

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING
PITTSBURGH, PA 15219

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS

January 24, 1985

RECEIVED

JAN 28 1985
(412) 471-1800

Non-Rail Transportation
Public Utility Comm.

Re: Thomas S. Zimmerman d/b/a
Pile's Concrete Products Company
Docket No. A-
Our File 3006-10

RECEIVED

JAN 28 1985

SECRETARY'S OFFICE
Public Utility Commission

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

A-105992

Dear Mr. Rich:

We enclose for filing with the Commission the signed original and two (2) copies of the following applications:

1. Emergency Temporary Authority
2. Temporary Authority
3. Permanent Authority

We are also enclosing checks in the total amount of \$225 to cover the filing fee for all three applications.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the stamped, self-addressed envelope provided for that purpose.

Very truly yours,

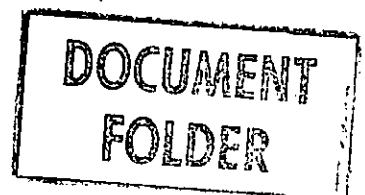
VUONO, LAVELLE & GRAY

William A. Gray
William A. Gray

cas

Enclosures

cc: Mr. Thomas S. Zimmerman



4. Applicant is an individual
.....
(Individual, partnership or corporation - if an individual, must be 18 years of age or over)

Applicant, if an individual or partnership, is doing business under the trade name of Pile's Concrete Products Company.....
.....

The said trade namehas..... been registered with the Secretary of the Commonwealth onApril 8,..... 19⁸³....., and with the Prothonotary ofSomerset..... (County)

County onApril 1..... 19⁸³....., in accordance with the provisions of the Fictitious Name Act of June 28, 1917, as amended.

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

Name	Post Office Address	County
..... (Zip)
..... (Zip)
..... (Zip)

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

5. Applicant now holds the following certificates of public convenience or permits (include those issued by Interstate

Commerce Commission and any other states): N/A

6. Applicant desires to operate motor vehicles as follows: (state
 type, size and quantity) .. 1975 Ford
 .. 1975 International
 .. 1977 Ford

Number of vehicles now owned or to be purchased by applicant
 (See above)

Number of leased vehicles operated or to be operated by
 applicant None

7. Applicant is financially able to furnish adequate service to
 the public and submits the following statement of financial
 condition:

ASSETS

Motor vehicle equipment	\$	50,000.00
Land, buildings and structures	\$	75,000.00
Other property	\$	25,000.00
Cash	\$	15,000.00
Notes and accounts receivable	\$	20,000.00
Materials and supplies	\$	25,000.00
Other assets (attach schedule)	\$	- 0 -
Total Assets	\$	210,000.00

LIABILITIES

Mortgages payable	\$	35,000.00
Equipment obligations	\$	- 0 -
Notes and accounts payable	\$	10,000.00
Other liabilities (attach schedule	\$	- 0 -

Reserve for depreciation - motor vehicles	\$	0.00
Reserve for depreciation - other	\$	0.00
Capital stock (corporations only)	\$	
Surplus (corporations only)	\$	
Total Liabilities	\$	45,000.00

NET WORTH

For corporations	\$	
Capital stock	\$	
Surplus	\$	
For individuals or partnerships	\$	165,000.00

8. The nature and character of the service to be rendered by applicant as a common carrier or as a contract carrier under the terms of the attached contract or agreement, are as follows: (See instructions)
9. (a) If applicant seeks authority as a common carrier, state information why the proposed service is necessary or proper for the service, accommodation and convenience of the public.
- (b) If applicant seeks authority as a contract carrier, applicant certifies that he is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the lawful orders and regulations of this Commission, and that the proposed service will be consistent with the public interest and will not interfere with the service and regulations of common carriers by motor vehicles and the policy declared in Section 801 of the Public Utility Law.
10. Applicant is not now engaged in any intrastate transportation of property for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 5) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.
11. If the evidence presented in support of this application shows that applicant, although applying for a certificate of public convenience as a common carrier, would be entitled to

a permit as a contact carrier, or if applying for a permit, would be entitled to a certificate, as aforesaid, applicant agrees that the application may be considered by the Commission to be for the appropriate form of authority.

Wherefore, applicant prays your Honorable Commission to issue a certificate of public convenience; XXXXXX a permit; under the provisions of the Pennsylvania Public Utility Law, evidencing its approval of the right to operate motor vehicles for the transportation of property as described in Paragraph 8 of this application.

