

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

August 31, 1983

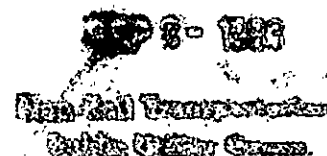
Re: Pitt-Ohio Express, Inc.
Docket No. A. 00102471, F. 1, Am-B
Temporary Authority Application
Our File 2691-4-1



By Federal Express

Mr. Barry Ernst
Bureau of Non-Rail Transportation
Pennsylvania Public Utility Commission
Room 409
Transportation and Safety Building
Commonwealth Avenue and North Street
Harrisburg, PA 17120

RECEIVED



Dear Mr. Ernst:

We enclose for filing the original and two (2) copies of a temporary authority application on behalf of Pitt-Ohio Express, Inc. The Commission's records will show that all opposition to the permanent application has been withdrawn. In order to expedite the temporary authority application, we have attached as Supplements to Paragraph 6 copies of the letters to the Commission withdrawing the opposition of all of the protestants.

The filing of this application is precipitated by the recent termination by Breman's Express Company of less-than-truckload service within the application area, together with the general unavailability of LTL service in the application area resulting from the reduction of the number of carriers available to provide such service. The temporary authority application is supported by 54 shippers. The names of the individual shippers, authorized witness for the shippers and the office address of each shipper are contained in Supplement to Paragraph 12. For your convenience, a copy of that list is also attached to this letter. We are forwarding this application to you with the list of shippers so that the Commission may proceed to process the application. In the meantime, there will be delivered to you statements of support for the application by the supporting shippers.

Mr. Barry Ernst
Page Two
August 31, 1983

In view of the facts and circumstances disclosed herein and in the application, including the support of the 54 shippers and the fact that there is no opposition to the permanent application, it is respectfully requested that the processing and disposition of this application be expedited and be placed on the Commission's agenda for action at the meeting scheduled on Friday, September 16.

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

If any additional information is required, please contact us.

Sincerely yours,

VUONO, LAVELLE & GRAY



John A. Vuono

nd

Enclosures

cc: Pitt-Ohio Express, Inc.

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

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

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

1. Pitt-Ohio Express, Inc. * (Name of applicant) (Trade name, if any)
27th & A.V.R.R. (Street address) Pittsburgh (City) PA 15222 (State & Zip Code)

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

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

In support of this request, applicant states:

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

5. It [X] is [] is not now operating as a motor carrier under a certificate or permit. If so operating, give docket number.
Docket No. A. 00102471

6. If this application is for temporary authority, applicant [X] does [] does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have pending permanent application currently on file, application for permanent authority should be attached.
Docket No. A. 00102471, F. 1, Am-B. Unopposed application pending.
(See Supplement to Paragraph 6)

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

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

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

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

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

*See applicant's Verified Statement attached hereto, containing additional information in support of the application.

DOCUMENT FOLDER

ORIGINAL

RECEIVED

SEP 2 - 1983

**Non-Rail Transportation
Public Utility Comm.**

12. It attaches a letter or letters of shipper support, each statement of support will contain detailed information as provided by 52 Pa. Code § 3.382(c)(3) as follows:

Description of the specific commodity or commodities to be transported, points or areas to, from or between which the transportation will be provided; volume of traffic involved, frequency of movement, and how transported; how soon the service must be provided; how long the need for service likely will continue, and whether the persons supporting the ETA or TA will support a permanent authority application; specific explanation of consequences if service is not made available; circumstances which created an immediate need for the requested service; whether existing carriers have been contacted, dates of contacts and result of efforts; names and addresses of existing carriers, a list of those who have failed or refused to provide service, and reasons given for any failure or refusal; and whether the person supporting the application has supported any recent application for permanent authority, TA or ETA covering all or any part of the desired service within the year preceding the date of its statement; if yes, give the carrier's name, address, and docket number, if known, and state whether the application was granted or denied and the date of the action. (See list of names and addresses of supporting shippers, attached as Supplement to Paragraph 12. Shipper Statements in support of this application will be filed with the Commission.) (Attach plain white sheet for description and/or statements)

Applicant further states that:

- 13. It is aware that a grant of the authority here requested will create no presumption that corresponding permanent authority will hereafter be granted.
- 14. If the authority here requested is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.
- 15. It does does not desire telephoned notice, collect, of the action taken on this application. (412) 471-1800

WHEREFORE, The Applicant herein prays that the Commission grant to Applicant Temporary Authority as herein requested. Dated this 31st day of August, 19 83

PITT/OHIO EXPRESS, INC.

Applicant sign here By: Charles L. Hammel, III
Charles L. Hammel, III
SS: President

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Allegheny

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

Sworn and subscribed before me this 31st day of August, 19 83
Catherine Stein
(Signature of official authorized to administer oaths)

CATHERINE STEIN, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES JUNE 3, 1986
Member, Pennsylvania Association of Notaries

APPLICATION OF
PITT-OHIO EXPRESS, INC.

INDEX TO SUPPLEMENTARY INFORMATION

- I. SUPP. TO PAR. 2 - Certificate of Incorporation and Articles of Incorporation of Pitt-Ohio Express, Inc.
- II. SUPP. to PAR. 3 - Scope of Authority Sought
- III. SUPP. to PAR. 6 - Status of Permanent Application and Copies of Letters to the Commission Withdrawing all Protests
- IV. SUPP. to PAR. 11 - Map showing territory to be served
- V. SUPP. to PAR. 12 - Names and Office Addresses of Supporting Shippers
- VI. VERIFIED STATEMENT OF CHARLES L. HAMMEL, III
 - APPENDIX A - PUC Operating Authority of Pitt-Ohio Express, Inc.
 - APPENDIX B - ICC Operating Authority of Pitt-Ohio Express, Inc.
 - APPENDIX C - Balance Sheet of Pitt-Ohio Express, Inc.
 - APPENDIX D - Income Statement of Pitt-Ohio Express, Inc.
 - APPENDIX E - Breman's Letter to Customers Advising of Termination of LTL Service

Commonwealth of Pennsylvania



680552

Department of State

To All to Whom These Presents Shall Come, Greeting:

Whereas, Under the provisions of the Business Corporation Law, approved the 5th day of May, Anno Domini one thousand nine hundred and thirty-three, P. L. 364, as amended, the Department of State is authorized and required to issue a

CERTIFICATE OF INCORPORATION

evidencing the incorporation of a business corporation organized under the terms of that law, and

Whereas, The stipulations and conditions of that law have been fully complied with by the persons desiring to incorporate as

PITT-OHIO EXPRESS, INC.

