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PILLAR AND MULROY, P.C.

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1500 BANK TOWER
307 FOURTH AVENUE
PITTSBURGH, PA. 15222
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JUN 27 1983

~~Non-Rail Transportation~~
Public Utility Comm

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

June 24, 1983

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JUN 27 1983

SECRETARY'S OFFICE
Public Utility Commission

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

RE: Application of Pitt-Ohio Express, Inc.
Docket No. A-00102471, F.1, Am-C

Dear Mr. Rich:

Please find enclosed a protest filed on behalf of
✓ Wayne W. Sell Corporation and ✓ C. L. Feather, Inc.

to the above-captioned application.

A copy of this protest has been served upon the appli-
cant's representative named below in accordance with the
Commission's Rules of Practice.

Respectfully submitted,

PILLAR AND MULROY, P.C.

DOCUMENT
FOLDER

By: Kevin Walsh
KEVIN W. WALSH, ESQ.

sal

Enclosure

cc: William J. Lavelle, Esq.

FILE

RECEIVED

JUN 27 1983

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION ~~Public Utility Commission~~
~~Public Utility Commission~~

JUN 27 1983

SECRETARY'S OFFICE
Public Utility Commission

In re: APPLICATION OF)
)
PITT-OHIO EXPRESS, INC.)
)
)

Docket No. A-00102471, F.1, Am-C

PROTEST

In accordance with the Rule of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. The name, address and telephone number of protestant(s) are set forth in Appendix A attached hereto.

2. The name address and telephone number of protestant(s) attorney:

Pillar and Mulroy
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222
(412) 471-3300

DOCKETED

APPLICATION DOCKET

JUN 27 1983

ENTRY No. mw

3. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix A attached hereto. A true copy of the pertinent portions of authority held by protestant(s) is attached hereto as Appendix B.

4. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such

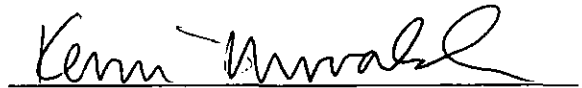
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service. To the extent of protestant(s) authority, there is no need for additional service. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be seriously detrimental to protestant(s).

5. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix C.

Respectfully submitted,



KEVIN W. WALSH, ESQ.
Attorney for Protestant(s)

Due Date: June 27, 1983

Re: Application of Pitt-Ohio
Express, Inc.

Docket No. A-00102471, F.l, Am-C

APPENDIX A

The foregoing protest to the above application is filed

on behalf of:

Wayne W. Sell Corporation
236 Winfield Road
Sarver, PA 16055

C. L. Feather, Inc.
P. O. Box 1190
Altoona, PA 16603

Wayne W. Sell Corporation holds operating authority from this Commission at Docket No. A-93415. Among the authority held at this docket is authority to transport property in bulk, in dump vehicles, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa. This carrier also holds authority to transport dry salt, in bulk in tank vehicles, from the facilities of Standard Terminals, Inc. located in the cities of New Kensington and Arnold, Westmoreland County, to points in Pennsylvania on and west of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Blair and Bedford. Wayne W. Sell Corporation also holds authority to transport salt in tank vehicles from the facilities of Morton Salt Company in the Borough of West Elizabeth, Allegheny County, to points in Pennsylvania. Finally, Sell also holds authority to transport fresh and processed meats, in temperature controlled

vehicles for Jiffy Foods Corporation from the facilities of said company located in the Borough of North East, Erie County, to points in Pennsylvania. In addition, other authority of this carrier is pertinent to this application as more fully set forth in Appendix B hereto.

C. L. Feather, Inc. holds operating authority from this Commission at Docket No. A-100747. Among the authority held at this docket is the authority to transport salt, in bulk, in dump vehicles, from points in the County of Erie to points in the Counties of Allegheny, Bedford, Cambria, Fulton, Blair, Huntingdon, Centre, Somerset, Mifflin, Juniata and Beaver. Feather also holds authority to transport salt between points in Pennsylvania within seventy-five (75) statute miles of the limits of Blair County. In addition, virtually every grant of authority to Feather which is not restricted to specific shippers is pertinent to this application as more fully set forth in Appendix B hereto.

WAYNE W. SELL CORPORATION

SECTION 1

OPERATING AUTHORITY
CERTIFICATE No. 93415

FOLDER 1

1. To transport, as a CLASS D CARRIER, COAL OR COKE FOR DOMESTIC CONSUMPTION, BETWEEN POINTS IN THE COUNTY OF ALLEGHENY, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF FIFTEEN (15) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

2. To transport, as a CLASS D CARRIER, COAL FROM MINES OR STRIPPING OPERATIONS IN THE COUNTY OF ALLEGHENY TO RAILROAD SIDINGS, COKE OVENS, DOCKS OR STOCKPILES IN THE SAID COUNTY, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

3. To transport, as a CLASS D CARRIER, BUILDING MATERIALS, IN BULK IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTY OF ALLEGHENY, PROVIDED THAT NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

4. To transport, as a CLASS D CARRIER, PROPERTY MOVING UNDER BILLS OF LADING, WAYBILLS AND TARIFFS OF THE PENNSYLVANIA RAILROAD COMPANY WITHIN THE COLLECTION AND DELIVERY AREA DESIGNATED IN SAID COMPANY'S COLLECTION AND DELIVERY TARIFFS FOR THE STATION OF THE SAID COMPANY IN THE BOROUGH OF TARENTUM, ALLEGHENY COUNTY.

