

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
February 7, 1984	:	
3. <u>BUREAU:</u>	:	MAR-84-TNR-258*
Non-Rail Transportation	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	March 16, 1984
6. <u>APPROVED BY:</u>	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
Chairman Taliaferro	:	
8. <u>PERSON IN CHARGE:</u>	:	
Hoshour 7-5513	:	
9. <u>DOCKET NO:</u>	:	
A-00102471, F. 1, Am-B	:	

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) Application of Pitt-Ohio Express, Inc., Pittsburgh, Allegheny County, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of property (excluding commodities in bulk and household goods and office furniture in use) between points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland.

(b) The application was protested, however all protests were withdrawn either upon reconsideration or when the applicant filed a restrictive amendment. The applicant is supported herein by 52 supporting shippers who have entered verified statements in this proceeding. The evidence demonstrates that there is a public need for the proposed service, as amended. A grant of authority to the applicant will alleviate a void in the transportation service currently available.

(c) The Bureau of Non-Rail Transportation recommends that the Commission adopt the proposed order approving the application, as amended.

11. <u>MOTION BY:</u> Commissioner Johnson	Commissioner Chm. Taliaferro - Yes
<u>SECONDED:</u> Commissioner Cawley	Commissioner
	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
 APR 8 - 1984



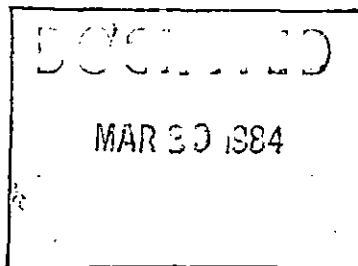
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

March 28, 1984

IN REPLY PLEASE
REFER TO OUR FILE

A-00102471

F.1, Am-B



John A. Vuono, Esquire
Vuono, Lavelle & Gray
2310 Grant Building
Pittsburgh, PA 15219

Application of Pitt-Ohio Express, Inc. a corporation of the
Commonwealth of Pennsylvania

Dear Sir:

Enclosed, herewith, is supplemental order modifying certificate of public convenience issued by the Commission in the above entitled proceeding.

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until he has complied with the following tariff requirement:

Prepare and file a tariff, instructions for which are enclosed.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of March 16, 1984 and dismiss the application without further proceedings.

If you foresee any problems in obtaining the necessary requirement within the specified time period, please contact the Pennsylvania Public Utility Commission--Service Section.

Very truly yours,

fao

Encls.

Cert. Mail

cc: Applicant
27th & A.V.R.R.
Pittsburgh, PA 15222

Jerry Rich
Secretary

Copy of order to: Refer to Computer list attached.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

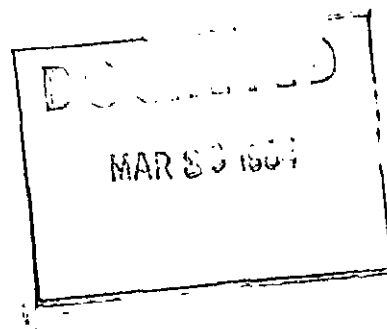
Public Meeting held March 16, 1984

Commissioners Present:

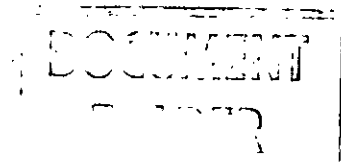
Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of Pitt-Ohio Express, 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, property, from the facilities of USCO Distribution Services, Inc., located in the borough of McKees Rocks, Allegheny County, 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; and that no right, power or privilege is granted to transport household goods in use: SO AS TO PERMIT the transportation of property (excluding commodities in bulk and household goods and office furniture in use) between points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland.

A-00102471
F. 1
Am-B



Wick, Vuono & Lavelle by John A. Vuono for the applicant.
Bremam & Berns by Joseph E. Bremam for Bremam's Express Company.
Zigmund A. Milos for Milo Express, Inc.
Pillar and Mulroy by Sally A. Davoren for Citizens Transport, Inc.,
Newcomer Trucking, Inc., Gateway Trucking, Inc. and Moore-Flesher
Hauling Company.



O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 9, 1983. Public notice of the application was given in the Pennsylvania Bulletin of April 9, 1983. Protests to the application were filed by Breman's Express Company, Milo Express, Inc., Citizens Transport, Inc., Newcomer Trucking, Inc., Gateway Trucking, Inc. and Moore-Flesher Hauling Company. The protest of Breman's Express, Inc. was withdrawn upon reconsideration without amendment. The remaining protests were withdrawn when the applicant restrictively amended the application by excluding the transportation of commodities requiring special handling or equipment; single shipments of iron and steel and iron and steel articles and refractories weighing more than 24,000 pounds; single shipments of iron and steel and iron and steel articles and refractories weighing more than 10,000 pounds to, from or between points in Beaver County; shipments of money, bullion, securities and other valuables, including checks in process and proof work; and property from points in Allegheny County to points in the counties of Armstrong, Butler, Clarion, Greene and Indiana, and vice versa.

The application is now unprotested and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and 52 supporting shippers.