Therefore, Know Ye, That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, create, erect, and incorporate the incorporators of and the subscribers to the shares of the proposed corporation named above, their associates and successors, and also those who may thereafter become subscribers or holders of the shares of such corporation, into a body politic and corporate in deed and in law by the name chosen hereinbefore specified, which shall exist perpetually and shall be invested with and have and enjoy all the powers, privileges, and franchises incident to a business corporation and be subject to all the duties, requirements, and restrictions specified and enjoined in and by the Business Corporation Law and all other applicable laws of this Commonwealth.

Given under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 13th day of December in the year of our Lord one thousand nine hundred and seventy-eight and of the Commonwealth the two hundred and third

Barton A. Fields

Secretary of the Commonwealth

as

Applicant's Account No. _____

DSCB-BCL-204 (Rev. 8-72)

Filing Fee: \$75

AIB-7

Articles of
Incorporation—
Domestic Business Corporation

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
CORPORATION BUREAU

Filed this _____ day

_____ A.D. 19

Commonwealth of Pennsylvania
Department of State

Secretary of the Commonwealth

In compliance with the requirements of section 294 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1204) the undersigned, desiring to be incorporated as a business corporation, hereby certifies (certify) that:

1. The name of the corporation is:

Pitt-Ohio Express, Inc.

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

1014 Osage Road

(NUMBER)

(STREET)

Pittsburgh

Pennsylvania

15243

(CITY)

(ZIP CODE)

3. The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

To engage in and to do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Business Corporation Act of May 5, 1933, P.L. 364, as amended, and for these purposes to have, possess and enjoy all the rights, benefits and privileges of said Act of Assembly.

4. The term for which the corporation is to exist is: Perpetual

5. The aggregate number of shares which the corporation shall have authority to issue is:

Fifty Thousand (50,000) shares of common stock at One (\$1.00) Dollar par value, aggregating Fifty Thousand (\$50,000) Dollars.

6 The name(s) and post office address(es) of each incorporator(s) and the number and class of shares subscribed by such incorporator(s) is (are):

NAME	ADDRESS (including street and number, if any)	NUMBER AND CLASS OF SHARES
Charles L. Hammel, III	1014 Osage Road	10,000 shares of common stock
Pittsburgh, PA 15243		

IN TESTIMONY WHEREOF, the incorporator(s) has (have) signed and sealed these Articles of Incorporation this 12th day of December, 19 78.

Charles L. Hammel, III (SEAL) Robert F. Hammel (SEAL)

_____ (SEAL)

INSTRUCTIONS FOR COMPLETION OF FORM:

- A. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 35 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- B. One or more corporations or natural persons of full age may incorporate a business corporation.
- C. Optional provisions required or authorized by law may be added as Paragraphs 7, 8, 9 ... etc.
- D. The following shall accompany this form:
 - (1) Three copies of Form DSCB:BCL-206 (Registry Statement Domestic or Foreign Business Corporation).
 - (2) Any necessary copies of Form DSCB:17.2 (Consent to Appropriation of Name) or Form DSCB:17.3 (Consent to Use of Similar Name).
 - (3) Any necessary governmental approvals.
- E. BCL §205 (15 Pa. S. §1205) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be delivered to the Department, but should be filed with the minutes of the corporation.

II. SUPPLEMENT TO PARAGRAPH 3

PITT-OHIO EXPRESS, INC.

Scope of Authority Sought

The nature and character of the service to be rendered by applicant as a motor common carrier is as follows:

To transport 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.

subject to the following conditions (except as presently authorized):

FIRST: 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.

SECOND: 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.

THIRD: 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.

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

FIFTH: 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.

III. SUPPLEMENT TO PARAGRAPH 6

PITT-OHIO EXPRESS, INC.

Status of Permanent Application
at Docket No. A.00102471, F.1, Am-B

By application filed March 9, 1983 and published in the Pennsylvania Bulletin on April 9, 1983, Pitt-Ohio Express, Inc. seeks authority to provide service identical in scope to the authority sought in this application for temporary authority. (See Supplement to Paragraph 3 for scope of authority sought.)

Protests were filed by the following carriers:

Breman's Express Company
Milo Express, Inc.
Citizen's Transport, Ind.
Newcomer Trucking, Inc.
Gateway Trucking, Inc.
Moore-Flesher Hauling Company

On the basis of certain restrictive amendments, all of the foregoing protests have been withdrawn. Although the original letters of withdrawal have been filed with the Commission, copies of the letters are attached hereto for convenience.

Consequently, there is no opposition to the application for permanent authority.

PILLAR AND MULROY, P.C.

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

JOHN A. PILLAR
THOMAS M. MULROY
SALLY A. DAVOREN

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

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

Dear Mr. Rich:

I have been informed by the applicant's representative that the above application has been amended to read as follows:

To transport 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.

subject to the following conditions (except as presently authorized):

FIRST: 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.

SECOND: 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.

Jerry Rich, Secretary
Page Two
August 29, 1983

THIRD: 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.

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

FIFTH: 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.

Contingent upon the Commission's acceptance of the above amendment, I am authorized to withdraw the protests of Citizens Transport, Inc., Newcomer Trucking, Inc., Gateway Trucking, Inc. and Moore-Flesher Hauling Company, and I am doing so by this letter. These carriers wish to remain parties of record for the purpose of receiving any orders in the proceeding. Thank you.

Sincerely,

SALLY A. DAVOREN

BW
cc: Citizens Transport, Inc.
Newcomer Trucking, Inc.
Gateway Trucking, Inc.
Moore-Flesher Hauling Company
John A. Vuonc, Esq. ✓

LAW OFFICES
OF
BREMAN & BERNS
FIFTH FLOOR - 700 FIFTH AVENUE BUILDING
PITTSBURGH, PENNSYLVANIA 16219

(412) 281-1980

JOSEPH E. BREMAN
HENRY C. BERNS
LAUREL B. DIZNOFF
JAMES J. PANCHIK

ARMSTRONG COUNTY OFFICE
206 S. MCKEAN STREET
KITTANNING, PENNSYLVANIA 16201

(412) 643-2509

June 14, 1983

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

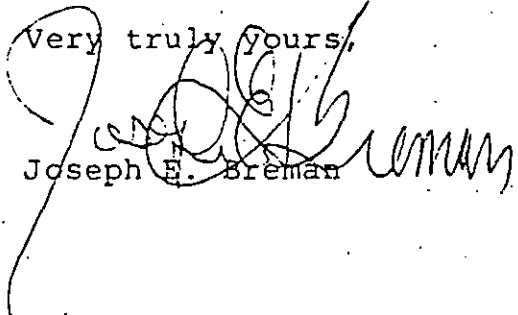
RE: Application of Pitt-Ohio Express, Inc.
Docket No: A-00102471, F. 1, Am-B

Dear Secretary Rich:

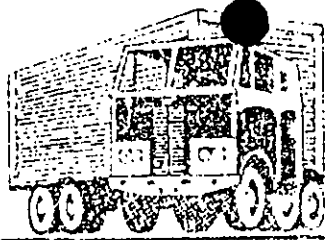
You will please note from your file that the Application as above referenced was protested by Breman's Express Company. We are Counsel of Record for said Protestant.