5. To transport, as a CLASS D CARRIER, SAND, GRAVEL, SOIL, LIMESTONE, COAL, CLAY IN BULK, STONE, SOD, CINDERS, BROKEN GLASS, BROKEN CONCRETE, BROKEN TILE AND USED BRICK, IN BULK IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTIES OF ARMSTRONG, CLARION, INDIANA, WESTMORELAND, ALLEGHENY AND BUTLER, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

6. To transport, as a CLASS D CARRIER, SAND, GRAVEL, LIME, SOIL, LIMESTONE, COAL, CLAY IN BULK, STONE, SOD, CINDERS, BROKEN GLASS, BROKEN TILE AND USED BRICK, IN BULK, BETWEEN POINTS IN THE COUNTIES OF ARMSTRONG, CLARION, INDIANA, WESTMORELAND, ALLEGHENY AND BUTLER AND WITHIN FIFTY (50) MILES OF THE LIMITS THEREOF.

WITH RIGHT NO. 6 ABOVE, TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT COAL, SAND, GRAVEL, CRUSHED STONE AND LIMESTONE TO, FROM OR BETWEEN POINTS IN THE COUNTY OF ALLEGHENY, EXCEPT AS HEREINABOVE AUTHORIZED.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT COAL, SAND, GRAVEL, CRUSHED STONE AND LIMESTONE TO, FROM OR BETWEEN POINTS IN THE COUNTY OF WASHINGTON.

(CONTINUED ON NEXT PAGE)

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 18, 1975

EFFECTIVE: MARCH 20, 1975

ISSUED BY:
WAYNE W. SELL, PRESIDENT
238 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

APPENDIX B

WAYNE W. SELL CORPORATION

SECTION 1

OPERATING AUTHORITY
CERTIFICATE No. 93415

FOLDER 1 (CONTINUED)

WITH RIGHT No. 6 ABOVE, TO BE SUBJECT TO THE FOLLOWING CONDITIONS:
(CONCLUDED)

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDER ANY SERVICE TO, FROM OR BETWEEN POINTS IN THE COUNTY OF BUTLER, EXCEPT AS HEREINAFOVE AUTHORIZED.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDER ANY SERVICE TO, FROM OR BETWEEN POINTS IN THE COUNTIES OF BEAVER, LAWRENCE AND MERCER.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDER ANY SERVICE TO OR FROM THE PLANTS OF THE FREEPORT BRICK COMPANY IN THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, KITTANNING BRICK COMPANY IN THE VILLAGE OF REESEDALE, ARMSTRONG COUNTY, HAYS REFRACTORIES COMPANY IN THE VILLAGE OF BRIDGESBURG, ARMSTRONG COUNTY, HOWE SOUND COMPANY IN THE TOWNSHIP OF RAYBURN, ARMSTRONG COUNTY, AND ALLEGHENY BRICK COMPANY IN THE TOWNSHIP OF EAST DEER, ALLEGHENY COUNTY, EXCEPT AS HEREINAFOVE AUTHORIZED.

7. TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY FROM THE PLANT OF MITCHELL AND WESTERMAN MANUFACTURING CONTRACTORS IN THE TOWNSHIP OF JEFFERSON, BUTLER COUNTY, TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

8. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, CLAY PRODUCTS, TILE, CEMENT, LIME, LUMBER, STONE, LATHS AND CONCRETE BLOCKS FROM POINTS WITHIN ONE HUNDRED (100) MILES OF THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, TO POINTS IN THE BOROUGH OF WILKINSBURG AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

9. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, CLAY PRODUCTS, TILE, STONE, CEMENT, LIME, LUMBER, LATHS AND CONCRETE BLOCKS, BETWEEN POINTS IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

10. TO TRANSPORT, AS A CLASS D CARRIER, EQUIPMENT AND BUILDING MATERIALS IN BULK IN DUMP TRUCKS BETWEEN POINTS IN THE COUNTY OF ALLEGHENY.

11. TO TRANSPORT, AS A CLASS D CARRIER, BRICK, TILE AND OTHER CLAY PRODUCTS FROM POINTS IN THE COUNTY OF MCKEAN TO POINTS IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

* SUBJECT TO THE FOLLOWING CONDITIONS: THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT LIME AND LIME PRODUCTS, LIMESTONE AND LIMESTONE PRODUCTS, CONCRETE MIX, MORTAR MIX, SAND MIX AND MASONRY CEMENT, FROM THE WALKER COMPANY IN THE TOWNSHIPS OF CHARLESTOWN, EAST WHITELAND, AND TREDFERD, CHESTER COUNTY, TO THE PLANT OF MITCHELL AND WESTERMAN MANUFACTURING CONTRACTOR IN THE TOWNSHIP OF JEFFERSON, BUTLER COUNTY.

