602  
 November 1, 1987

EQUIPLST

TRL #	FIRST NAME	DRIVER	OWNER	TRL YEAR	TRL MAKE	TRL TYPE	TRL SRL #	TRL LIC #
13-129A	GEORGE	WESTERFER	JAMES FLOWERS, INC.	1978	GINDY	F42	65402	PA TJ3222
13-172A	WILLIAM	WELLS	CONSOL. MACH. EQUIP.	1964	FRUEHAUF	F40	51432	NJ 8645W
28-020A	L.	DUFF		1974	FONTAINE	F40	21248	PA TB22076
28-021A	PAUL	ZIPPERLE		1971	RAVENS	F40	70106	NJ 423TDD
28-021B			PAUL ZIPPERLE	1980	TRANSCRAFT	F40	C14887	NJ 114TJM
28-032A	DONALD	MORROW		1971	RAVENS	F40	71324	PA TL16767
28-032B			DONALD MORROW	1969	FRUEHAUF	F40	536602	PA TH15516
28-037B	JAMES	LUTZ		1986	TRNSGBL	F40	002257	PA TN41352
28-047A	ROY	THOMAS	SUPER SVC. MOTORS	1974	RAVENS	F40	741212	PA TA73792
28-052A	J.	WERNER		1970	RAVENS	F40	70277	PA TB31955
28-060A	RONALD	SLAGLE		1973	FRUEHAUF	F40	444910	PA TL17028
28-061A	WILLIAM	DUNCAN		1979	TRMNL	F40	V32904	PA TE15413
28-066A	RAYMOND	CASHDOLLAR		1980	RAVENS	F40	80718	ME 551768
28-066B			PETERMAN TRUCKING	1971	CITY	F40	161101	ME 356967
28-079A	ROBERT	WALTERS JR		1969	TRMNL	F40	830914	PA TM69888
28-079B			ROBERT WALTERS JR	1970	FONTAINE	F40	880425	
28-080A	DENNIS	BROOME		1972	TRAILCO	F40	8734	PA TD20719
28-081A			SUPER SVC. MOTORS	1979	RAVENS		79671	PA TB82529
51-001A	CLARENCE	POUST		1971	FRUEHAUF	V45	386016	ME 698581
51-001B			CLARENCE Poust	1972	GINDY	V45	886173	ME 860632
51-001C			CLARENCE Poust	1969	STRICK	V45	121735	ME 860631
51-002A	ELWOOD	KELSON		1972	TRMNL	V45	J30120	ME C37106
51-002B			CLARENCE Poust	1976	MONON	V45	28349	PA TN79738
51-003A	HENRY	JONES		1974	FRUEHAUF	V45	203997	PA TN90113
51-004A	LESTER	BAKER		1976	BUDD	V45	28369E	PA TN91892
51-004B			LESTER BAKER	1978	FRUEHAUF		654263	PA
51-008A			DAVID FAIR	1974	TRMNL	V45	K97811	PA
51-008B			DAVID FAIR	1974	TRMNL	V45	K97862	PA
51-010A	FRANKLIN	HEINBACH JR.	S & F TRANS.	1978	BUDD	V45	66608E	ME C84085
51-015A	ROBERT	DEBO	MARIE DEBO	1973	STRICK		156841	DE
54-001A	CLYDE	BOOKS		1984	REITHOUR	F42	000111	PA TA64863
54-002A	KENNETH	PHILLIPS		1985	DORSEY	F46	021476	PA TL92721
54-003A	DAVID	BOOKS		1979	FRUEHAUF	F42	335329	PA TL67745
54-004A	RANDY	RUDY		1972	FRUEHAUF	F40	218320	PA TN23873
54-005A	JAMES	NEUMEISTER		1981	DORSEY	F42	154471	PA TH10868
54-009A	DONALD	HARK		1979	FRUEHAUF	F42	500288	PA TH10587
54-010A	CLARKE	LONG JR.		1985	TRANSCRAFT	F45	026166	PA TL59231
54-011A	DONALD	HEINBAUGH		1986	THEURER	F45	208443	PA TN31635
54-013A	ARTHUR	BRENNEMAN		1974	FRYE	F40	150970	ME B15227
54-014A	EARL	ALTLAND		1986	TRANSCRAFT	F46	027890	PA TL38257
54-015A			JOHN PHILLIPS	1985	TRMNL		002671	PA TH17399
54-016A	JAMES	SHADE		1979	DORSEY	F40	143864	PA TN68024

13- Malvern  
 28- Irwin  
 51- Milton  
 54- Harrisburg

42

EXHIBIT " B "  
TEX-ARK JOIST, CO. LEBANON, PA.  
REPRESENTATIVE SHIPMENTS

ANNVILLE  
BERWYN  
BLUE BELL  
BRISTOL  
BROOKVILLE  
BROOMALL  
BUCKINGHAM  
CAMP HILL  
CARBONDALE  
CARLISLE  
DANVILLE  
DAUPHIN  
DEVON  
DUBOIS  
EAST GOSHEN  
EXTON  
FRAZER  
HALIFAX  
HARRISBURG  
INDIANA  
JOLIETT  
KING OF PRUSSIA  
LANCASTER  
LEBANON  
LIONVILLE  
MANCHESTER