We have been advised by our client that it is their desire to withdraw their Protest from the subject Application. We would, however, request that we be permitted to remain a party of record for the purpose of receiving all Final Orders entered in this case.

Very truly yours,


Joseph E. Breman

JEB:dmt
cc: William J. Lavelle, Esquire ✓
John Mastrangelo



519- CEDAR WAY
OAKMONT, PENNA. 15139

AUGUST 29TH, 1983

MR. JERRY RICH, SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265
HARRISBURG, PENNA. 17120

POOR ORIGINAL

RE: APPLICATION OF PITT OHIO EXPRESS, INC.
DOCKET NO-A00102471, FOLDER 1, AM-B.

DEAR MR. RICH:

AT THIS POINT, WE FIND NO FURTHER VALUE IN FURTHER CONTINUING
OUR PROTEST IN THE ABOVE APP. MAT ON.

THEREFORE, YOU MAY CONSIDER THIS LETTER AS A WITHDRAWAL
OF THE PROTEST FILED WITH YOUR OFFICE ON APRIL 18TH, 1983.

ENCLOSURE:

SINCERELY,

CC TO: JOHN A. MILOS, CEO,
2210 GRAN BUILDING
HARRISBURG, PENNA.

MILO EXPRESS, INC.

Zigmund A. Milos
ZIGMUND A. MILOS, PRES.

PITT OHIO EXPRESS INC.

27TH & A.V.R.R. • PITTSBURGH, PENNSYLVANIA 15222
TELEPHONE: 412-281-9883 - FREIGHT
412-232-3015 - STEEL - PIGGY BACK

V. SUPPLEMENT TO PARAGRAPH 12

NAMES AND OFFICE ADDRESSES OF SUPPORTING SHIPPERS

- | | |
|---|--|
| 1. Gerald Tucker
Traffic Manager
Gordon Terminal
Ella & Ohio River
McKees Rocks, Pa. 15136 | 7. Douglas Koerntgen
Traffic Manager
Gipson Bearing Company
980 Forest Ave.
W. Homestead, Pa. 15120 |
| 2. Allen Davis
President
Sherwin Davis
26th & A.V.R.R.
Pittsburgh, Pa. 15222 | 8. William Olson
Traffic Manager
Mock Seed Corporation
13th & Smallman Streets
Pittsburgh, Pa. 15222 |
| 3. Donald Varshine
Traffic Manager
Midland Ross Co.
1207 Columbus Avenue
Pittsburgh, Pa. 15233 | 9. Thomas Meyers
Traffic Manager
Williams & Company
901 Pennsylvania Ave.
Pittsburgh, Pa. 15233 |
| 4. Michael Clumac
Traffic Manager
Kinney Shoe Company
Camp Hill, Pa. 17011 | 10. Guy Lazzari
Traffic Manager
Ceco Steel Corporation
1020 Saw Mill Run Blvd.
Pittsburgh, Pa. 15226 |
| 5. Thomas Shimmin
Traffic Manager
Allegheny Label Company
1105 Pittsburgh Street
Cheswick, Pa. 15024 | 11. John Pinchot
Manager of Transportation
Services
H.J. Heinz Company
1062 Progress Street
Pittsburgh, Pa. 15212 |
| 6. Richard Spitler
President
Allegheny Toro Distribution 12.
109 Sagamore Hill Road
Pittsburgh, Pa. 15239 | 12. Irvin Epstein
Traffic Manager
Papercraft Corporation
Papercraft Park
Pittsburgh, Pa. 15238 |

PITT OHIO EXPRESS INC.

27TH & A.V.R.R. • PITTSBURGH, PENNSYLVANIA 15222

TELEPHONE: 412-281-9883 - FREIGHT

412-232-3015 - STEEL - PIGGY BACK

SUPPLEMENT TO PARAGRAPH 12

NAMES AND OFFICE ADDRESSES OF SUPPORTING SHIPPERS

- | | |
|--|--|
| 13. John Rihn
Traffic Manager
Neville Chemical
Neville Island, Pa. 15225 | 19. Patrick Gallagher
Traffic Manager
Steel City Products
630 Alpha Drive
Pittsburgh, Pa. 15238 |
| 14. George Irvin
Traffic Manager
Southwest Grease
Bakerstown, Pa. 15007 | 20. Robert Jarzynka
Traffic Manager
Hussey Metals
Washington Street
Leetsdale, Pa. 15056 |
| 15. Donald Schubert
Traffic Manager
Sauereisen Cement
RIDC Industrial Park
Pittsburgh, Pa. 15238 | 21. Raymond D. DePasquale
Traffic Manager
Allegheny Bindery
3700 Bigelow Blvd.
Pittsburgh, Pa. 15213 |
| 16. Charles Perrin
Traffic Manager
G.C. Murphy Company
531 Fifth Avenue
McKeesport, Pa. 15132 | 22. Raymond Huckestine
President
L & R Electric Company
1646 Butler Plank Road
Glenshaw, Pa. 15116 |
| 17. Donald Beckett
Traffic Manager
Watson Standard Co.
Hite Road
Pittsburgh, Pa. 15238 | 23. John Dambrosio
Traffic Manager
J. S. McCormick
25th & A.V.R.R.
Pittsburgh, Pa. 15222 |
| 18. Robert Jenke
Traffic Manager
Copco Paper Company
5 Royal Drive
McKees Rocks, Pa. 15136 | 24. Henry Livingston
Traffic Manager
McConway & Torley
109 48th Street
Pittsburgh, Pa. 15201 |

PITT OHIO EXPRESS INC.

