

A-1 J.N. 4/19/86
R.A.

A-00065936

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

APR 25 1986

Application Docket No. 65936
Folder 3

Application of NORMAN M. EARHART, trading and doing business as EARHART TRUCKING

RECEIVED

APR 25 1986

REPORT AND ORDER
APPROVING SERVICE AS A MOTOR CARRIER
SECRETARY'S OFFICE
Public Utility Commission

DOCUMENT
FOLDER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of NORMAN M. EARHART, trading and doing business as EARHART TRUCKING, dated March 16, 1974, to operate motor vehicles as a common carrier, and upon protests, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by JOHN L. TAYLOR, under report, order and certificate of public convenience issued at A.41312 on September 26, 1938, 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 NORMAN M. EARHART, trading and doing business as EARHART TRUCKING, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class B carrier, household goods and office furniture in use between points in the village of Clarksburg, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said village.

To transport, as a Class D carrier, household goods and office furniture in use from points in the village of Clarksburg, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said village to points within twenty-five (25) miles by the usually traveled highways of the limits of said village and vice versa.

To transport, as a Class D carrier, farm products, including livestock, between points in the village of Clarksburg, Indiana County, and within fifteen (15) miles by the usually traveled highways of the limits of said village, excluding pick-up or delivery of farm products over the route now covered by H.E. Miller, except farm products which are to be transported to or from farms.

To transport, as a Class D carrier, farm products, including livestock, from points in the village of Clarksburg, Indiana County, and within fifteen (15) miles by the usually traveled highways of the limits of said village to points within sixty (60) miles by the usually traveled highways of the limits of said village and vice versa, excluding pick-up or delivery of farm products over the route now covered by H.E. Miller, except farm products which are to be transported to or from farms.

To transport, as a Class D carrier, property for the Pennsylvania Department of Highways, building materials, excavated materials and road and building construction materials, such as are usually transported in dump trucks, between points in the counties of Indiana, Westmoreland and Armstrong, provided no haul shall exceed a distance of thirty-five (35) miles from point of origin to point of destination.

To transport, as a Class D carrier, coal, pit posts, lime and cinders between points in the counties of Indiana, Westmoreland, Armstrong and Allegheny, provided no haul shall exceed a distance of thirty-five (35) miles from point of origin to point of destination.

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That the applicant shall not record in his utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the \$9,500 consideration paid by applicant for the rights and going concern value of the business be capitalized by applicant in Account 1550-Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above, provided the latter is sufficient in amount to absorb said charge off.

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, November 26, 1974, 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 FURHTER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceeding.

ATTEST: *Will Peter* Secretary
George Bloom Chairman
PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Order Adopted: November 26, 1974
Order Entered: December 6, 1974

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

P-1 J.H. 4/19/86
fgh. PA
A-00065936

Public Meeting held April 25, 1979

Commissioners Present:

W. Wilson Goode, Chairman
Louis J. Carter
Michael Johnson

DOCKETED
APR 25 1979

Application of Bulk Transportation Services,
Inc., for approval of the transfer to it of
all of the operating right held by Ray W. Kalp
at A. 64883.

A-00101351

O R D E R

BY THE COMMISSION:

By application docketed February 8, 1979, Bulk Transportation Services, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the right granted to Ray W. Kalp under the certificate issued at A. 64883.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of right held by Ray W. Kalp at A. 64883 be approved and that a certificate be issued to the applicant granting the following right:

To transport, as a Class D carrier, coal, cinders, reddog, sludge, coke, coke ashes, boiler ashes, flyash, sand and gravel, in dump trucks, between points in the counties of Fayette, Westmoreland, Somerset, Washington, Cambria and Allegheny; excluding the transportation of commodities in hopper-type vehicles;

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the

DOCKETED
APR 25 1986

right to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

2. That applicant shall not record in its utility accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.
3. That the \$45,000 consideration paid by applicant for the right and going concern value of the business be capitalized by applicant in Account 1550 - Other Intangible Property or in the alternative be charged off against applicant's ownership equity less any amount recorded under condition 2 above; provided the latter is sufficient in amount to absorb said charge off.
4. That the operating authority granted herein to the extent that it duplicates any operating authority subsequently granted to applicant shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 202(e) of the Public Utility Law of May 28, 1937, P.L. 1053, as amended by Act No. 215 of October 7, 1976.

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 this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

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.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1978 Annual Report of the transferor.

IT IS FURTHER ORDERED: That upon compliance with this order the right granted the transferor Ray W. Kalp at A. 64883 be cancelled and the record be marked closed.

BY THE COMMISSION,



William P. Thierfelder
Acting Secretary

(SEAL)

ORDER ADOPTED: April 25, 1979

ORDER ENTERED: **MAY 7 1979**

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 10, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Bulk Transportation
Services, Inc. for approval of the
transfer to it of all of the operating
rights held by Charles J. Merlo, Inc.
at A-00085811, F. 2.

A-00101351, F. 1, Am-A

O R D E R

BY THE COMMISSION:

By application docketed January 31, 1985, Bulk Transportation Services, Inc. a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Charles J. Merlo, Inc. a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00085811, F. 2.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Charles J. Merlo, Jr. at A-00085811, F. 2 be approved and that the original report and order at A-00101351 and the certificate issued pursuant thereto, be modified and amended to include the following rights:

1. To transport, as a Class D carrier, building materials, in bulk in dump trucks, coal, sand, bricks and mine supplies between points in the borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits thereof, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal from stripping operations, sand, gravel, reddog, soil and brick from points in the borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits of the said borough to points in the said territory;

with right no. 2 above subject to the following condition:

That no right, power or privilege is granted to transport coal for domestic consumption from the mines of Bethlehem Collieries Corporation, located in the borough of Nanty Glo, Cambria County, said mine being known as No. 31, formerly Heisley Mine, except as authorized by the first right hereinbefore set forth.