CORPORATE SEAL

Thomas S. Zimmerman d/b/a Pile's
Concrete Products Company
.....
(print name of corporation,
partnership, trade-name or
individual)*

By:

Thomas S. Zimmerman
.....
(Signature)

Thomas S. Zimmerman

.....
(Signature)

.....
(Signature)

*If a partnership, each partner must sign; if a corporation, at least one officer must sign, and corporate seal affixed.

AFFIDAVIT

(Individual or Partnership)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Summit

Thomas S. Zimmerman (an individual) or _____,

_____ (all members of a partnership),
t/d/b/a Pile's Concrete Products Company, being
duly sworn (affirmed) according to law, deposes and says that
the facts above set forth are true and correct to the best of
his knowledge, information and belief and he expects to be
able to prove the same at the hearing hereof.

Thomas S. Zimmerman
Thomas S. Zimmerman

(Signatures of Affiants)

Sworn and subscribed before
me this 19th day of
December, 1984.

M. P. Roberts
(Signature of official admini-
stering oath) My Commission Expires
(My Commission Expires) April 26, 1988

AFFIDAVIT
(Corporation)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____

_____ (Affiant) being duly sworn
(affirmed) according to law, deposes and says that he is
_____ (Office of Affiant) of _____
_____ (Name of Corporation); that he is
authorized to and does make this affidavit for it; and that
the facts set forth above are true and correct to the best of
his knowledge, information and belief and he expects the said
_____ (Name of Corporation) to be able
to prove the same at the hearing hereof.

(Signature of Affiant)

Sworn and subscribed before
me this _____ day of
_____, 19__.

(Signature of Official
administering oath)
(My Commission Expires)

SUPPLEMENT TO PARAGRAPH 8

Scope of Authority Sought

The nature and character of the service to be rendered as a contract carrier is as follows:

Lumber, wood products and building materials, for 84 Lumber Company, from the Township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

5. Hauler shall defend indemnify and hold harmless 84 from and against all claims, damages, legal actions and liability for personal injury (including death) or property damage caused to or asserted by anyone including without limitation, Hauler or employees of Hauler or of 84, in any way arising out of, or in connection with, this agreement whether based, in whole or in part, upon the negligence of 84 its employees or agents or of its customers. HAULER, FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, HEREBY EXPRESSLY AGREES TO WAIVE ANY PROVISION OF THE PENNSYLVANIA WORKMEN'S COMPENSATION ACT, INCLUDING SECTION 303(b), WHEREBY HAULER COULD PRECLUDE ITS JOINDER AS AN ADDITIONAL DEFENDANT OR AVOID LIABILITY FOR DAMAGES, CONTRIBUTION OR INDEMNITY IN ANY ACTION AT LAW, OR OTHERWISE WHERE HAULER'S EMPLOYEE OR EMPLOYEES, HEIRS, ASSIGNS OR ANYONE OTHERWISE ENTITLED TO RECEIVE DAMAGES BY REASON OF INJURY OR DEATH BRINGS AN ACTION AT LAW AGAINST 84 and/or its customers. Hauler shall maintain public liability and property damage insurance in force at all times during the term of this agreement with minimum coverage of:

Bodily injury: \$300,000 per occurrence

Property damage: \$50,000 per occurrence

A certificate of insurance coverage shall be furnished by Hauler's insurer showing the current policy in force, date of expiration and providing for 10 days advance notice to 84 of cancellation or reduction in insurance.

The certificate of insurance must be attached to this agreement before any services are performed by Hauler.

6. This agreement shall remain in effect until terminated by 84 upon at least 30 days advance notice to Hauler, subject to immediate termination by 84 for Hauler's failure to perform or breach of this agreement. Hauler shall have the right to terminate this agreement in accordance with paragraph 7 below.
7. In the event Hauler terminates this agreement at anytime, Hauler shall pay to 84 Lumber the sum of \$900.00 in consideration for 84's assistance and providing legal counsel for the benefit of the hauler in obtaining PA PUC contract carrier authority; provided, however if at 84's request the hauler transfers such authority to another hauler designated by 84 said payment shall be waived by 84 Lumber and 84 shall pay the hauler the sum of \$250.00. ^{22500.00}
8. This agreement shall be binding upon Hauler and Haulers successor, heirs, spouse, dependents and legal representatives and any one claiming by or through Hauler.
9. This agreement contains the entire agreement of the parties regarding the subject matter hereof; there are no other agreements oral or written. This agreement may not be modified except by a written instrument signed by both parties. This agreement may not be assigned by Hauler.