27TH & A.V.R.R. • PITTSBURGH, PENNSYLVANIA 15222

TELEPHONE: 412-281-9883 - FREIGHT

412-232-3015 - STEEL - PIGGY BACK

SUPPLEMENT TO PARAGRAPH 12

NAMES AND OFFICE ADDRESSES OF SUPPORTING SHIPPERS

- | | |
|---|---|
| 25. Robert Strunk
Traffic Manager
Stuart Hall
2840 N. Beaver Ave.
Pittsburgh, Pa. 15233 | 31. John Bayzk
Traffic Manager
Industrial Terminal
Logan's Ferry Road
New Kensington, Pa. 15068 |
| 26. Bruce Pogue
Traffic Manager
Union Switch & Signal
1789 S. Braddock Avenue
Swissvale, Pa. 15218 | 32. Dana Chalfont
Traffic Manager
Weinman Pump
RIDC Industrial Park
Pittsburgh, Pa. 15238 |
| 27. Richard Prostko
President
Rich Leasing Company
1300 Island Avenue
McKees Rocks, Pa. 15136 | 33. John Ramsay
Traffic Manager
D-Bolt Company
1005 Eighty Avenue
Glenshaw, Pa. 15116 |
| 28. John Mages
Traffic Manager
Vesuvius Crucible Company
2216 Palmer Street
Swissvale, Pa. 15218 | 34. Michael Gillen
President
Van Horn Metz Company
201 E. Elm Street
Conshohocken, Pa. 19428 |
| 29. Thomas Van Balen
President
Pittsburgh Die & Cast Co.
2439 Weaverly
Swissvale, Pa. 15218 | 35. Perry Vocha
Traffic Manager
Okonite Company
Avenue B
Leetsdale, Pa. 15056 |
| 30. William Murphy
Traffic Manager
Alling & Cory Company
2920 New Beaver Avenue
Pittsburgh, Pa. 15233 | 36. James Marchwinski
Traffic Manager
Conviber
2012 Babcock Blvd.
Pittsburgh, Pa. 15237 |

PITT OHIO EXPRESS INC.

27TH & A.V.R.R. • PITTSBURGH, PENNSYLVANIA 15222

TELEPHONE: 412-281-9883 - FREIGHT

412-232-3015 - STEEL - PIGGY BACK

SUPPLEMENT TO PARAGRAPH 12

NAMES AND OFFICE ADDRESSES OF SUPPORTING SHIPPERS

- | | |
|--|--|
| 37. William Ferguson
Traffic Manager
Yale Industrial Truck
1050 Rico Road
Monroeville, Pa. 15146 | 43. Merv Mallet
President
Mallets Gateway Storage
2150 Roswell Drive
Pittsburgh, Pa. 15205 |
| 38. Louis Conti
Traffic Manager
Ferro Corporation
60 Greenway Drive
Pittsburgh, Pa. 15204 | 44. Alan Skwarla
Traffic Manager
Thepitt Manufacturing
Keystone Drive
Carnegie, Pa. 15106 |
| 39. Patrick Scullion
President
Foundry Warehouse & Supply
33rd & A.V.R.R.
Pittsburgh, Pa. 15201 | 45. Loretta Hancock
Traffic Manager
O.Hommel Company
Hope Street
Carnegie, Pa. 15106 |
| 40. James Leonard
Traffic Manager
Bloom Engineering
Horning & Curry Roads
Pittsburgh, Pa. 15236 | 46. John Paczan
Traffic Manager
Hydro Ash
415 Holiday Drive
Pittsburgh, Pa. 15220 |
| 41. Sidney Levy
President
Charles Klein
1039 Fifth Avenue
Pittsburgh, Pa. 15219 | 47. Less Neilly
President
Neilly Canvas
2709 Penn Avenue
Pittsburgh, Pa. 15222 |
| 42. Keith Kephart
Traffic Manager
Kaufmanns
400 Fifth Avenue
Pittsburgh, Pa. 15219 | 48. Milt Cohen
President
American Shim Steel
2nd Avenue & 6th Street
New Kensington, Pa. 15068 |

PITT OHIO EXPRESS INC.

27TH & A.V.R.R. • PITTSBURGH, PENNSYLVANIA 15222

TELEPHONE: 412-281-9883 - FREIGHT

412-232-3015 - STEEL - PIGGY BACK

SUPPLEMENT TO PARAGRAPH 12

NAMES AND OFFICE ADDRESSES OF SUPPORTING SHIPPERS

49. Thomas Connors
Traffic Manager
L & M Industries
200 North Lexington Avenue
Pittsburgh, Pa. 15208

50. William Carlin
Traffic Manager
A.R. Chambers & Son
35th & A.V.R.R.
Pittsburgh, Pa. 15201

51. Andrew Sipos
Traffic Manager
Epic Metals
11 Talbot Avenue
Braddock, Pa. 15104

52. Fredrick Meny
Traffic Manager
McCann Shields
27 Alexander
Pittsburgh, Pa. 15220

53. John Shutey
Vice-President
Shasta, Inc.
Lewis Avenue
Groveton, Pa. 15108

54. Wayne Suchan
Traffic Manager
Gemco Sales
1700 Smallman Street
Pittsburgh, Pa. 15201

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A. 102471, FOLDER 1, Am-B
TEMPORARY AUTHORITY APPLICATION
PITT-OHIO EXPRESS, INC.

APPLICANT'S VERIFIED STATEMENT

I. STATEMENT OF THE CASE

Pitt-Ohio Express, Inc. (Pitt-Ohio or applicant), by the present temporary authority application seeks authority to provide the following service:

To transport 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.

subject to the following conditions (except as presently authorized):

FIRST: 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.

SECOND: 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.

THIRD: 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.

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

FIFTH: 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.

The scope of the enclosed temporary authority application is identical to the application for permanent authority filed by Pitt-Ohio at Docket No. A-00102471, F.1, Am-B. The aforesaid permanent authority application is now unopposed and it is anticipated that the case will be submitted to the Commission for disposition without oral hearing.

The primary reasons for the present temporary authority application are the recent termination by Breman's Express Company of LTL service within the application area, together with the general unavailability of LTL service in the application area resulting from the reduction in the number of carriers providing such service.

Applicant now submits its verified statement in support of the application.