ISSUED: AUGUST 1, 1975

EFFECTIVE: AUGUST 2, 1975

ISSUED ON THE DAY'S NOTICE, AUTHORITY TARIFF RULE 2(c) OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ISSUED BY:

WAYNE W. SELL, PRESIDENT
238 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

WAYNE W. SELL CORPORATION

SECTION 1

OPERATING AUTHORITY
CERTIFICATE No. 93415

FOLDER 1 (CONCLUDED)

12. TO TRANSPORT, AS A CLASS D CARRIER, BRICK IN TRUCKLOAD LOTS FROM THE PLANT OF ALWINE BRICK COMPANY IN OXFORD TOWNSHIP, ADAMS COUNTY, TO JOB AND CONSTRUCTION SITES IN THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, AND WITHIN FIFTY (50) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

WITH THE RIGHTS AT 8, 9, 10, 11, AND 12 ABOVE TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT HOUSEHOLD GOODS OR OFFICE FURNISHINGS, IN USE.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO PICK UP OR DELIVER ANY PROPERTY EXCEPT CONTRACTORS' SUPPLIES AND BUILDING MATERIALS ON THE WILLIAM PENN HIGHWAY EAST OF THE ALLEGHENY COUNTY LINE.

FOLDER 1 AM-E

TO TRANSPORT, AS A CLASS D CARRIER, FRESH AND PROCESSED MEATS, IN TEMPERATURE CONTROLLED VEHICLES, FOR JIFFY FOODS CORPORATION, FROM THE FACILITIES OF SAID COMPANY LOCATED IN THE BOROUGH OF NORTH EAST, ERIC COUNTY, TO POINTS IN PENNSYLVANIA, AND THE RETURN OF REFUSED, REJECTED OR DAMAGED SHIPMENTS TO THE POINT OF ORIGIN.

FOLDER 1 AM-F

TO TRANSPORT, AS A CLASS D CARRIER, DRY SALT, IN BULK IN TANK VEHICLES, FROM THE FACILITIES OF STANDARD TERMINALS, INC., IN THE CITIES OF NEW KENSINGTON AND ARNOLD, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA LYING ON AND WEST OF THE EASTERN BOUNDARIES OF THE COUNTIES OF MCKEAN, CAMERON, CLEARFIELD, BLAIR AND BEDFORD, AND THE RETURN OF REFUSED, REJECTED OR DAMAGED SHIPMENTS TO THE POINT OF ORIGIN.

FOLDER 1 AM-G

TO TRANSPORT, AS A CLASS D CARRIER, SALT, IN TANK VEHICLES, FROM THE FACILITIES OF MORTON SALT COMPANY IN THE BOROUGH OF WEST ELIZABETH, ALLEGHENY COUNTY, TO POINTS IN PENNSYLVANIA.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 18, 1975

EFFECTIVE: MARCH 20, 1975

ISSUED BY:
WAYNE W. SELL, PRESIDENT
238 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

WAYNE W. SELL CORPORATION

SECTION 1

OPERATING AUTHORITY
CERTIFICATE No. 93415

FOLDER 1 Am-H

TO TRANSPORT, AS A CLASS D CARRIER, CALCILOX (DRY PROCESSED SLAG), IN TANK VEHICLES, BETWEEN POINTS IN THE TOWNSHIP OF NEVILLE, ALLEGHENY COUNTY, AND FROM POINTS IN SAID TOWNSHIP TO POINTS IN PENNSYLVANIA.

FOLDER 1 Am-I

TO TRANSPORT, AS A CLASS D CARRIER, SALT AND SALT PRODUCTS FOR CARGILL, INC., FROM THE CITIES OF ARNOLD, NEW KENSINGTON AND LOWER BURRELL, WESTMORELAND COUNTY, TO POINTS IN PENNSYLVANIA.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT ROCK SALT AND/OR CALCIUM CHLORIDE, FOR DE-ICING PURPOSES, IN BULK, TO POINTS IN PENNSYLVANIA ON AND EAST OF U.S. HIGHWAY ROUTE 15.

F.1, Am-K

To transport, as a Class D carrier, property in bulk, in dump vehicles, and which is unloaded by dumping, between points within fifty (50) miles of the limits of the Borough of Homestead, Allegheny County, and from points in said territory to points in Pennsylvania, and vice versa;

subject to the following conditions:

1. That no right, power, or privilege is granted to transport steel in sheets, bars, coils, plates, and rods to or from points within thirty-five (35) miles of the City Hall in the City of Philadelphia.

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

3. That in the rendition of the service herein authorized the container to be used and employed in the transportation of bulk commodities shall be the vehicle itself and not a separate container.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS TARIFF.