84 Lumber Company

Hauler

By: Bob Estey

Pike County Products Co.
Thompson

RECEIVED

RECEIVED ORIGINAL

JAN 28 1985

Form C
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF NON-RAIL TRANSPORTATION SECRETARY'S OFFICE

C. APPLICATION FOR _____ EMERGENCY TEMPORARY AUTHORITY OR _____ AUTHORITY;
OR _____ EXTENSION THEREOF.

(File original and 2 copies of application with Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17120)

1. Thomas S. Zimmerman d/b/a Pile's Concrete Products Company
(Name of applicant) (Trade name, if any)
R.D. #1 Friedens PA 15541
(Street address) (City) (State & Zip Code)

2. Applicant is an individual _____ partnership _____ corporation. (If individual or partnership and using a trade name, applicant must submit evidence of compliance with the provisions of the Fictitious Names Act of June 28, 1917, as amended. Applicant corporations must submit articles of incorporation and charter purpose, and a foreign corporation must submit evidence that it is qualified to do business in Pennsylvania due to its registration with the Secretary of the Commonwealth.)

3. Applicant requests authority for 180 days to provide service as a _____ common or contract carrier by motor vehicle, _____ broker or _____ freight forwarder in intrastate commerce.
(Give description of type of service and area to be served.) A-105992
(See Supplement to Paragraph 3)

In support of this request, applicant states:

4. It [] has [X] has not heretofore held emergency temporary authority or temporary authority for the service here proposed. If it has, specify docket number, total time granted, and expiration date.

5. It [] is [X] is not now operating as a motor carrier under a certificate or permit. If so operating, give docket number.

6. If this application is for temporary authority, applicant [X] does [] does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have pending permanent application currently on file, application for permanent authority should be attached.
Filed simultaneously herewith.

7. If this application is for emergency temporary authority, and not accompanied by an application for corresponding permanent authority, state when you intend to file the application for permanent authority.
(Not applicable)

8. It [] has [X] has not previously made application on which final action has been taken, for authority to perform the same service, in whole or in part, as that here proposed. If it has, state whether for emergency temporary authority, temporary or permanent authority, give docket number, and date and basis of final action.

9. It previously [] has [X] has not opposed any other carrier's application for authority to perform the service here proposed; and/or [] does [X] does not have knowledge of any such application. If answer is affirmative, give other applicant's name, address, docket number, or other information identifying that application.

10. It [] does [X] does not intend to interline the authority here applied for with other carriers. If so intended, specify the point or points at which it is proposed to interline with another carrier and such other carrier's docket number.

11. It attaches to each copy of this application a map showing: The route or routes and points to be served or a description of the territory or territories in or between which service is proposed.

DOCUMENT FOLDER

DOCKETED
APPLICATION DOCKET
FEB 06 1985
ENTRY No. MW

12. It attaches a letter or letters of shipper support, each statement of support will contain detailed information as provided by 52 Pa. Code § 3.362(c)(3) as follows:

Description of the specific commodity or commodities to be transported, points or areas to, from or between which the transportation will be provided; volume of traffic involved, frequency of movement, and how transported; how soon the service must be provided; how long the need for service likely will continue, and whether the persons supporting the ETA or TA will support a permanent authority application; specific explanation of consequences if service is not made available; circumstances which created an immediate need for the requested service; whether existing carriers have been contacted, dates of contacts and result of efforts; names and addresses of existing carriers, a list of those who have failed or refused to provide service, and reasons given for any failure or refusal; and whether the person supporting the application has supported any recent application for permanent authority, TA or ETA covering all or any part of the desired service within the year preceding the date of its statement; if yes, give the carrier's name, address, and docket number, if known, and state whether the application was granted or denied and the date of the action.

(Attach plain white sheet for description and/or statements)

Applicant further states that:

- 13. It is aware that a grant of the authority here requested will create no presumption that corresponding permanent authority will hereafter be granted.
- 14. If the authority here requested is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.
- 15. It does does not desire telephoned notice, collect, of the action taken on this application.

WHEREFORE, The Applicant herein prays that the Commission grant to Applicant Temporary Authority as herein requested. Dated this 17th day of Dec, 1984

Applicant sign here Thomas S. Zimmerman
Thomas S. Zimmerman

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Somerset

SS:

Personally appeared before me, a _____ Notary Public _____ in and for said County and Commonwealth _____ Thomas S. Zimmerman _____ who being duly sworn according to law doth depose and say that the facts as contained in the foregoing application are true and correct to the best of applicant's knowledge and belief.