Charles L. Hammel, III, president of Pitt-Ohio Express, Inc. (Pitt-Ohio or applicant), 27th and A.V.R.R., Pittsburgh, Allegheny County, sets forth in support of the pending application that he is actively involved in the day-to-day operations of the applicant and is authorized to provide the following information. The applicant is currently authorized to operate in Pennsylvania intrastate commerce, as well as in interstate commerce. From its main office and terminal located in Pittsburgh, the applicant dispatches its equipment totaling 12 tractors, 12 trailers and 15 straight trucks. Of this equipment, seven tractors, seven trailers and one straight truck is assigned to the Pittsburgh terminal with the balance being assigned to the East Palestine terminal which is located in Columbiana County, Ohio. This terminal is adjacent to the Darlington Township, Beaver County.

Pitt-Ohio is familiar with the transportation requirements of the supporting shippers herein and is experienced in handling the freight that will be tendered under the proposed authority. The applicant has been serving the supporting shippers pursuant to a grant of temporary authority and its interstate authority. Pitt-Ohio will provide the shippers with service five days per week during normal business hours, and in addition, the shippers will be able to obtain pickup and/or delivery service at other than normal business hours. Pitt-Ohio intends to offer scheduled pickups and scheduled delivery service to meet the

needs of the supporting shippers. Since the applicant specializes in the transportation of general commodities, primarily in less-than-truckload quantities, it foresees no difficulty in meeting the needs of the supporting shippers. When required, it will also handle truckload quantities. Those points located within the application area can be served the same day or with overnight service.

The unaudited balance sheet of the applicant indicates that as of December 31, 1982, it had total current assets of \$256,526, total assets of \$623,478, total current liabilities of \$255,117, long term debt of \$28,676 and total shareholders' equity of \$339,685. The income statement for 1982 sets forth that from total revenue of \$1,998,286, the applicant generated a net income after taxes of \$137,033.

Raymond Dipasquale, traffic manager for Allegheny Bindery Corporation, 3700 Bigelow Boulevard, Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper is in the business of binding and packaging paper stock which it ships from the aforementioned address. It is the intention of the supporting shipper to tender the applicant approximately 100,000 pounds of less-than-truckload shipments per month. Shipments would originate at its Pittsburgh facility and would be destined for points in the counties of Allegheny, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland. The supporting shipper has need for the service of the applicant since it has been unable to acquire less-than-truckload service from existing carriers. The applicant has provided dependable and efficient service in the past.

Thomas Shimmin, traffic manager for Allegheny Label, Inc., 1105 Pittsburgh Street, Cheswick, Allegheny County, sets forth in support of the pending application that the shipper is engaged in the manufacture and distribution of various types of labels. The supporting shipper has shipments originating in the counties of Allegheny, Beaver, Erie, and Mercer. Shipments will be destined for points in the counties of Allegheny and Venango. It is the intention of the supporting shipper to tender to the applicant all of those shipments destined for points within the area sought by the instant application. The supporting shipper has found that there has been a deterioration in the less-than-truckload service available within western Pennsylvania. Several carriers have terminated operations altogether while several have excluded the transportation of less-than-truckload traffic. The supporting shipper has relied upon the applicant for service in the past and has found the applicant's service to be reliable.

Richard Spitler, president of Allegheny Toro Distributing, Inc., 109 Sagamore Hill Road, Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper is engaged in the distribution of riding mowers, hand mowers, grass catchers, trimmers, grass rotary, snow casters and parts from its facility in

Monroeville. It is anticipated that the applicant will handle 90% of the traffic covered by the proposed authority. Shipments will originate in Monroeville and will be destined for points in the counties of Allegheny, Armstrong, Beaver, Butler, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland. Due to the decrease in the available less-than-truckload service within the application area, the supporting shipper seeks to utilize the applicant for those shipments moving between points within the application area. Service provided by the applicant in the past has been satisfactory.

W. T. Murphy, marketing manager-printing papers for Alling & Cory, 2920 New Beaver Avenue, Pittsburgh, Allegheny County, sets forth that the supporting shipper is a major distributor of paper products from 18 distribution centers. Pertinent to this proceeding is its facility in Pittsburgh from which it ships to points in the counties of Armstrong, Beaver, Butler, Clarion, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland. Traffic moving to these points totals approximately 100,000 pounds per day and it is anticipated that the applicant will handle 80 percent of the traffic. The supporting shipper is supporting the applicant for the proposed service due to the decrease in less-than-truckload service.

Linda Conwell traffic manager for American Shim Steel Company, P.O. Box 558, New Kensington, sets forth in support of the pending application that the applicant will be tendered shipments of cold rolled strip steel. It is anticipated that the applicant will handle approximately 70 percent of its outbound and inbound traffic. Outbound traffic will originate in the counties of Allegheny, Mercer and Westmoreland and will be destined for points in Allegheny, Beaver, Crawford, Erie, Fayette, Indiana, Lawrence and Westmoreland counties. The supporting shipper has used the applicant in the past and has found that it can provide quality service.