ISSUED: FEBRUARY 18, 1975

EFFECTIVE: MARCH 20, 1975

ISSUED BY:
WAYNE W. SELL, PRESIDENT
236 WINFIELD ROAD
SARVER, PENNSYLVANIA 16055

C. L. FEATHER, INC.

Operating Authority

Docket No. 100747

1. To transport, as a Class D carrier, coal, from mines and storage yards in the counties of Blair and Cambria to railroad sidings within twenty-five (25) miles of the point of origin.
2. To transport, as a Class D carrier, clay, limestone, and sand between points in the counties of Clearfield, Centre, Blair, and Huntingdon, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination; excluding the transportation of sand, in bulk, from the Pennsylvania Glass Sand Corporation in the Borough of Mapleton, Huntingdon County.
3. To transport, as a Class D carrier, coal between points in the counties of Clearfield, Centre, Cambria, Blair, and Huntingdon, no haul to exceed a distance of fifty (50) miles from point of origin to point of destination.
4. To transport, as a Class D carrier, coal and slag between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination and the return of refused, damaged, or returned shipments to point of origin.
5. To transport, as a Class D carrier, coal and slag from points in the County of Indiana to points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination and the return of refused, damaged, or returned shipments to point of origin.
6. To transport, as a Class D carrier, coal and slag for Cooney Brothers Coal Company between points in the counties of Centre, Clearfield, Blair, Cambria, Bedford, Somerset, Indiana, and Huntingdon, no haul to exceed an airline distance of seventy-five (75) statute miles from point of origin to point of destination, and the return of refused, damaged, or returned shipments to the point of origin.

with rights 4, 5, and 6 above subject to the following conditions:

That no right, power, or privilege is granted to transport coal or slag for the Benjamin Coal Company of LaJose, Clearfield County, and the Bradford Coal Company of Bigler, Clearfield County, except as presently authorized.

7. To transport, as a Class D carrier, rock, shale, road aggregate, crushed stone, sand, amesite, and other bituminous road surfacing materials from quarries and road material plants of New Enterprise Stone & Lime Company, Inc., and Detwiler Industries, Inc., located in the counties of Blair, Somerset, Huntingdon, Bedford, Fayette, Cambria, and Centre to points within an airline distance of seventy-five (75) statute miles of the point of origin, and the return of refused, damaged, or returned shipments to the point of origin.
8. To transport, as a Class D carrier, crushed limestone, sand, amesite, and building and construction materials from the quarries and material plants of New Enterprise Stone & Lime Company, Inc., and Detwiler Industries, Inc., located in the County of Blair, to points in Pennsylvania.
9. To transport, as a Class D carrier, scrap iron and scrap metals, in dump vehicles, from the facilities of Mueller's Auto Salvage, Altoona, Blair County; Jim Nagle's Rebuilt Truck Parts, Duncansville, Blair County, Yarwood Iron and Metals, Duncansville, Blair County, and Christopher & Sons, Hollidaysburg, Blair County, between points in the City of Altoona, Blair County, and from points in the said city and within an airline distance of twenty-five (25) statute miles of the limits of said city, to points in Pennsylvania.

with rights 8 and 9 above subject to the following condition:

That no right, power, or privilege is granted to render service to the Borough of Lewistown or the Townships of Decatur or Derry, Mifflin County.

10. To transport, as a Class D carrier, coal from points in the counties of Blair and Cambria to points in Pennsylvania, and vice versa; excluding service to points in the county of Indiana except as hereinafter authorized.
11. To transport, as a Class D carrier, coal for Apple Coal Company, Westvaco Corporation, Khristian and Johnson Coal Company, and Rhodes Coal Company, from points in the county of Clearfield to points in Pennsylvania, and vice versa.
12. To transport, as a Class D carrier, coal from points in the County of Indiana to points in Pennsylvania, and from points in Pennsylvania to points in the County of Indiana for the Black Gold Coal Company, McIntyre Coal Company, and M & M Coal Company.

with rights 10, 11, and 12 subject to the following condition:

No right, power, or privilege is granted to render service to the facilities of Bethlehem Steel Corporation in the County of Cambria.

13. To transport, as a Class D carrier, coal for the Benjamin Coal Company, from its operations and facilities located in the counties of Clearfield and Jefferson to points in the counties of Snyder, Montour, Berks, Northumberland, Dauphin, York, Northampton, Lehigh, Luzerne, Fayette, Indiana, Lycoming, and Jefferson, and vice versa.
14. To transport, as a Class D carrier, sand and quarry products from quarries and sand banks in the counties of Blair, Bedford, Huntingdon, Centre, and Clearfield, to points within seventy-five (75) miles, by the usually traveled highways of the limits of said quarries and sand banks.
15. To transport, as a Class D carrier, coal from mines and stripping operations in the counties of Cambria, Clearfield, and Indiana to railroad sidings in said area.
16. To transport, as a Class D carrier, coal for McIntyre Coal Company, M & M Coal Company, Kitt Coal Company, and Shaw Coal Company between points in Armstrong County and from points in said county to points in Pennsylvania, and vice versa;

with right 16 above subject to the following conditions:

No right, power, or privilege is granted to render service from Armstrong County to points in the counties of Allegheny and Erie.