II. VERIFIED STATEMENT OF CHARLES L. HAMMEL, III
ON BEHALF OF APPLICANT

1. Legal Name and Domicile of Carrier.

Applicant is Pitt-Ohio Express, Inc. (Pitt-Ohio or applicant), a Pennsylvania corporation, with its principal place of business located at 27th & A.V.R.R., Pittsburgh, Pennsylvania, 15222.

2. Identify and Qualifications of Testifying Witness.

My name is Charles L. Hammel, III and I am President of applicant. I have held this position since the company was incorporated approximately four years ago. I am actively involved in the day-to-day operations of Pitt-Ohio and I am thoroughly familiar with its overall operations, facilities, equipment and authority. I am authorized to present this statement to the Commission in support of our company's application for temporary authority in connection with the permanent authority application pending at Docket No. A-102471, F.1, Am-B.

3. Authority Sought.

The applicant seeks the following temporary authority:

To transport 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.

subject to the following conditions (except as presently authorized):

FIRST: 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.

SECOND: 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.

THIRD: 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.

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

FIFTH: 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.

4. General Scope of Currently Authorized Operations.

Applicant is currently authorized by this Commission to conduct operations in Pennsylvania as a motor common carrier under authority at Docket No. A. 102471, as follows:

To transport, as a Class D carrier, such commodities as are dealt in by retail shoe stores, from the distribution facility of Kinney Service Corp., in the Township of Hampden, Cumberland County, to points in the Counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington.

It is also authorized at Docket No. A. 102471, F.1, Am-A to conduct motor common carrier operations as follows:

To transport, as a Class D carrier, 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:

1. That no right, power or privilege is granted to transport commodities in bulk.
2. That no right, power or privilege is granted to transport household goods in use.

In addition, applicant is authorized by the Interstate Commerce Commission to transport general commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in 18 eastern states and the District of Columbia at Docket No. MC-30136 (Sub-No. 2). The authority extends from Massachusetts in the northeast to Wisconsin and Missouri in the west, and as far south as North Carolina. Under this authority applicant is authorized to provide service between all points in Pennsylvania on an interstate basis.

Copies of the aforesaid PUC certificates and ICC certificates are attached hereto as Appendices A and B, respectively.

5. Duplicating Authority Which Will Result From Grant of Authority.

Pitt-Ohio is not seeking to duplicate authority and has no objection to a restriction that any duplication of authority resulting from the grant of this application may be construed as a single grant of operating authority.

6. Dual Operations Resulting From Grant of Authority.

Approval of this application will not result in any dual operations since applicant does not hold any contract carrier authority from this Commission.

7. Pertinent Terminal Facilities and Communications Network.

Applicant's main office and terminal is located at 27th & A.V.R.R., Pittsburgh, PA. This terminal also has office facilities and parking area for vehicles. The terminal itself is a 29-door facility which is jointly used by applicant and two other carriers.

Applicant also maintains a terminal near the Pennsylvania-Ohio state line in the vicinity of Darlington Township, Beaver County, PA and East Palestine, Columbiana County, OH. Applicant leases 16 doors of the complete terminal, as well as office space and a parking area.

Applicant also maintains an eight-door terminal in Paulsboro, NJ. That terminal is equipped to handle both LTL and truckload traffic, and is situated so as to serve the eastern Pennsylvania and New Jersey areas.

Applicant's operation is set up on a direct dispatch system in order to facilitate the providing of equipment and service to customers. After delivery of a shipment drivers are instructed to call the main terminal for instructions concerning the pickup of return loads, if arrangements have not already been made. Applicant maintains direct telephone communications with its customers in order to coordinate the flow of equipment.

8. Pertinent Equipment.

At its Pittsburgh terminal applicant has assigned seven tractors, seven trailers and one straight truck. At its East Palestine terminal it has assigned five tractors, five trailers and 14 straight trucks. The Paulsboro, NJ terminal has assigned three tractors, four trailers and four straight trucks.

9. Safety Program.

Applicant maintains a complete safety program which is conducted in compliance with the safety regulations of the Pennsylvania Department of Transportation, the Federal Department of Transportation, the Pennsylvania Public Utility Commission and the Interstate Commerce Commission. Under this program all drivers are investigated and examined prior to employment. Before a driver is allowed to take charge of the road equipment, he must successfully demonstrate his ability to operate safely such equipment. During the time of his employment he is periodically given safety instructions that require him to meet certain high standards of operation. Our program also includes safety meetings at which films are shown and discussions conducted concerning the safe operation of equipment.

Pitt-Ohio has implemented a preventive maintenance program which requires the checking and servicing of equipment on a regular basis. Every vehicle is given a routine service check every 12,000 miles to insure that it is safe to operate and to avoid possible breakdowns while on the road.

We operate a maintenance facility at our main terminal in Pittsburgh which is equipped with two bays for servicing equipment.

Insurance is maintained by Pitt-Ohio in excess of the Commission's requirements.

10. Type of Service Currently Provided to the Supporting Shippers.

Applicant does not hold any authority currently from this Commission to provide service for the supporting shippers. However, Pitt-Ohio is authorized pursuant to its interstate certificate to transport general commodities between all points in 18 states and the District of Columbia. Interstate shipments are being handled for many of the supporting shippers to and from points within the authorized territory.

This application is designed to expand the scope of applicant's service available to the shippers to include intra-state shipments within the application area. At the same time it will assist Pitt-Ohio in conducting a more balanced operation. With the approval of this application, Pitt-Ohio will be able to transport property, subject to the restrictions set forth above, for the benefit of the supporting shippers as well as other similarly situated shippers within the application area.

11. Type of Service to be Offered.

Pitt-Ohio is familiar with the transportation requirements of the shippers and is experienced in handling their freight. Service will be made available generally on a

five day per week basis during normal business hours. In addition, the shippers will be able to obtain pickup and/or delivery service at other than normal business hours Monday through Friday, and on weekends and holidays.

Pitt-Ohio intends to offer a scheduled pick-up and scheduled delivery service to accommodate the needs of the supporting shippers. This will involve making equipment available at the pick-up and delivery points at pre-designated times so as to avoid congestion, and facilitate the loading and unloading procedures of both the shipper and the receiver. This service will be made available in connection with both outbound and inbound traffic for the shippers.

Most of the transportation which applicant renders consists of less-than-truckload shipments from a single origin point to several destination points. This is the type of operation which applicant expects will be requested by the shippers under the proposed service. However, to the extent it is required, truckload shipments will also be handled. Generally, applicant will be able to provide an overnight delivery service between the points which are located within the application area.