James F. Leonard, traffic manager for Bloom Engineering, Horning and Curry Roads, Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper is a manufacturer of industrial gas and oil burners. The supporting shipper has shipments totaling approximately 50,000 pounds per month with inbound traffic also totaling 50,000 pounds. It is anticipated that the applicant will be tendered 100 percent of this traffic. Shipments will originate in the counties of Allegheny, Butler, Indiana, Mercer and Washington with the traffic destined for Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland Counties. Due to the reduction in the available less-than-truckload carriers, the supporting shipper desires the services of the applicant. The applicant has demonstrated that it can provide the services required.

Guy Lazzari, traffic manager for The Ceco Corporation, 1020 Sawmill Run Boulevard, Pittsburgh, Allegheny County, states in

support of the pending application that the supporting shipper is a distributor of steel doors, steel door frames and hardware. From its facility it ships approximately 15,000 pounds per week to points within the application area and it is anticipated that the applicant will handle all of this traffic. The traffic will originate in Allegheny County and will be destined for points within Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland Counties. The supporting shipper has experienced difficulty in meeting its transportation needs due to the limited number of carriers that will handle less-than-truckload traffic.

Emil E. Schwartz, traffic manager for A. R. Chambers & Son, Inc., 111 35th Street, Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper is a distributor of construction, industrial and packaging supplies. From its Pittsburgh facility it ships approximately 25 to 50 shipments per week. It is anticipated that 80 percent of this traffic will be tendered the applicant. Shipments will originate in Allegheny County and will be destined for points throughout the application area. As the result of termination of less-than-truckload service by Breman Express, Inc. it has been unable to acquire sufficient less-than-truckload service.

James Marchwinski, traffic manager for Conviber Inc., 2012 Babcock Boulevard, Pittsburgh, Allegheny County, sets forth that the supporting shipper is a distributor of conveyor belting, idlers, pulleys, power transmissions, industrial hose and crushing and vibrating equipment. From its Pittsburgh facilities, it ships to points located throughout the application area. Weekly traffic totals approximately 30,000 pounds of which the applicant will be tendered approximately 80 percent. The supporting shipper has seen a decline in the availability of service within the application area and supports the applicant for the proposed area of operation.

Robert Janke, traffic manager for Copco Papers, Inc., 5 Royal Drive, McKees Rocks, Allegheny County, sets forth in support of the pending application that the supporting shipper ships approximately 20 shipments per week totaling 10,000 pounds. This traffic is comprised of printing paper and is shipped from Allegheny County to points in the counties of Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Indiana, Washington and Westmoreland. There has been a reduction in less-than-truckload service within the application area which has raised difficulties in having its shipments delivered to its customers.

John Ramsay, traffic manager for D-Bolt Company, 999 Eighth Avenue, Glenshaw, Allegheny County, sets forth in support of the pending application that the supporting shipper specializes in the distribution of nuts, bolts, screws, washers and studs. Shipments originate in the county of Allegheny and are destined for points in Allegheny, Beaver, Butler, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango,

Washington and Westmoreland Counties. This traffic totals approximately 50,000 pounds per month of which the applicant will be tendered approximately 80 percent. Due to the decline in less-than-truckload service, the applicant is being supported for the proposed service.

Andrew Sipos, traffic manager for Epic Metals Corporation, 11 Talbot Avenue, Rankin, Allegheny County, sets forth in support of the pending application that the supporting shipper is a manufacturer of composite floor systems, composite floor decks and roof and form decks for new construction sites. From its Rankin facility it ships to points throughout the application area. It is anticipated that the applicant will be tendered 25 shipments per month totaling approximately 20,000 pounds. This traffic would constitute approximately 90 percent of its total traffic. The supporting shipper needs a carrier that is equipped to provide less-than-truckload service.

Louis Conti, traffic manager of Color Division of Ferro Corporation, 60 Greenway Drive, Pittsburgh, Allegheny County, sets forth in support of the pending application that the applicant would be tendered shipments of paint, paint compounds and related items. From the Pittsburgh facility it has a monthly volume of approximately 160,000 to 200,000 pounds of which the applicant will be tendered approximately 80 percent. Its traffic originates in Pittsburgh, Allegheny County, Franklin, Venango County, and is destined to points in Allegheny, Beaver, Crawford, Erie, Fayette, Lawrence, Mercer, Washington and Westmoreland Counties. The supporting shipper desires a carrier that can provide scheduled pickups and delivery service and expedited service when necessary. Due to the reduction in less-than-truckload service, it is supporting the applicant.

Patrick T. Scullion, Jr., traffic manager of FWS, 33rd Street and A.V.R.R., Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper has traffic comprised of mortar, foundry facings and core compounds. Shipments originate in Allegheny and Beaver Counties and are destined for points within the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Venango, Washington and Westmoreland. Due to the decrease in less-than-truckload service, the supporting shipper desires the services of the applicant.

Wayne Suchan, traffic manager for Gemco Sales, Inc., 1700 Smallman Street, Pittsburgh, Allegheny County, states in support of the pending application that the applicant will be tendered shipments of insulated copper wire or cable and electrical fittings and supplies. It ships approximately 60 shipments weighing 100,000 pounds per month of which the applicant will be tendered approximately 90 percent. From its facilities in Pittsburgh, it ships to points located in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland. Due to the termination of less-than-truckload service by Breman's Express Company, the supporting shipper has been without adequate service.