No right, power, or privilege is granted to render service from points within five (5) miles of the Borough of Freeport, Armstrong County, to points in the counties of Armstrong, Butler, Indiana, and Westmoreland, or vice versa, except as presently authorized.

17. To transport, as a Class D carrier, wrecked or disabled vehicles, trailers, or buses and replacement vehicles, trailers, or buses; when the origin or destination point is other than the scene of an accident or breakdown; with the use of flatbed and lowboy trailers; between points in the Borough of Hollidaysburg, Blair County, and within an airline distance of one hundred fifty (150) statute miles of the limits of said borough.
18. To transport, as a Class D carrier, used and repossessed vehicles, with the use of flatbed and lowboy trailers, between points in the Borough of Hollidaysburg, Blair County, and within an airline distance of one hundred fifty (150) statute miles of the limits of said borough.

with rights 17 and 18 above subject to the following condition:

No right, power, or privilege is granted to transport mobile homes, house trailers, office trailers, and recreation trailers.

19. To transport, as a Class D carrier, sand, in bulk, from the quarries of J. A. Eck and Sons in Montoursville, Lycoming County, and Lycoming Silica Sand Company in Fairfield Township, Lycoming County, to processing plants located in Taylor Township, Blair County, Snake Spring Township, Bedford County, and Smithfield and Walker Townships, Huntingdon County.
20. To transport, as a Class D carrier, sand, slag, stone, rock shale, road aggregate, limestone, lime, amesite, and other bituminous road surfacing materials, for Detwiler's Industries, Inc., and New Enterprise Stone and Lime Company, Inc., between points in the Borough of Woodbury, Bedford County, and within an airline distance of fifty (50) statute miles of the limits of said borough;

with right 20 above subject to the following conditions:

FIRST: That no right, power, or privilege is granted to transport limestone and limestone products from points in the counties of Bedford and Somerset to points in the counties of Westmoreland and Cambria.

SECOND: That no right, power, or privilege is granted to transport limestone and limestone products from points in the County of Centre to points in the counties of Bedford, Somerset, and Cambria.

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

FOURTH: That no right, power, or privilege is granted to provide service to or from Union Mining Company and Bognar and Company.

Folder 1, Am-B

To transport, as a Class D carrier, salt, in bulk, in dump vehicles, from the Borough of Tyrone, Blair County, and within an airline distance of ten (10) statute miles of said borough, to points in the counties of Clearfield, Centre, Snyder, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, Fulton, Bedford, Somerset, Cambria, Blair, and Huntingdon.

Folder 1, Am-C

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, for Tased Coal Sales, Inc., from points in the counties of Armstrong and Westmoreland, to the facilities of Jones & Laughlin Steel Corporation in the County of Allegheny.

Folder 1, Am-L

To transport, as a Class D carrier, coal, in bulk, from points in Centre County to the mills and facilities of United States Steel Corporation located within an airline distance of fifteen (15) statute miles of the limits of the City of Clairton, Allegheny County;

subject to the following conditions:

1. That no right, power, or privilege is granted to render service from the facilities of Johnson & Morgan, located in Snow Shoe Township, Centre County.

2. That no right, power, or privilege is granted to render service from the facilities of R. S. Carlin, Inc., located in Snow Shoe and Burnside Townships, Centre County.

Folder 1, Am-A

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from the facilities of Stott Coal Company in the County of Centre, to points in Falls Township, Bucks County.

To transport, as a Class D. Carrier, coal, in bulk, in dump vehicles, from points in the County of Somerset and points in the County of Fayette on and east of U.S. Hwy. 119 to points in Centre County.

To transport, as a Class D carrier, clay, in bulk, in dump vehicles, from points in the County of Cambria to the facilities of Garfield Refractories, in the County of Westmoreland.

Folder 1, Am-E

To transport, as a Class D carrier, coal, in bulk, in dump vehicles, from points in the County of Somerset, to the facilities of United States Steel Corporation in the Township of Falls, Bucks County.

F.1, Am-H

To transport, as a Class D carrier, limestone, pulverized limestone, coal, sand, and cement between points in the Township of Warriors Mark, Huntingdon County, and from points in the said township to points within one hundred (100) miles by the usually traveled highways of the limits of the said township.

F.1, Am-D

To transport, as a Class D carrier, salt, in bulk, in dump vehicles, from points in the County of Erie to points in the Counties of Allegheny, Bedford, Cambria, Fulton, Blair, Huntingdon, Centre, Somerset, Mifflin, Juniata, and Beaver.

F.1, Am-G

To transport, coal, in bulk, in dump vehicles, for Sugar Hill Limestone Company from points in the County of Jefferson to the facilities of General Electric Company in the City of Erie, Erie County.

F.1, Am-J

To transport, as a Class D carrier, bulding construction materials, in bulk, in dump vehicles, for New Enterprise Stone & Lime Co., Detwiler Industries, Inc., and Narehood Limestone, Inc., from points in the Borough of Montoursville, Lycoming County, to points in the County of Blair.