Sworn and subscribed before me this 19th day of December 1984

Robert M. Roberts
(Signature of official authorized to administer oaths) My Commission Expires April 26, 1988

SUPPLEMENT TO PARAGRAPH 3

Scope of Authority Sought

The nature and character of the service to be rendered as a contract carrier is as follows:

Lumber, wood products and building materials, for 84 Lumber Company, from the Township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

84 LUMBER COMPANY

Box 8484 Eighty Four, Pennsylvania 15330 Phone (412) 228-8820

December 11, 1984

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

Dear Mr. Rich:

84 Lumber Company hereby submits this letter in support of the applications of Thomas S. Zimmerman d/b/a Pile's Concrete Products Co. (hereinafter "applicant") for emergency temporary authority and temporary authority to provide contract carrier service to 84 Lumber, transporting lumber, wood products and building materials from our facilities located in the Township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

84 Lumber has been utilizing the transportation services of the applicant to provide service from the involved facility to such points as Somerset, Friedens, Shanksville, Stoystown, Boswell, Berlin, Johnstown, Acosta, Windber, Hooversville and Fort Hill. Unfortunately, we did not recognize the need for this individual to have authority from the Public Utility Commission to provide service under contract to us. When we became aware that such authority was required, we urged this individual to immediately file for the authority and indicated to him that we would do whatever was necessary to assist in securing the authority. We require applicant's service immediately and will use the applicant's service indefinitely into the future.

The applicant transports the items that we ship from our facility to our customers that are served by the particular facility. The applicant transports not only lumber, but also all of the other items that we sell at our facilities, such as drywall, insulation, shingles, plywood, siding, etc.

The applicant provides service to us with a specialized vehicle, i.e. a tilt flatbed vehicle. The applicant provides service to us and we are very reliant upon this service. If the service were discontinued, we do not know how we would replace this service. Common carriers are simply not interested in this service and do not have the specialized equipment required to provide this service. We are not aware of any other carriers that can or would provide the service sought by this application. We have not attempted to contact anyone else since there is no one else that we are aware of that would provide the service that we require.

84 Lumber is also supporting a permanent authority application being filed by applicant requesting the same authority sought herein.

We urge the Commission to grant this application.

Sincerely,



George T. Handyside
V.P. of Administration

JK:kg

----- Over 400 Stores Coast to Coast -----

SUPPLEMENT TO PARAGRAPH 12

December 15, 1984

Re: Thomas S. Zimmerman d/b/a
Pile's Concrete Products Co.

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

Dear Mr. Rich:

84 Lumber Company previously submitted a letter to the Commission supporting the emergency temporary authority and temporary authority applications of Thomas S. Zimmerman d/b/a Pile's Concrete Products Co. The purpose of this letter is to supplement our prior letter by identifying recent unsuccessful efforts made by 84 Lumber to secure service at the involved facility from existing common carriers. These recent efforts and the results of those efforts were as follows:

<u>Date</u>	<u>Phone Number</u>	<u>Person Contacted</u>	<u>Carrier</u>	<u>Reason For Refusal</u>
11-29-84	(800) 452-0291	Dwight	McQuaide Trucking	Broker hauling out Interstate
11-29-84	(412) 445-8431	Carol	Aero Trucking	hauling only
11-29-84	(412) 443-2047	Clyde	Cannell Trucking	Leased out to another company

The above refusals are consistent with our prior experience, which is that common carriers are not interested in this service. Furthermore, common carriers do not have the specialized equipment, i.e. a tilt flatbed vehicle, necessary to provide this service.

We urge the Commission to grant this application.

Sincerely,

84 LUMBER COMPANY

By: George T. Handyside
George T. Handyside
Vice President - Administration

JAN 28 1965

Form C
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 BUREAU OF NON-RAIL TRANSPORTATION

SECRETARY'S OFFICE

C. APPLICATION FOR EMERGENCY TEMPORARY AUTHORITY TEMPORARY AUTHORITY;
 OR EXTENSION THEREOF.

(File original and 2 copies of application with Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17120)

1. Thomas S. Zimmerman d/b/a Pile's Concrete Products Company
 (Name of applicant) (Trade name, if any)
R.D. #1 Friedens PA 15541
 (Street address) (City) (State & Zip Code)
2. Applicant is an individual partnership corporation. (If individual or partnership and using a trade name, applicant must submit evidence of compliance with the provisions of the Fictitious Names Act of June 28, 1917, as amended. Applicant corporations must submit articles of incorporation and charter purpose; and a foreign corporation must submit evidence that it is qualified to do business in Pennsylvania due to its registration with the Secretary of the Commonwealth.)
3. Applicant requests authority for 30 days to provide service as a common or contract carrier by motor vehicle, broker or freight forwarder in intrastate commerce.
 (Give description of type of service and area to be served.) A-105992
 (See Supplement to Paragraph 3)