Douglas Koerntgen, traffic manager for Gipson Bearing and Supply Company, 980 Forest Avenue, West Homestead, Allegheny County, states that the applicant would be tendered shipments of bearings, soaps, abrasive cloths, grinding wheels and other related commodities used by steel mills and other manufacturing plants. From its Homestead facility, the supporting shipper has shipments destined for points in the counties of Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Washington and Westmoreland. This traffic totals approximately seven shipments per day weighing 5,000 pounds. It is anticipated that the applicant will handle 100 percent of the traffic. The supporting shipper desires the services of the applicant as a replacement for service recently terminated.

Gerard Tucker, traffic manager for Gordon Terminal Service Co., P.O. Box 313, McKees Rocks, Allegheny County, sets forth in support of the pending application that the supporting shipper packages and ships anti-freeze, petroleum lubricating oils, chemicals and plastic bottles. Its outbound traffic totals approximately 50,000 pounds per week of which the applicant will be tendered approximately 80 percent. From the McKees Rocks facility, the applicant will be tendered shipments destined for points in the counties of Armstrong, Beaver, Butler, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Venango, Washington and Westmoreland. The supporting shipper seeks a carrier that is capable of handling less-than-truckload general freight to points throughout the application area. Due to the recent termination of less-than-truckload service by a certificated carrier, the supporting shipper has been without sufficient carrier service.

Ronald C. Davis, coordinator, transportation planning for Heinz U.S.A., division of H. J. Heinz Company, 1062 Progress Street, Pittsburgh, Allegheny County, sets forth that the supporting shipper is a manufacturer of canned and preserved food products. The supporting shipper has a production facility and warehouse facility located in Pittsburgh from which it ships approximately 982 loads per year comprised primarily of truckload shipments weighing in excess of 40,000 pounds. This traffic is destined for grocery store chains and distributors as well as food service customers such as restaurant chains and suppliers. From Pittsburgh, it ships to points located in all of the counties involved in the instant application. The supporting shipper has found that it is unable at the present time to acquire adequate motor carrier transportation.

Loretta Hancock, traffic manager for The O. Hommel Company, P.O. Box 475, Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper manufactures and ships clay, frit and dry paint utilized by makers of pottery. The supporting shipper has traffic moving from points in the counties of Allegheny, Butler, Crawford, Erie and Washington with destinations in the counties of Armstrong, Lawrence, Washington and Westmoreland. The supporting shipper requires a carrier that can provide scheduled pickup and delivery

service and on occasion expedited deliveries. It seeks a carrier that will provide less-than-truckload transportation.

Robert A. Jarzynka, traffic manager for Hussey Metals Division, Copper Range Company, 310 Washington Street, Leetsdale, Allegheny County, states that the applicant will be tendered shipments of brass, bronze, copper and alloys that will be shipped in plate, sheet, strip and bar form from its facilities in Leetsdale. Its traffic totals approximately five to ten shipments per week weighing 50,000 pounds. Of this traffic, approximately 50 percent is destined to points within the application area and the applicant will be tendered 100 percent of this traffic. Shipments move from points in the counties of Allegheny, Armstrong, Beaver, Butler, Lawrence, Washington and Westmoreland to points in the counties of Armstrong, Beaver, Butler, Crawford, Erie, Fayette, Lawrence, Mercer, Washington and Westmoreland. The supporting shipper has utilized the services of the applicant in interstate commerce and is convinced that it can provide the service needed.

John Paczan, procurement manager for Hydro Ash, a subsidiary of L. B. Foster Company, P.O. Box 2806, Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper is a designer and builder of ash handling equipment. Its monthly volume of traffic totals approximately 120,000 pounds with all of the traffic destined for points within the operational area sought by the instant application. It is anticipated that the applicant will be tendered 80 percent of the traffic of those shipments originating in Allegheny, Crawford, Lawrence, Venango and Washington Counties and having destinations in Allegheny and Lawrence Counties. It anticipates that the proposed service of the applicant will meet its demands for service in western Pennsylvania.

John Bazyk, traffic manager for Industrial Terminal Systems, Inc., Box 127, Parnassus Station, New Kensington, Westmoreland County, sets forth in support of the pending application that the supporting shipper is in the business of chemical compounding and packaging. From its facilities in Logans Ferry, Allegheny County, the applicant has shipments moving to all of the counties involved in the instant application. It seeks a carrier that can provide it with dependable and reliable service handling less-than-truckload traffic.

Keith Kephart, traffic manager for Kaufmann's, Fifth Avenue and Smithfield Street, Pittsburgh, Allegheny County, states that the supporting shipper is a department store chain located throughout western Pennsylvania. Its traffic totals approximately 25,000 pounds per month. Kaufmann's traffic moves to points in the counties of Allegheny, Beaver, Erie, Lawrence, Mercer, Washington and Westmoreland. The supporting shipper has used the applicant for interstate shipments and is a preferred carrier which can meet the supporting shipper's needs.