F.1, Am-F

To transport, as a Class D carrier, scrap paper and scrap metal, in bulk, in dump vehicles, from points within an airline distance of thirty (30) statute miles of the City of Altoona, Blair County, to points in Pennsylvania and vice versa; subject to the following conditions:

- (1) That no right, power or privilege is granted to provide service to points in Allegheny and Beaver Counties.
 - (2) That no right, power or privilege is granted to provide service from points in the Borough of Stroudsburg, Monroe County, and points within twenty-five (25) miles of the limits thereof, except for Rhodes Coal Company, Calandra & Sons, Inc., Charles Caracciolo Steel and Metal Yard and Joe Krentzman & Son, Inc.
 - (3) That no right, power or privilege is granted to provide service for Hodes Industries, Inc. to or from its facilities in Centre County, the City of Lock Haven, Clinton County and the Borough of Tyrone, Blair County.
-

We find:

1. The applicant has the equipment, experience and fitness necessary to render the proposed service as amended and limited.

2. The applicant has established that approval of the application, as amended and as further limited, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, and as further limited, be and is hereby approved and that the certificate issued June 13, 1978, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, evergreen trees from points in the counties of Indiana and Armstrong to points in Pennsylvania.
2. To transport, as a Class D carrier, lumber for Cydoc Lumber Corporation, from points in the counties of Cambria, Clearfield and Bedford to points in the counties of Clearfield and Columbia.

subject to the following conditions:

That no right, power or privilege is granted to provide transportation to or from points in Clearfield County within an airline distance of thirty-five (35) statute miles of the limits of Lock Haven, Clinton County.

That no right, power or privilege is granted to provide transportation to points in Columbia County within twenty-five miles of the limits of the city of Williamsport, Lycoming County.

That no right, power or privilege is granted to provide transportation to points in Columbia County within twenty-five (25) miles of the limits of Selinsgrove, Snyder County.

3. To transport, as a Class D carrier, clay, gravel, stone, sand, lime and limestone, rip-rap, reddog and anti-skid material, between points in the county of Blair and points in the counties of McKean, Elk, Clearfield, Cambria, Bedford, Somerset, Westmoreland, Indiana, Jefferson, Forest, Warren, Allegheny and Fayette which are within an airline distance of seventy-five (75) statute miles of the limits of Blair County.

subject to the following conditions:

That no right, power or privilege is granted to transport sand to or from points in Clearfield County.

That no right, power or privilege is granted to transport clay from points in Clearfield County.

That no right, power or privilege is granted to provide service to or from steel mills, fabricating plants or foundries in Allegheny County.

That no right, power or privilege is granted to transport refractory materials or products for Bognar, Inc. or United Mining Corporation in the counties of Somerset and Westmoreland.

4. To transport, as a Class D carrier, sand, stone, rip-rap, and fill for D. P. Herk Zimmerman, Jr., Inc. and New Enterprise Stone & Lime Company, between points in the counties of Fulton, Franklin, Cumberland, and Perry and those points in the counties of Dauphin, York and Adams, within seventy-five (75) miles of the limits of Blair County.

subject to the following condition:

That no right, power or privilege is granted to transport limestone, limestone products or sand between points in the counties of Fulton and Franklin except to railroad facilities.

5. To transport, as a Class D carrier, salt between points in Pennsylvania within seventy-five (75) statute miles of the limits of Blair County.

subject to the following conditions:

That no right, power or privilege is granted to provide transportation to or from points in the county of Butler within seventy-five (75) miles of the limits of Blair County.

That no right, power or privilege is granted to provide transportation to or from steel mills, fabricating plants or foundries in Allegheny County within seventy-five (75) miles of the limits of Blair County.

Folder 1, Am-N

To transport coal from mines and stripping operations in the townships of Stonycreek, Shade, Quemahoning, Somerset and Brothersvalley, Somerset County, to railroad sidings, coal docks, loading platforms, industrial plants, mercantile establishments and private dwellings in the said townships and within twenty-five (25) miles of the limits of said townships.

Folder 1, Am-O

To transport, as a Class D carrier, coal, from points in the county of Elk, to points in the county of Clearfield.

Folder 1, Am-P

To transport, as a Class D carrier, property, in bulk and/or which requires the use of special equipment, from the facilities of New Enterprise Stone & Lime Co., to points in Pennsylvania, and vice versa.

Folder 1, Am-S

To transport, as a Class D carrier, coal, in bulk, from points in the counties of Clearfield and Centre, to points in the counties of Allegheny, Butler, Armstrong, Venango, Lawrence, Crawford, Indiana, and Erie;

with the above right subject to the following conditions:

(a) That no right, power, or privilege is granted to render service to points in the counties of Armstrong and Indiana, except for T. G. Hickson, directly from strip mining locations.

(b) That no right, power, or privilege is granted to transport coal for the Bradford Coal Company, Inc.

granted herein that would permit transportation for Berwyn Corporation, Cerro-Marmon, Shaeffer Coal Company and Scarfield Coal Company, from points in Somerset County.