3. To transport, as a Class D carrier, scrap metals between points in the borough of Nanty Glo, Cambria County, and within twenty-five (25) miles of the limits of the said borough, excluding service from the city of Altoona, Blair County.
4. To transport, as a Class D carrier, coal between points within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County;

with right no. 4 above subject to the following condition:

That no right, power or privilege is granted to transport coal to the steel plants of the Bethlehem Steel Corporation in the county of Cambria, except as presently authorized.

5. To transport, as a Class D carrier, scrap metal and scrap iron, in bulk, in dump vehicles, from points in Pennsylvania to the facilities of Bethlehem Steel Corporation located in the counties of Cambria and Dauphin;

with right no. 5 above subject to the following conditions:

- (a) That no right, power or privilege is granted to render service from Avis, Clinton County, and points within five (5) miles of the limits of Avis.
- (b) That no right, power or privilege is granted to render service from the Mountain City Junk Company or Charles Caracciola Steel and Metal Yard.
- (c) That no right, power or privilege is granted to render service from Hodes Industries from its facilities in Centre County, the city of Lock Haven, Clinton County, or the city of Tyrone, Blair County.

6. To transport, as a Class D carrier, coal, in bulk, in dump vehicles, for Bethlehem Mines Corporation, from its mines and facilities located in the counties of Butler, Cambria and Washington, to points in that part of Pennsylvania on and west of U.S. Highway Route 15;

with right no. 6 above subject to the following conditions:

- (a) That no right, power or privilege is granted to provide service to or from the Bethlehem Mines Corporation Fawn No. 91 Mine located in Saxonburg, Butler County.
- (b) That no right, power or privilege is granted to transport coal for Bethlehem Mines Corporation, from its mines and facilities located in the county of Washington, to points in the counties of Allegheny, Fayette, Greene, Washington and Westmoreland.

with all of the above rights further subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.

5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and 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 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 upon compliance with this order the rights granted the transferor Charles J. Merlo, Inc. a corporation of the Commonwealth of Pennsylvania at A-00085811, F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 10, 1986

ORDER ENTERED: JAN 23 1986

Bulk Transportation Services, Inc.

List of Equipment

- 95 Dump Trucks
- 38 Tractors
- 33 Dump Trailers

The above equipment is currently owned by Charles J. Merlo, Inc. or by independent owner-operators. It is all leased to Bulk Transportation Services, Inc. The equipment owned by Merlo will be transferred to Bulk Transportation Services at the expiration of the present licensing period.

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4/9/86
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COAL - ORIGIN/DESTINATION	TOWNSHIP	COUNTY	SEPT 85 TONS	OCT 85 TONS	NOV 85 TONS	DEC 85 TONS	JAN 86 TONS	FEB 86 TONS	MAR 86 TONS	TOTAL TONS	RATE	REVENUE
BARNES & TUCKER 20	EAST CARROLL	INDIANA										
TO: NEW FLORENCE	W. WHEATFIELD	INDIANA	10,304.38	10,078.97	9,815.92	7,618.44	8,796.38	2,341.18		48,955.27	@ \$3.45	\$168,895.68
TO: BARNES 24	PINE	INDIANA	6,752.82		620.39			3,165.86	1,652.03	12,191.10	@ \$2.10	25,601.31
TO: HOMER CITY	BLACKLICK	INDIANA		2,929.42	2,957.46					5,886.88	@ \$4.85	28,551.36
BARNES & TUCKER 24	PINE	INDIANA										
TO: ONEIDA	BRUSH VALLEY	INDIANA	3,069.97	2,887.51	3,054.66	3,061.55	2,857.55	3,356.34	4,418.24	22,705.82	@ \$3.45	78,335.07
TO: GREENWICH	GREEN	INDIANA				5,024.30	5,015.71	5,003.27	4,817.31	19,860.59	@ \$2.00	39,721.18
TO: NEW FLORENCE	W. WHEATFIELD	INDIANA							10,673.15	10,673.15	@ \$3.45	36,822.36
WESTRICK	EAST CARROLL	CAMBRIA										
TO: NEW FLORENCE	W. WHEATFIELD	INDIANA	5,041.84	5,107.74					4,862.80	15,012.38	@ \$3.75	56,296.42
BETHLEHEM MINE 33	CAMBRIA	CAMBRIA										
TO: NEW FLORENCE	W. WHEATFIELD	INDIANA		825.70						825.70	@ \$3.40	2,807.38
TO: HOMER CITY	BLACKLICK	INDIANA		10,684.33	15,890.12	3,308.39				29,882.84	@ \$4.75	141,943.49
TO: ONEIDA	BRUSH VALLEY	INDIANA		740.75	1,708.51	1,149.79	526.37			3,125.42	@ \$3.60	11,251.51
BSCO -JOHNSTOWN TO TOMARK COMPANY IN												
SCHLOCTA	ARMSTRONG	INDIANA					630.85			630.85	@ \$5.30	3,343.50
KITTANNING	ARMSTRONG	MANER					335.20			335.20	@ \$6.30	2,111.76

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SECRETED
 APR 25 1986

END