Sidney Levy, president of Chas. Klein & Co., Inc., 1039 Fifth Avenue, Pittsburgh, Allegheny County, sets forth in support of the pending application that the supporting shipper is a wholesale drygoods distributor. Its traffic totals approximately 25 shipments per week weighing a total of 10,000 pounds. All this traffic is within the proposed area of operation and the applicant will be tendered approximately 80 percent. The supporting shipper has traffic moving to a number of points throughout the application area including the counties of Allegheny, Armstrong, Beaver, Crawford, Erie, Fayette, Lawrence, Mercer, Venango, Washington and Westmoreland. In order to meet its customers needs, it requires a carrier that will provide less-than-truckload service within the application area.

Thomas Connors, traffic manager for L & M Industries Co., 200 North Lexington Avenue, Pittsburgh, Allegheny County, sets forth that the supporting shipper ships printing paper, envelopes, stationery and other related items which totals approximately 220 shipments weighing 400,000 pounds. Inbound its traffic totals approximately 10 shipments per month weighing 35,000 pounds. It anticipates tendering the applicant 90 percent of the traffic covered by the authority sought by the instant application. The supporting shipper has shipments originating in the counties of Allegheny, Butler, Erie and Lawrence with destinations located in the counties of Allegheny, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland. Due to the recent reduction in less-than-truckload carriers, the shipper has been without sufficient carrier service.

James Birchur, operation manager for L & R Electric Company, 1646 Butler Plank Road, P.O. Box 59, Glenshaw, Allegheny County, sets forth that the supporting shipper has traffic moving from its facilities in Glenshaw which is comprised of insulated copper cable, plastic pipe and fittings, steel fittings and elbows. Its weekly volume totals approximately 15,000 pounds covering approximately 10 shipments. It is anticipating tendering the applicant 90 percent of its traffic. Shipments will originate in Allegheny County and will be destined for points in all of the counties sought by the instant application. It seeks a carrier that will handle its less-than-truckload traffic.

Merv Mallet, president of Mallet's Gateway Terminal, Inc., Chartiers Industrial Park, 2150 Roswell Drive, Pittsburgh, states in support of the pending application that the supporting shipper is in the business of distribution, consolidation and warehousing of freight. From its facilities in Pittsburgh, it ships approximately 1,200 to 1,500 shipments per month. It anticipates utilizing the applicant for 30 percent of the traffic. From the Pittsburgh facilities, it ships to points located throughout the area of application. It seeks a carrier that will handle their less-than-truckload traffic within the application area and who is experienced in handling such traffic. It has relied upon the applicant for service in interstate commerce and anticipates that there will be no difficulties in having the applicant handle its traffic.

Donald S. Varshine, manager, traffic and warehouse for Midland-Ross Corporation, electrical products division, P.O. Box 1548, Pittsburgh, Allegheny County, states that the supporting shipper is a manufacturer of conduit outlet boxes and structural steel. From its facility in Leetsdale, it ships approximately 750,000 pounds a day. Its inbound raw materials totals approximately 5,000,000 pounds per year and is comprised of approximately 125 shipments. It anticipates that it will tender the applicant 100 percent of its inbound and outbound traffic. It has need for a carrier that has the capabilities of providing less-than-truckload general freight transportation in the area of application. It has found recently that less-than-truckload service has been declining within the area of application.

William Olsen, traffic manager for Mock Seed Company, division of The Mock Corporation, 13th and Smallman Streets, Pittsburgh, Allegheny County, states that the applicant will be tendered shipments comprised of seed, fertilizer and chemical materials for planting and maintaining lawns, golf courses and other turf grass areas. From the Pittsburgh facility, the supporting shipper ships approximately 200 to 250 shipments per week totaling 200,000 to 300,000 pounds. All of this traffic is destined for points within the application area and 80 percent of the total traffic will be tendered the applicant. It seeks a carrier that is a stable and reliable source of transportation and is satisfied that the applicant can provide the service needed.

Charles Perrin, traffic manager for G. C. Murphy Company, 531 Fifth Avenue, McKeesport, states that the supporting shipper is a large variety store chain and operator of Murphy's Marts. Inbound traffic to the McKeesport facility totals approximately 1,000,000 pounds per year. All of this inbound traffic falls within the application area. It is anticipated that the applicant will be tendered 40 percent of the traffic. The supporting shipper requires a carrier that will handle less-than-truckload traffic.

Fred Meny, traffic manager for McCann-Shields Paint Co., 27 Alexander Street, Pittsburgh, Allegheny County, states that the applicant will be tendered shipments of asphalt, protective and custom coatings. Monthly traffic totals approximately 10,000 pounds in five shipments. All of this traffic will move to points within the application area and it all will be tendered the applicant. From its Pittsburgh facility, it has traffic moving to points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland. It is in need of a carrier that will handle less-than-truckload traffic moving within the application area.

Henry Livingston, traffic manager for McConway & Torley Corporation, 109 48th Street, Pittsburgh, Allegheny County, states in support of the pending application that the supporting shipper is a manufacturer of railroad car couplings. Its monthly tonnage is

approximately 200,000 pounds which it ships to points throughout the application area. It is anticipated that the applicant will be tendered approximately 95 percent of its total shipments. The supporting shipper has utilized the applicant in the past and has found that it is capable of meeting their transportation needs.