The fourth condition is not pertinent to this proceeding, since no authority is being granted that would permit transportation between two points in Jefferson or Elk Counties, or from a point in Jefferson County to a point in Elk County. This condition is being deleted from the following authority.

The seventh condition is no longer pertinent as a result of the third revised restrictive amendment being filed. No authority is being granted that would authorize transportation from points in Clearfield County, to points in Elk County. This condition will also be excluded from the following authority. We are issuing the order nisi to permit the applicant or protestants to respond if they should so desire.

We find:

1. That the applicant has demonstrated that it possesses the necessary equipment, experience and fitness to provide the proposed transportation, as amended and modified.
2. That the applicant has failed to demonstrate that a public need exists for authority to transport coal for Coal & Minerals & Co. from points in Somerset County, to power stations in the counties of Berks, Erie, Warren and Indiana.
3. That the applicant has met its statutory burden of demonstrating that a public need exists for the proposed transportation, as amended and modified.
4. That the second, third, fourth and seventh conditions set forth in the third revised restrictive amendment are no longer pertinent to this proceeding.
5. That approval of the application, as amended and modified, will be an accommodation and convenience for the public; THEREFORE,

IT IS ORDERED NISI: That the application, as amended and modified, be and is hereby approved, and that the certificate issued to the applicant on June 13, 1978, as amended, be further amended to include the following rights:

To transport, as a Class D carrier, coal, in dump vehicles, from points in the counties of Clearfield, Elk, Jefferson and Armstrong to power stations in the counties of Berks, Erie, Warren and Indiana.

the above right subject to the following conditions:

- (1) That no right, power or privilege is granted to transport coal for Helena Coal Company and King Coal Sales from points in the county of Clearfield.
- (2) That no right, power or privilege is granted to transport coal from the facilities of C & K Coal Company, Champion Coal Company, Blue Line Coal Company and Mineral Resources in the county of Jefferson.
- (3) That no right, power or privilege is granted to transport coal for Riverhill Coal Company, the Teeter Estate, Halfway Coal Company, A. P. Coal Company, Bradford Coal Company and Johnson & Morgan from points in the county of Clearfield.
- (4) That no right, power or privilege is granted to transport coal for Bethlehem Mines, Cerro-Marmon Coal, Barnes & Tucker, Berwind Corporation, North American Coal Corp., Dunkard Creek Coal and Penn Pocahontas Coal, from points within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County, to points in Indiana County within an airline distance of forty-five (45) statute miles of the limits of the borough of Nanty Glo, Cambria County except as otherwise authorized.
- (5) That no right, power or privilege is granted to transport coal for Coal Hill Mining Company, Inc., H. N. Hartwell & Co., Inc., Hall's Coal Co., Inc., and Seaview Fuels, Inc., from points in the counties of Clearfield, Elk and Jefferson to points in the county of Berks.
- (6) That no right, power or privilege is granted to transport coal, for Riverhill Coal Company, from points in the townships of Karthaus, Covington, Cooper, and Graham, Clearfield County, to points in the county of Berks.

To transport, as a Class D carrier, coal, in dump vehicles, for Rhodes Coal Company, King Coal Co., D & F Coal Co., Wendell Construction, William Penn Coal Co., White Enterprises, Don H. Richards Coal

Co., Kenlin Coal Co., Keystone Minerals, Inc. and Ringgold Coal Mining Co., from points in the county of Somerset to power stations in the counties of Berks, Erie, Warren and Indiana.

IT IS FURTHER ORDERED: That the application in all other respects be denied for lack of proof of necessity.


IT IS FURTHER ORDERED: That unless there are exceptions filed to this order within twenty (20) days of the date this order is serviced, the order shall become final.

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

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

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 31, 1983

ORDER ENTERED: APR 7 1983

Re: Application of Pitt-Ohio Express, Inc.

Docket No. A-00102471, F.1, Am-C

APPENDIX C

Proposed Restrictive Amendment

The protests of Wayne W. Sell Corporation and C. L. Feather, Inc. will be withdrawn upon restriction against the transportation of commodities in bulk.

LAW OFFICES
VUONO, LAVELLE & GRAY

2310 GRANT BUILDING
PITTSBURGH, PA 15219

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
JON A. ALLEGRETTI

(412) 471-1800

June 29, 1983

Re: Pitt-Ohio Express, Inc.
Docket No. A. 102471, F. 1, Am-C
Our File 2691-5

RECEIVED

JUL 5 1983

SECRETARY'S OFFICE
Public Utility Commission

RECEIVED

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

JUL 6 - 1983

Non-Rail Transportation
Public Utility Comm.

Dear Mr. Rich:

On behalf of Pitt-Ohio Express, Inc., the above applicant, we hereby restrictively amend the above application so as to exclude the transportation of commodities in bulk. As amended, the application will now read in its entirety as follows:

To transport, as a Class D carrier, food, food products, foodstuffs, supplies, equipment and property (except commodities in bulk) for H. J. Heinz Company, U.S.A., between points in Pennsylvania.