We will provide the supporting shippers with suitable equipment immediately upon their request for transportation services.

Applicant specializes in the transportation of general freight, particularly less-than-truckload shipments, which is the type of service required by the supporting shippers.

12. Financial Data.

There is attached to my statement as Appendix C the latest available balance sheet of Pitt-Ohio. Attached to my statement as Appendix D is an income statement of applicant for the 12-month period ending with the date of the balance sheet.

The financial documents show that Pitt-Ohio is financially able to provide the proposed service. It is not anticipated that any additional equipment will be required in order to meet the needs of the shipping public, but if necessary, the applicant is willing and able to acquire such additional equipment in order to serve the needs of the shipping public.

13. Feasibility of Operations.

Pitt-Ohio has developed a sound transportation system under its operations as currently authorized by the PUC and the ICC. Therefore, vehicles which are delivering freight pursuant to these currently authorized operations at points in Pennsylvania will be available for assignment to handle intrastate traffic within the scope of the territory sought to be served pursuant to this application. This will enable Pitt-Ohio to eliminate to the greatest extent possible any deadhead mileage. The present application would allow Pitt-Ohio to provide service on an intrastate basis similar to the service presently being provided on an interstate basis, and to certain shippers on an intrastate basis. It is in applicant's best interests from the standpoint of efficiency and economy to conduct its operations in this

manner, so that empty mileage may be kept to an absolute minimum.

14. Other Information Deemed Pertinent by the Witness.

Applicant believes that the proposed service is necessary and proper for the accommodation of the public. Recently Breman's Express Company terminated its LTL operations in a substantial portion of the territory which applicant seeks to serve under this application. A copy of Breman's letter to its customers advising them of the termination of LTL service is attached hereto as Appendix E.

Significantly, this action by Breman's is only the most recent in a series of terminations of operations by numerous carriers formerly providing LTL service in this area. Under these circumstances, many shippers have been unable to secure the service necessary to meet their transportation needs, as evidenced by the letters in support of this application submitted by various shippers, as well as continuing requests for service which applicant has received.

By this temporary authority application, Pitt-Ohio seeks to immediately fill the void created by the termination of LTL service by various carriers, and most recently by Breman's, and to provide the shipping public with a dependable and reliable common carrier service.

It should also be noted that the application for permanent authority, which is identical in scope to the application for authority sought herein, is now unopposed. As

discussed above, there is an immediate and urgent need for the proposed service, and Pitt-Ohio strongly believes that the shipping public should not be required to await Commission action on its permanent authority application in order for the applicant to provide the needed service.

For all of the above reasons, Pitt-Ohio respectfully requests that the temporary authority application be granted in its entirety.

APPENDIX A

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 9, 1981

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Pitt-Ohio Express, Inc., for approval of the transfer to it of part of the operating rights held by Hammel's Express, Inc., at A-00088995, Folder 2.

A-00102471

O R D E R

BY THE COMMISSION:

By application docketed October 3, 1980, Pitt-Ohio Express, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of part of the rights granted to Hammel's Express, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00088995, Folder 2.

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

IT IS ORDERED: That the application for the transfer of part of the rights held by Hammel's Express, Inc., at A-00088995, Folder 2, be approved and that a certificate be issued to the applicant granting the following right:

To transport, as a Class D carrier, such commodities as are dealt in by retail shoe stores, from the distribution facility of Kinney Service Corp., in the township of Hampden, Cumberland County, to points in the counties of Allegheny, Beaver, Butler, Lawrence, Armstrong, Westmoreland, Fayette and Washington;

subject to the following conditions:

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

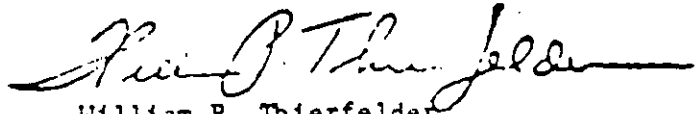
2. That applicant shall not record in its books, accounts any amount representing the right herein granted, in excess of the actual cost of such right to the original holder thereof.
3. That the applicant charge to Account 1550, Other Incangible Property, \$1.00, being the amount of the consideration payable by it for the right and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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

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

the right granted the transferor Hammel's Express, Inc., a corporation
of the Commonwealth of Pennsylvania, under the Order adopted
July 10, 1980 at 00088995, Folder 2, Am-E, be recalled.

BY THE COMMISSION,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: January 9, 1981

ORDER ENTERED: JAN 23 1981

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 13, 1982

Commissioners Present:

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

Application of Pitt-Ohio Express, Inc.,
a corporation of the Commonwealth of Penn-
sylvania, for amendment to its common
carrier certificate: SO AS TO PERMIT the
transportation of property, except commodi-
ties in bulk and household goods in use,
from the facilities of USCO Distribution
Services Inc., located in the borough of
McKees Rocks, Allegheny County, to points
in Pennsylvania, and vice versa.

A-00102471
F. 1
Am-A

Wick, Vuono & Lavelle, by John A. Vuono and David M. O'Boyle for the
applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application
filed on February 26, 1982 and which was advertised in the Pennsylvania
Bulletin of March 20, 1982. No protests were received and the record is
now certified to the Commission without oral hearing. Verified statements
were submitted by the applicant and the supporting shipper.

Robert F. Hammel, secretary of Pitt-Ohio Express, Inc. (or
applicant), states in a verified statement that he is familiar with the
day-to-day operations of the company and is authorized to submit evidence
on its behalf in this proceeding. The company has its principal place
of business located at 27th & A.V.R.R., Pittsburgh, Allegheny County.
It presently holds common carrier authority from this Commission and the
Interstate Commerce Commission.

The applicant's main terminal is located in Pittsburgh and a second terminal is maintained in East Liverpool, Ohio. As herein pertinent, the Pittsburgh terminal is equipped with 29 loading and unloading doors and is situated within 10 miles of the supporting shipper's warehouse in McKees Rocks. It has daily contact with the shipper since it does provide it with interstate service.

The operating fleet consists of six tractors, eight trailers and 16 straight trucks, all of which are company-owned with the exception of one tractor and one trailer. The equipment is suitable for handling the traffic involved in the proposed service. A comprehensive safety program is administered on a daily basis and insurance is carried in excess of that required by local and federal regulatory agencies.