John D'Ambrasio, traffic manager for J. S. McCormick Co., 25th Street and A.V.R.R., Pittsburgh, Allegheny County, states that the supporting shipper will tender the applicant shipments comprised of foundry facings, core compound and foundry facings (liquid flammable) from its Pittsburgh facility. This traffic totals approximately 20,000 pounds comprised of ten shipments per week of which the applicant will be tendered approximately 80 percent. From its Pittsburgh facility, it ships to points in the counties of Allegheny, Beaver, Butler, Erie, Fayette, Lawrence, Venango, Washington and Westmoreland. The general reduction in the number of carriers that will provide less-than-truckload traffic has resulted in the need for the applicant's proposed service.

Lester Neilly, president of Neilly Canvas Goods Company, 2709 Penn Avenue, Pittsburgh, states that the supporting shipper has shipments comprised of nylon, canvas and neoprene tarpaulins which will be destined for customers comprised of railroads, truck companies, construction companies and industries that require materials to protect products from weather. From the Pittsburgh facility it will ship to points in the counties of Allegheny, Armstrong, Beaver, Clarion, Lawrence, Mercer, Venango, Washington and Westmoreland. The traffic totals approximately ten shipments per week of which all will be tendered the applicant. The supporting shipper seeks a carrier that will provide it with less-than-truckload service within the application area.

John R. Rihn, traffic manager for Neville Chemical Company, Neville Island, Pittsburgh, Allegheny County, states that the applicant will be tendered approximately 80 percent of its traffic moving from Neville Island to points in the counties of Allegheny, Armstrong, Beaver, Butler, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland. This traffic totals approximately 30,000 pounds per month. A majority of its traffic travels in less-than-truckload quantities and the supporting shipper has had difficulties in acquiring a carrier that will provide this type of service.

Irwin Epstein, traffic manager for Papercraft Corporation, Papercraft Park, Pittsburgh, Allegheny County, set forth in support of the pending application that the supporting shipper ships wrapping paper and various gift wrapping items from Blawnox to retailers, discount and small gift shops. Of this traffic, the applicant will be tendered approximately 95 percent of the shipments destined for points within the application area. The supporting shipper seeks a stable and reliable source of transportation that will be able to meet its future needs.

Thomas Van Balen, vice president of Pittsburgh Die & Casting Company, 7503 Ardmore Street, Pittsburgh, Allegheny County, states that the applicant will be tendered shipments comprised of aluminum and zinc castings for transportation from its shipping facilities located in Swissvale and its production facilities in Pittsburgh, Allegheny County. This traffic will total approximately 75,000 pounds of which the applicant will be tendered all of the traffic. A carrier is required that will meet the less-than-truckload transportation requirements of the supporting shipper.

Richard Prostko, president of Rich Leasing, Inc., 1300 Island Avenue, McKees Rocks, Allegheny County, states that the supporting shipper is a public warehouse which has traffic totaling approximately 20,000 pounds per week that is destined for points within the application area. These points are located in the counties of Allegheny, Armstrong, Beaver, Crawford, Erie, Fayette, Lawrence, Mercer, Venango, Washington and Westmoreland. The supporting shipper seeks a carrier that will provide less-than-truckload transportation in the area of application.

William T. Delaney, traffic manager for H. H. Robertson Company, 400 Holiday Drive, Pittsburgh, Allegheny County, sets forth that the supporting shipper has shipments comprised of plastic sheeting, steel beams, steel sheets, iron and steel ducts and raceways which it ships from its facilities in Ambridge and Zelienople. The traffic from these two facilities totals approximately 100,000 pounds per month and is destined for points within the application area. These points are located in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Erie, Fayette, Indiana, Lawrence, Venango, Washington and Westmoreland. The supporting shipper requires a carrier that will provide less-than-truckload transportation of its traffic.

John J. Shutey, Jr., president of Shasta, Incorporated, Lewis Avenue, Groveton, Coraopolis, sets forth in support of the pending application that at its facility in Groveton, it ships and receives steel and supplies. Its traffic from this facility is comprised primarily of truckload traffic. In addition to its truckload traffic, it also has approximately five inbound and five outbound less-than-truckload shipments per week weighing approximately 30,000 pounds that is destined to points within the application area. It is anticipated that the applicant will handle all of this traffic. Shipments will originate in the counties of Allegheny, Indiana, Washington and Westmoreland, and will be destined for points in the counties of Allegheny, Beaver, Indiana, Washington and Westmoreland. It is supporting the applicant for the proposed service because of the reduction in less-than-truckload service which has resulted in the shipper being unable to meet its transportation needs.

Allen Davis, president of Sherwin-Davis, Inc., 26th & Railroad, Pittsburgh, Allegheny County, states in support of the pending application that the supporting shipper is a manufacturers' representative shipping commodities such as insulating tape, insulated copper wire and cable,

plastic conduit and conduit fittings. From its facility in Pittsburgh, it ships approximately 25,000 to 35,000 pounds. It is anticipated that the applicant will handle approximately 90 percent of the traffic. From the Pittsburgh facility, the supporting shipper has traffic moving to all counties involved in the instant application. The supporting shipper has been unable to receive the type of service it requires and it firmly believes that the applicant can meet its transportation needs.