We understand that as a result of this restrictive amendment the protests filed by Wayne W. Sell Corporation and C. L. Feather, Inc. will be withdrawn by their counsel, Kevin W. Walsh, Esquire. With the withdrawal of the protests the application will be unopposed and we request that it be assigned to the Technical Review Section of the Bureau of Non-Rail Transportation for further handling.

Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

FILE

DOCKETED APPLICATION DOCKET JUL 8 1983 ENTRY No. <i>mw</i>
--

lp
cc: Kevin W. Walsh, Esquire
Pitt-Ohio Express, Inc.

**DOCUMENT
FOLDER**

TJK

RECEIVED

JUL 19 1983

SECRETARY'S OFFICE
Public Utility Commission

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
1500 BANK TOWER
307 FOURTH AVENUE
PITTSBURGH, PA. 15222
TELEPHONE (412) 471-3300

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

July 14, 1983

Re: Application of Pitt-Ohio
Express, Inc.
Docket A-00102471, F.1, Am-C

RECEIVED

JUL 19 1983

Non-Rail Transportation
Public Utility Commission

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

Dear Mr. Rich:

We represent Wayne W. Sell Corporation and C. L. Feather, Inc., protestants in the above captioned application proceeding. By letter dated June 29, 1983, we are in receipt of a restrictive amendment which excludes the transportation of commodities in bulk. Based upon that amendment, and contingent upon the Commission's acceptance thereof, we are authorized to withdraw the protests of Wayne W. Sell Corporation and C. L. Feather, Inc. to this application.

As our clients were the sole protestants in this application proceeding, and as a result of this withdrawal the application is now unopposed, we have no objection to the cancellation of any hearings which may have been scheduled on this application, or to the assignment of the application to the Technical Review Section of the Bureau of Non-Rail Transportation for further disposition. If you have any questions or comments, please feel free to contact the undersigned.

Very truly yours,

Kevin W. Walsh

KEVIN W. WALSH

DOCKETED
APPLICATION DOCKET
JUL 20 1983
ENTRY No. mw

SW
cc: William J. Lavelle, Esq.
Wayne W. Sell Corporation
C. L. Feather, Inc.

FILE

DOCUMENT
FOLDER

July 21, 1983

IN REPLY PLEASE
REFER TO OUR FILE

• William J. Lavelle
Attorney at Law
2310 Grant Building
Pittsburgh, PA 15219

• In re: A-00102471, F.1, Am-C - Application of Pitt-Ohio Express, Inc.

Dear Mr. Lavelle:

The above referenced application has been assigned for review without an oral hearing. In order to reach a determination on the application, you are being requested to file verified statements in accordance with 52 Pa. Code §3.381 (e)(1). You will be required to file:

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENTS IN SUPPORT OF APPLICATION.

The verified statements should be in paragraph form. Each heading contained in the attached minimum outline should be a separate section or paragraph.

You are being granted an initial thirty (30) days to file verified statements. They will be due on or before August 22, 1983.

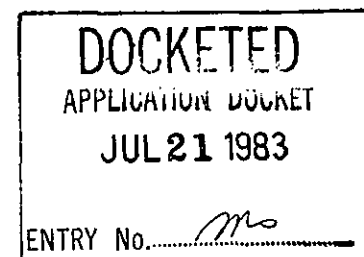
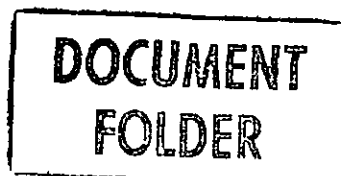
If additional time is required, it may be requested by telephone but should be followed in writing with the reasons for the extension stated.

Questions about your application should be directed to Tim Zeigler.

Very truly yours,

Peter S. Marzolf, Chief
Technical Review Section
Bureau of Non-Rail Transportation

PSM:m
Encl.





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

August 10, 1983

INFORMAL CASE
FILED FOR PUBLIC

William J. Lavelle
Attorney at Law
2310 Grant Building
Pittsburgh, PA 15219

In re: A-00102471, F. 1, Am-C

Application of Pitt-Ohio Express, Inc.

Dear Mr. Lavelle:

In accordance with your request of August 8, 1983 for an extension of time to file verified statements, we are granting an additional 30 days for filing of statements.

Please be advised that verified statements are now due on September 21, 1983. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

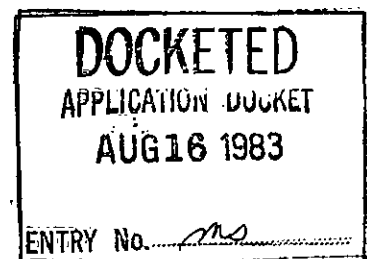
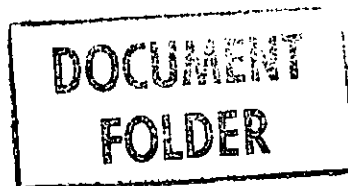
If you have any questions, please do not hesitate to contact us.

Very truly yours,

For Peter S. Marzolf, Chief
Technical Review Section
Bureau of Non-Rail Transportation

CERTIFIED MAIL

RETURN RECEIPT REQUESTED



4/012