In support of this request, applicant states:

4. It has has not heretofore held emergency temporary authority or temporary authority for the service here proposed. If it has, specify docket number, total time granted, and expiration date.
5. It is is not now operating as a motor carrier under a certificate or permit. If so operating, give docket number.
6. If this application is for temporary authority, applicant does does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have pending permanent application currently on file, application for permanent authority should be attached.
 (Not applicable)
7. If this application is for emergency temporary authority, and not accompanied by an application for corresponding permanent authority, state when you intend to file the application for permanent authority.
Filed simultaneously herewith.
8. It has has not previously made application on which final action has been taken, for authority to perform the same service, in whole or in part, as that here proposed. If it has, state whether for emergency temporary authority, temporary or permanent authority, give docket number, and date and basis of final action.
9. It previously has has not opposed any other carrier's application for authority to perform the service here proposed; and/or does does not have knowledge of any such application. If answer is affirmative, give other applicant's name, address, docket number, or other information identifying that application.
10. It does does not intend to interline the authority here applied for with other carriers. If so intended, specify the point or points at which it is proposed to interline with another carrier and such other carrier's docket number.
11. It attaches to each copy of this application a map showing: The route or routes and points to be served or a description of the territory or territories in or between which service is proposed.

DOCUMENT
 FOLDER

12. It attaches a letter or letters of shipper support, each statement of support will contain detailed information as provided by 52 Pa. Code § 3.362(c)(3) as follows:

Description of the specific commodity or commodities to be transported, points or areas to, from or between which the transportation will be provided; volume of traffic involved, frequency of movement, and how transported; how soon the service must be provided; how long the need for service likely will continue, and whether the persons supporting the ETA or TA will support a permanent authority application; specific explanation of consequences if service is not made available; circumstances which created an immediate need for the requested service; whether existing carriers have been contacted, dates of contacts and result of efforts; names and addresses of existing carriers, a list of those who have failed or refused to provide service, and reasons given for any failure or refusal; and whether the person supporting the application has supported any recent application for permanent authority, TA or ETA covering all or any part of the desired service within the year preceding the date of its statement; if yes, give the carrier's name, address, and docket number, if known, and state whether the application was granted or denied and the date of the action.

(Attach plain white sheet for description and/or statements)

Applicant further states that:

13. It is aware that a grant of the authority here requested will create no presumption that corresponding permanent authority will hereafter be granted.
14. If the authority here requested is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.
15. It does does not desire telephoned notice, collect, of the action taken on this application.

WHEREFORE, The Applicant herein prays that the Commission grant to Applicant Temporary Authority as herein requested. Dated this 14 day of Dec, 1984

Applicant sign here

Thomas S. Zimmerman

Thomas S. Zimmerman

SS:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Somerset

Personally appeared before me, a _____ Notary Public _____ in and for said County and Commonwealth Thomas S. Zimmerman who being duly sworn according to law doth depose and say that the facts as contained in the foregoing application are true and correct to the best of applicant's knowledge and belief.

Sworn and subscribed before me this

14th

day of

December

1984

For Catherine M. Roberts
(Signature of official authorized to administer oaths) My Commission Expires

April 26, 1988

SUPPLEMENT TO PARAGRAPH 3

Scope of Authority Sought

The nature and character of the service to be rendered as a contract carrier is as follows:

Lumber, wood products and building materials, for 84 Lumber Company, from the Township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

84 LUMBER COMPANY

Box 8484 Eighty Four, Pennsylvania 15330 Phone (412) 228-8820

December 11, 1984

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

Dear Mr. Rich:

84 Lumber Company hereby submits this letter in support of the applications of Thomas S. Zimmerman d/b/a Pile's Concrete Products Co. (hereinafter "applicant") for emergency temporary authority and temporary authority to provide contract carrier service to 84 Lumber, transporting lumber, wood products and building materials from our facilities located in the Township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

84 Lumber has been utilizing the transportation services of the applicant to provide service from the involved facility to such points as Somerset, Friedens, Shanksville, Stoystown, Boswell, Berlin, Johnstown, Acosta, Windber, Hooversville and Fort Hill. Unfortunately, we did not recognize the need for this individual to have authority from the Public Utility Commission to provide service under contract to us. When we became aware that such authority was required, we urged this individual to immediately file for the authority and indicated to him that we would do whatever was necessary to assist in securing the authority. We require applicant's service immediately and will use the applicant's service indefinitely into the future.