In support of its financial position, the applicant submitted an unaudited balance sheet which indicates that as of May 31, 1982, it had current assets of \$258,347, total assets of \$350,653, and current liabilities of \$137,096 with no long-term liabilities, leaving stockholders' equity of \$213,557. An unaudited statement of income for the first five months of 1982 discloses that from operating income of \$751,193, it incurred operating expenses of \$674,678, providing a net operating income of \$76,515. It had accumulated retained earnings of \$163,557.

David A. Giroux is vice president-sales for USCO Distribution Services, Inc. (USCO or shipper), which is headquartered in Middlebury, Connecticut, and as here pertinent, operates a warehouse in McKees Rocks, Allegheny County. The witness states in a supporting verified statement that he is responsible for the company's shipping and receiving functions and is authorized to represent it in this application.

USCO is engaged in the warehousing business and operates about 35 facilities at various large metropolitan areas throughout the country including the McKees Rocks warehouse. The McKees Rocks warehouse consists of about 122,000 square feet and is equipped with 10 docks for loading and unloading. It employs 14 persons who conduct operations from 8:30 a.m. to 5:00 p.m., five days a week.

The items warehoused can be primarily categorized as hospital service products which include every type of material and supply that a medical facility would use in its daily operations. Everything from band-aids to operating tables, including items such as mops, wheelchairs, crutches, etc., are routinely involved. It is undertaking a new program in its distribution operation to serve medical care facilities in Pennsylvania, including members of hospital groups. Initially, it anticipates there will be three to four less-than-truckload shipments per day with each shipment weighing 1,000 to 2,000 pounds. After the program becomes well-established, it believes there will be a sufficient number of orders available to consolidate into full truckloads at the rate of one or two loads per day.

The inbound shipments will consist of hospital supplies and equipment moving from suppliers throughout Pennsylvania. The volume will depend upon market conditions and the availability of products from local suppliers at competitive prices. USCO is responsible for making inbound delivery arrangements from its suppliers and from the warehouse to its customers, paying the freight charges on all outbound shipments and a substantial portion of the inbound.

An appendix to the verified statement indicates there are over 100 hospital and medical facilities that initially are potential customers located in excess of 50 individual communities. Actually, any point in Pennsylvania having medical facilities is a potential point of destination. Presently, the hospitals and medical facilities are receiving their goods on a shipment-by-shipment basis directly from the manufacturers or suppliers. The purpose of USCO's warehouse operation is to eliminate the necessity for each health care facility receiving numerous small shipments. USCO will consolidate the shipments so that each facility will receive all of its weekly supplies on one delivery.

USCO does not know of any carrier which has the authority as well as the equipment and personnel necessary to implement this new distribution program adequately. It has worked closely with the applicant during the planning stages of the operation and feels confident it can perform satisfactorily.

DISCUSSION AND FINDINGS

USCO Distribution Services, Inc., is in the process of implementing a new warehousing/distribution program within Pennsylvania, specializing primarily in the handling of virtually all types of products associated with the medical care industry. The warehouse is located in McKees Rocks, Allegheny County, and by this application, Pitt-Ohio Express seeks authority for the right to transport property from the warehouse to points in Pennsylvania, and vice versa, a service which is crucial to the success of the shipper's contemplated program.

USCO will be providing a complete service to the medical industry which will involve the receiving of supplies inbound from various Pennsylvania vendors, placing them in storage and then filling customer orders which are consolidated for shipment on a weekly basis. USCO will provide the additional service of paying the freight and selecting the carrier on all outbound shipments as it will also do for the majority of the inbound movements. The wide variety of commodities involved coupled with the well-dispersed locations of its customers has convinced us that the applicant's request for the broad statewide authority to transport "property" is appropriate and necessary to meet the shipper's overall needs.

We are equally convinced that the applicant is well-qualified to assume the additional authority and provide a responsive service.

The applicant's Pittsburgh terminal is within very close proximity (10 miles) of the shipper's warehouse, making it particularly advantageous to the establishment of a close working relationship so necessary in distribution programs of this nature. The applicant's finances appear exceptionally sound and it operates the type of equipment required by the shipper.

We find:

1. That the applicant has shown that a public need for the proposed service does exist.

2. That the applicant is fit, ready, willing and able to properly provide the service proposed.

3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

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

To transport, as a Class D carrier, 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:

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

2. That no right, power or privilege is granted to transport household goods in use.

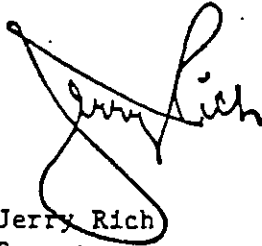
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just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

IT IS FURTHER ORDERED: That in the event 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 applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", is written over a large, stylized, circular scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 13, 1982

ORDER ENTERED: AUG 27 1982

INTERSTATE COMMERCE COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MC-30136 Sub 2

PITT-OHIO EXPRESS, INC.
East Liverpool, OH

SERVICE DATE

APR 20 1982

This Certificate of Public Convenience and Necessity is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will become effective only when the carrier has met the compliance requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043), the designation of agents upon whom process may be served (49 CFR 1044), and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For all carriers: Any duplication in this authority and rights currently held does not confer more than one operating right.

For common carriers with irregular route authority: Any irregular route authority authorized in this certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document and will be valid as long as the carrier maintains compliance with the above requirements.

By the Commission.

Agatha L. Mergenovich
Secretary

(SEAL)

Note: If there are any discrepancies regarding this document please notify the Commission within 30 days.

MC-30136 Sub 2

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, Kentucky, North Carolina, West Virginia, Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, and the District of Columbia.

APPENDIX C

PITT-OHIO EXPRESS, INC.