Patrick J. Gallagher, traffic manager for Steel City Products, 630 Alpha Drive, Pittsburgh, sets forth in support of the pending application that the supporting shipper is a wholesale distributor of auto parts and accessories. Approximately 75 percent of its traffic from Pittsburgh will be tendered the applicant and will be destined for points in all of the counties involved in the instant application. A grant of authority sought by the instant application will provide the supporting shipper with adequate motor carrier service and it is confident that the applicant will be able to meet its requirements.

William Strunk, warehouse manager for Stuart Hall Company, Inc., 1201 Brighton Road, Pittsburgh, Allegheny County, states in support of the application that the applicant will be tendered shipments of school supplies, stationary and envelopes. From its Pittsburgh facility, the supporting shipper has traffic moving to all of the counties sought by the instant application, except for the county of Indiana. The supporting shipper has been unable to acquire sufficient motor carrier service and is supporting the applicant due to its need for less-than-truckload service.

Al Skwarla, traffic manager for Thepitt Manufacturing Company, Keystone Drive, Carnegie, Allegheny County, sets forth that the supporting shipper is a manufacturer of conduit fittings, switch and outlet boxes. Its outbound traffic totals approximately 20 shipments per month weighing a total of approximately 40,000 pounds. It is anticipated that since all of its origins and destinations fall within the instant application, the applicant will be tendered 100 percent of the traffic. Outbound traffic will originate in the counties of Allegheny, Erie and Westmoreland and will be destined for points in the counties of Beaver, Butler, Crawford, Fayette, Indiana, Lawrence and Westmoreland. Due to the recent termination of service by several carriers, the supporting shipper is without the service needed. The applicant has been providing service pursuant to interstate authority and the supporting shipper is confident that the applicant can provide a reliable and adequate transportation service.

Bruce Pogue, traffic manager for Union Switch & Signal Division of American Standard, Inc., Swisssdale, Allegheny County, states in support of the pending application that traffic from its Swisssdale facility will consist of signals, crossing apparatus and control parts for the rail industry. Its outbound traffic totals approximately 175,000 pounds per month of which the applicant will be tendered approximately

80 percent. From the Allegheny County facility, shipments will be destined for points in Allegheny, Armstrong, Beaver, Butler, Crawford, Erie, Fayette, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland Counties. Due to the decrease in less-than-truckload service within the area of application, the supporting shipper has been unable to acquire adequate motor carrier service.

J. Michael Gillen, president of Van Horn, Metz & Co., Inc., 400 Keystone Drive, Carnegie, Allegheny County, states that the applicant will be tendered shipments of clay in steel containers totalling approximately 25 shipments per week weighing approximately 25,000 pounds. The traffic to be tendered the applicant will be approximately 90 percent of the supporting shipper's total outbound traffic. From the Allegheny facility, the applicant will be tendered shipments destined for points in the counties of Allegheny, Beaver, Butler, Erie, Fayette, Lawrence, Mercer, Washington and Westmoreland. The applicant's services are needed due to the decrease in less-than-truckload carrier service.

John Mages, traffic manager for Vesuvius Crucible Company, Swissvale, Allegheny County, states that the supporting shipper is in the business of manufacturing crucibles which it ships approximately 15 times per month. Of the outbound traffic totalling 30,000 pounds per month, the applicant will be tendered approximately 80 percent. From the Allegheny County facility, the supporting shipper has traffic moving to points in Allegheny, Armstrong, Beaver, Butler, Crawford, Erie, Lawrence, Mercer, Venango, Washington and Westmoreland. Due to a decline in the available service within the area of application, the supporting shipper has been unable to acquire sufficient less-than-truckload service.

Donald Beckett, traffic manager of Watson-Standard Co., Hite Road, Pittsburgh, states in support of the pending application that the supporting shipper is a manufacturer of paints, varnishes, chemical compounds and industrial finishes. From its manufacturing facilities located in Harwick and Neville Island, Allegheny County, the supporting shipper ships to points in the counties of Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Indiana, Mercer, Venango, Washington and Westmoreland. Intrastate less-than-truckload service has declined in western Pennsylvania and the supporting shipper requires the services of the applicant to fill the void.

Dana D. Chalfant, traffic manager for Weinman Pump and Supply Co., 110 Delta Drive, RIDC Industrial Park, Pittsburgh, Allegheny County, states in support of the pending application that the supporting shipper is a designer and builder of hydraulic and lubricating systems, and pumping equipment for all purposes. The outbound traffic totals approximately 10,000 pounds per week and it is anticipated that the applicant will be tendered 50 percent of the traffic. From the supporting shipper's facilities in Blawnox, it has shipments moving to points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland. The

supporting shipper seeks a dependable motor carrier that can provide it with the service needed to meet its demands. Recent decreases in less-than-truckload service has resulted in the supporting shipper being without the services needed to meet its transportation needs.