The applicant transports the items that we ship from our facility to our customers that are served by the particular facility. The applicant transports not only lumber, but also all of the other items that we sell at our facilities, such as drywall, insulation, shingles, plywood, siding, etc.

The applicant provides service to us with a specialized vehicle, i.e. a tilt flatbed vehicle. The applicant provides service to us and we are very reliant upon this service. If the service were discontinued, we do not know how we would replace this service. Common carriers are simply not interested in this service and do not have the specialized equipment required to provide this service. We are not aware of any other carriers that can or would provide the service sought by this application. We have not attempted to contact anyone else since there is no one else that we are aware of that would provide the service that we require.

84 Lumber is also supporting a permanent authority application being filed by applicant requesting the same authority sought herein.

We urge the Commission to grant this application.

Sincerely,



George T. Handyside
V.P. of Administration

JK:kg

----- Over 400 Stores Coast to Coast -----

SUPPLEMENT TO PARAGRAPH 12

December 15, 1984

Re: Thomas S. Zimmerman d/b/a
Pile's Concrete Products Co.

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

Dear Mr. Rich:

84 Lumber Company previously submitted a letter to the Commission supporting the emergency temporary authority and temporary authority applications of Thomas S. Zimmerman d/b/a Pile's Concrete Products Co. The purpose of this letter is to supplement our prior letter by identifying recent unsuccessful efforts made by 84 Lumber to secure service at the involved facility from existing common carriers. These recent efforts and the results of those efforts were as follows:

<u>Date</u>	<u>Phone Number</u>	<u>Person Contacted</u>	<u>Carrier</u>	<u>Reason For Refusal</u>
11-29-84	(800) 452-0291	Dwight	McQuaide Trucking	Broker hauling out Interstate
11-29-84	(412) 445-8431	Carol	Aero Trucking	hauling only
11-29-84	(412) 443-2047	Clyde	Cannell Trucking	Leased out to another company

The above refusals are consistent with our prior experience, which is that common carriers are not interested in this service. Furthermore, common carriers do not have the specialized equipment, i.e. a tilt flatbed vehicle, necessary to provide this service.

We urge the Commission to grant this application.

Sincerely,

84 LUMBER COMPANY

By: George T. Handyside
George T. Handyside
Vice President - Administration

February 22, 1985

IN REPLY PLEASE
REFER TO OUR FILE

William A. Gray
Attorney at Law
2310 Grant Building
Pittsburgh, PA 15219

A-00105992 - Application of Thomas S. Zimmerman, t/d/b/a Pile's
Concrete Products Company.

Dear Sir:

The application of Thomas S. Zimmerman, t/d/b/a Pile's Concrete
Products Company for permanent and temporary authority has been captioned
as attached and will be submitted for review provided no protests are
filed on or before March 18, 1985. 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 February 23, 1985.

Very truly yours,

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

DE:RP:rs

cc: Applicant
R.D. 1
Friedens, PA 15541

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
FEB 25 1985
ENTRY No. <i>NC</i>

A-00105992 THOMAS S. ZIMMERMAN, t/d/b/a PILE'S CONCRETE PRODUCTS
COMPANY (R.D. #1, Friedens, Somerset County, PA 15541)-Contract Carrier-lumber, wood
products and building materials, for 84 Lumber Company, from the township
of Somerset, Somerset County, to points in Pennsylvania and vice versa.
APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00105992 SEEKING
THE RIGHT CITED ABOVE. Attorney: William A. Gray, 2310 Grant Building,
Pittsburgh, PA 15219.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

FEB 23 1985

BUREAU OF NON-RAIL TRANSPORTATION
CONTRACT CARRIER

FEBRUARY

1985

A-00105992

Application of Thomas S. Zimmerman, t/d/b/a Pile's Concrete Products Company, for the right to begin to transport, as a contract carrier, by motor vehicle, lumber, wood products and building materials, for 84 Lumber Company, from the township of Somerset, Somerset County, to points in Pennsylvania and vice versa.

MW:np
2/6/85

Application received: 1/28/85

Application docketed: 2/6/85

Monitor: Commissioner Cawley

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
FEB 25 1985
ENTRY No. _____

NH

MAR 18 1985

TA

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.