MIFFLINBURG  
MILFORD  
MOUNT JOY  
MORRISVILLE  
MURRAYSVILLE  
NEW CUMBERLAND  
NEWTOWN  
NEWTOWN SQUARE  
PAOLI  
PENN ARGYLE  
PHILADELPHIA  
PHONIXVILLE  
PITTSBURGH  
READING  
SAUDERTIN  
SHARPSBURG  
SHILLINGTON  
TEMPLE  
THOMASVILLE  
VILLANOVA  
WARMINSTER  
WAYNE  
WAYNESBORO  
WEST CHESTER  
YORK



PIONEER TRANSPORT, INC.  
Balance Sheet  
November 30, 1987

ASSETS

Current Assets:

Cash	\$ 15,125.87
Accounts Receivable	19,285.78
Advances to Officers	83,543.63
Advances to Drivers	<u>25.00</u>

Total Current Assets 117,980.28

Equipment

Service Cars	6,800.00
Furniture & Fixtures	<u>5,429.35</u>
	12,229.35
Less Accum. Depreciation	<u>11,517.06</u>
	712.29

Total Assets \$ 118,692.57

Exh "C"

LIABILITIES

*Current Liabilities*

Accrued Commission	437.72	
Accounts Payable	14,792.73	
Accrued Insurance	5,646.38	
Accrued Road Taxes	<u>38.17</u>	\$ 20,915.00
Reserve for Claims		99.06
Long Term Debt Due Within One Year		1,094.33
Total Liabilities		22,108.39

STOCKHOLDER'S EQUITY

<i>Common Stock \$10.00 Par Value</i>			
Authorized	10,000		
Issued & Outstanding	4,700	47,000.00	
Retained Earnings		49,584.18	96,584.18
Total Liabilities & Stockholder's Equity			\$ <u>118,692.57</u>

PIONEER TRANSPORT, INC.  
Profit & Loss Statement  
November 30, 1987

	<u>November</u>	<u>Year to Date</u>
Operating Revenue	18,509.35	129,685.05
Expenses:		
Operating Supplies & Expense	- - -	1,155.19
Commission	1,471.20	10,527.60
General & Admin. Expense	45.00	7,561.95
Insurance	835.66	5,827.38
Purchased Transportation	<u>13,661.31</u>	<u>96,999.78</u>
Total Operating Expense	16,013.17	122,071.90
Interest Expense	<u>37.12</u>	<u>408.32</u>
Total Expenses	16,050.29	122,480.22
Net Profit Before Taxes	2,459.06	7,204.83

COMMONWEALTH OF PENNSYLVANIA:

:SS.

COUNTY OF LEBANON

:

Application of Pioneer  
Transport, Inc.

A. -00105837, F.1, Am-C

**RANDY J. GARRETT**, being duly sworn according to law,  
deposes and says that:

1. **TEX-ARK JOIST COMPANY**, of Hope, Arkansas, has a plant in the City and County of Lebanon, Pennsylvania, and supports the instant application.

2. He is presently Plant Manager, Eastern Division for **TEX-ARK JOIST COMPANY** at its plant located at 203 North Fifth Avenue, Lebanon, Pennsylvania 17042, and is familiar with the company's transportation needs and is authorized to make this statement.

3. **TEX-ARK JOIST COMPANY** manufactures structural steel roof joists, other steel angles cut to size, bridging for joist installation; speed racks, wall brackets and shelf side rails, which when assembled are used in warehouses, department stores and supply houses for high storage areas. The above items are shipped to all points in Pennsylvania with return of refused or damages items. We also require service in-bound for steel utilized by us in the manufacture of our products.

4. The volume runs 1 to 4 loads per day. We utilize applicant's service as our main carrier; there are no other carriers that have been authorized to offer the type of service that we require. We require special equipment for loading and

off-loading at the job and storage sites due to the crane sizes used in unloading and erecting of these roof joists.

5. UPS Distribution Center for Butler Construction (1431 Tons) at Philadelphia International Airport; High Steel at Lancaster (320 Tons), Carlisle (480 Tons), Warminster (80 Tons), Blandon (17 Tons) are representative points.

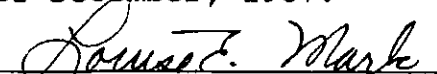
6. The type of service required is truckload.

7. TEX-ARK JOIST COMPANY has not supported any similar applications for intra-state transportation.

8. TEX-ARK JOIST COMPANY called two other carriers such as T. J. Heilig, Inc., Lebanon and also Daily Express, Inc., Carlisle, for a 5-load move for same day delivery to High Steel, Lancaster. Neither could accommodate our requirements for service. At present, Pioneer Transport, Inc. under emergency temporary authority has 4 truck tractors and 9 trailers spotted at our plant in Lebanon. This is the kind of service we need.

  
RANDY J. GARRETT

Sworn and subscribed to  
before me this 22nd day  
of December, 1987.

  
Notary Public  
Lebanon, Lebanon Co.  
My Commission Expires:  
July 25, 1991



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

December 29, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

Calvin D. Spitler  
Attorney at Law  
522 South Eighth Street  
P.O. Box 1188  
Lebanon, PA 17042

In re: A-00105837, F. 1, Am-C - Application of Pioneer Transport, Inc.

Dear Mr. Spitler:

We have received the verified statements filed in the above referenced proceeding.

The record will be reviewed and will be put before the Commission for its decision. You will be notified of the Commission's action.

Very truly yours,

By Richard White  
For Peter S. Marzolf, Supervisor  
Technical Review Section  
Bureau of Transportation

PSM:RW:np

DOCUMENT  
- FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 29 1987  
ENTRY No. *MS*