Thomas Myers, traffic manager for Williams and Company, Inc., 901 Pennsylvania Avenue, Pittsburgh, Allegheny County, states in support of the pending application that the supporting shipper is a distributor of a variety of metal products. From its Pittsburgh facility, it ships approximately 10,000 pounds per day. All of this traffic falls within the area of application and of it, approximately 70 percent will be tendered the applicant. From its Allegheny County facility, the supporting shipper has traffic moving to all of the counties sought by the instant application, excepting Westmoreland County. The supporting shipper requires a carrier that will transport less-than-truckload quantities within the area of application. Shipments handled by the applicant in interstate commerce have met the supporting shipper's needs.

George Irvin, traffic manager for Witco Chemical Corporation, Southwest Petro-Chem Division, Bakerstown, Allegheny County, set forth in support of the pending application that the supporting shipper is a manufacturer and packager of lubricating and petroleum products. From the Bakerstown facility, the supporting shipper ships approximately 10 shipments per week totalling 50,000 pounds. All of this traffic falls within the application area and the applicant will be tendered approximately 90 percent of the traffic. The supporting shipper has traffic moving to points in the counties of Allegheny, Armstrong, Beaver, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland. The supporting shipper is seeking a carrier that will provide a reliable transportation service.

DISCUSSION AND FINDINGS

The applicant is a currently certificated common carrier, which now seeks by the instant application, as amended, to expand its current operational area to include the transportation of property (subject to specific exclusions), between points in the fifteen most western counties of the Commonwealth. In response to several protests, the applicant entered a restrictive amendment containing five specific conditions.

The evidence presented by the applicant supports its contention that it is capable of providing the shipping public with the transportation needed. It operates a terminal facility which is located within the application area, with a second terminal available in Ohio, which is located adjacent to the area of application. Although the applicant's current operating authority is limited to providing service for three specific shippers, we are of the opinion that the applicant is capable of serving the general public within the application area.

As stated before, the applicant entered a restrictive amendment containing five conditions. It behooves us at this point to discuss one of the conditions as it relates to the evidence presented by the 52 supporting shippers. The fifth condition expressly excludes from the instant application, any transportation from Allegheny County, to points in the counties of Armstrong, Butler, Clarion, Greene and Indiana, and vice versa.

A review of the 52 verified statements submitted in support of the instant application, indicates that 36 of the supporting shippers have a single county of origin for their traffic, that being Allegheny County. The 36 supporting shippers have all expressed a need for service to points in some or all of the five counties excluded by the fifth condition. An additional 15 supporting shippers have a portion of their traffic originating in Allegheny County and destined for points in the five counties which would also be excluded as a result of this condition. Having agreed to exclude the traffic from Allegheny County, to points in the five counties, we are advising the applicant to exercise discretion when providing service from Allegheny County.

The 52 supporting shippers have indicated that as a group, they will have traffic originating in 13 of the 15 counties comprising the operating territory sought by the instant application. The two exceptions are the counties of Fayette and Greene. Although no shipments originate in these two counties, the record does indicate that there will be shipments destined for these two counties, as well as the 13 other counties.

As previously mentioned, 36 of the supporting shippers have shipments originating in Allegheny County. Although a preponderance of the evidence presented indicates a need for service from Allegheny County, or between points in said county, we find the evidence as a whole to be legally sufficient to demonstrate that a public need exists for service in the 15 counties sought by the instant application, as amended.

A majority of the supporting shippers statements indicate a need for the proposed service as a means of eliminating the void existing in less-than-truckload service. The supporting shippers have stated that as a result of the termination of less-than-truckload service by several common carriers in western Pennsylvania, they are faced with inadequate service. A grant of the authority sought by the instant application, as amended, would appear to alleviate a portion of the inadequate service currently faced by the supporting shippers.

We find:

1. That the applicant is fit, willing and able to provide the proposed transportation, as amended.

2. That the applicant has met its statutory burden of demonstrating that a public need exists for the proposed transportation, as amended.

3. That approval of the application, as amended, will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved, and that the certificate issued to the applicant on March 4, 1981, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, between points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland.

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 household goods and office furniture in use.

That no right, power or privilege is granted to transport commodities which because of their size or weight require special handling or the use of special equipment.

That no right, power or privilege is granted to transport iron and steel and iron and steel articles and refractories in single shipments weighing more than 24,000 pounds.

That no right, power or privilege is granted to transport iron and steel and iron and steel articles and refractories, in single shipments weighing more than 10,000 pounds to, from or between points in Beaver County.

That no right, power or privilege is granted to transport money, bullion, securities and other valuables, including checks in process and proof work.

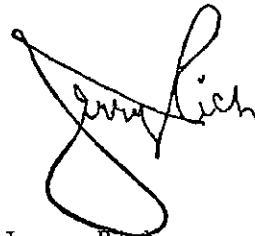
That no right, power or privilege is granted to provide service from points in Allegheny County, to points in the counties of Armstrong, Butler, Clarion, Greene and Indiana, and vice versa.

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 this Commission relative 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.

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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large loop at the bottom and a long horizontal stroke across the middle.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 16, 1984

ORDER ENTERED: **MAR 28 1984**

0001
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SELF

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