COMPARATIVE BALANCE SHEET - UNAUDITED

<u>ASSETS</u>	<u>December 31,</u>	
	<u>1982</u>	<u>1981</u>
<u>CURRENT ASSETS</u>		
Cash in Bank	\$ 77,311	\$ 146,693
Accounts Receivable - Customers	142,395	91,766
Accounts Receivable - Other	10,134	None
Prepaid Items	13,775	4,292
Material & Supplies	12,911	None
<u>TOTAL CURRENT ASSETS</u>	<u>256,526</u>	<u>242,751</u>
 <u>FIXED ASSETS AT COST</u>		
Revenue Equipment - D	399,055	118,076
Office Equipment	211	211
Leasehold Improvements	3,188	3,188
	<u>402,454</u>	<u>121,475</u>
Less: Allowance for Depreciation	85,834	20,207
	<u>316,620</u>	<u>101,268</u>
 <u>OTHER ASSETS</u>		
Franchises & Organization Costs - E - F	101,173	1,173
Other Intangible Assets - C	None	125,000
	<u>101,173</u>	<u>126,173</u>
Less: Allowance for Amortization	50,841	109,164
	<u>50,332</u>	<u>17,009</u>
 <u>TOTAL ASSETS</u>	 <u>\$ 623,478</u>	 <u>\$ 361,028</u>
 <u>LIABILITIES AND SHAREHOLDERS' EQUITY</u>		
<u>CURRENT LIABILITIES</u>		
Equipment Obligations - D	\$ 14,336	\$ 40,000
Accounts Payable	105,368	31,847
Interline Accounts Payable	1,023	235
Payroll Deductions	3,241	1,948
Accrued Salaries & Wages	74,003	71,423
C.O.D.'s Payable	118	None
Accrued Taxes	8,237	4,378
Other Accrued Liabilities	30,406	22,636
Federal & State Income Taxes	18,385	34,371
<u>TOTAL CURRENT LIABILITIES</u>	<u>255,117</u>	<u>206,838</u>
 <u>LONG-TERM DEBT</u>		
Note Payable - Other - D	<u>28,676</u>	<u>None</u>
 <u>SHAREHOLDERS' EQUITY</u>		
Common Stock	50,000	50,000
Retained Earnings	289,685	104,190
<u>TOTAL SHAREHOLDERS' EQUITY</u>	<u>339,685</u>	<u>154,190</u>
 <u>TOTAL LIABILITIES AND SHAREHOLDERS' EQUITY</u>	 <u>\$ 623,478</u>	 <u>\$ 361,028</u>

The accompanying footnotes are an integral part of these statements.

See Accountants' Review Report.

APPENDIX D

PITT-OHIO EXPRESS, INC.

COMPARATIVE STATEMENT OF INCOME AND RETAINED EARNINGS - UNAUDITED

	<u>December 31,</u>	
<u>INCOME</u>	<u>1982</u>	<u>1981</u>
Freight Revenue	\$ 1,995,766	\$ 1,482,214
C.O.D. Fees	2,520	867
<u>TOTAL REVENUE</u>	<u>1,998,286</u>	<u>1,483,081</u>
 <u>EXPENSES</u>		
Salaries - Officers	82,200	71,150
Salaries & Wages	522,307	304,528
Other Fringes	89,351	70,079
Operating Supplies & Expenses	338,386	168,393
General Supplies & Expenses	37,766	27,469
Operating Taxes & Licenses	54,816	23,035
Insurance	64,708	51,881
Communications & Utilities	29,911	21,296
Depreciation & Amortization	102,304	60,743
Equipment Rents & Purchased Transportation	477,085	520,696
Building & Office Equipment Rents	15,450	8,050
Miscellaneous Expenses	17,540	6,660
<u>TOTAL EXPENSES</u>	<u>1,831,824</u>	<u>1,333,980</u>
<u>NET OPERATING REVENUE</u>	166,462	149,101
 <u>OTHER INCOME & EXPENSES</u>		
Interest Income	14,126	5,943
Interest Expense	(4,085)	(2,897)
<u>NET PROFIT BEFORE INCOME TAXES</u>	176,503	152,147
Federal & State Income Taxes	39,470	41,040
<u>NET INCOME</u>	137,033	111,107
<u>RETAINED EARNINGS - BEGINNING OF YEAR</u>	104,190	(10,728)
Federal Tax Refund	None	3,811
Prior Period Adjustment	48,462	None
<u>RETAINED EARNINGS - END OF YEAR</u>	<u>\$ 289,685</u>	<u>\$ 104,190</u>

The accompanying footnotes are an integral part of these statements.
See Accountants' Review Report.

PITT-OHIO EXPRESS, INC.
NOTES TO FINANCIAL STATEMENTS - UNAUDITED

FOR THE YEARS ENDED DECEMBER 31, 1982 AND 1981

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Corporation are prepared on the accrual basis of accounting, consistent with reporting for federal income tax purposes.

Property is recorded at cost. Depreciation is provided for on the straight-line method based upon the estimated useful lives of the assets. Assets acquired after January 1, 1981 are being depreciated according to the new accelerated cost recovery system, as defined in the Economic Recovery Tax Act of 1981.

NOTE B - LEASE AGREEMENTS

The Corporation leases revenue equipment on a monthly basis with rentals amounting to \$110,438 and \$84,650 for 1982 and 1981, respectively.

The Corporation also leases terminal facilities with rentals amounting to \$15,450 and \$8,050 for 1982 and 1981, respectively. This lease is for a period of 60 months.

NOTE C - COVENANT NOT TO COMPETE

On May 22, 1979, the Corporation entered into a covenant not to compete agreement with Vincent White for a total consideration of \$125,000. \$75,000 of this total was paid on May 22, 1979 with the balance of \$50,000 payable in two equal installments of \$25,000, due January 1, 1980 and January 1, 1981. These payments are without interest. The January 1, 1980 payment was made on December 28, 1979 and the January 1, 1981 payment was made on December 29, 1980. This agreement is being amortized over thirty-six months.

NOTE D - NOTES PAYABLE

The debt due Martera, Inc. is subject to interest at 8% for 1983.

	<u>1982</u>		<u>1981</u>	
	<u>Current</u>	<u>Long-Term</u>	<u>Current</u>	<u>Long-Term</u>
Martera, Inc.	<u>\$ 14,336</u>	<u>\$ 28,676</u>	<u>\$ 40,000</u>	<u>\$ None</u>
<u>Total</u>	<u>\$ 14,336</u>	<u>\$ 28,676</u>	<u>\$ 40,000</u>	<u>\$ None</u>

PITT-OHIO EXPRESS, INC.

NOTES TO FINANCIAL STATEMENTS - UNAUDITED

FOR THE YEARS ENDED DECEMBER 31, 1982 AND 1981

NOTE E - AMORTIZATION OF ORGANIZATIONAL EXPENSES

Pursuant to regulation 1.248-1(c), the Corporation elects to amortize organizational expenses over a sixty-month period beginning with May 1, 1979. Organizational expenses amounted to \$1,173.

NOTE F - FRANCHISES

The Corporation is writing off the cost of the Interstate Commerce Commission operating rights resulting from the enactment of the Motor Carrier Act of 1980 and the deregulation of motor carriers. This is being done over a sixty-month period beginning with July 1, 1980.

See Accountants' Review Report.



Breman's
EXPRESS COMPANY

318 HAYMARKET ROAD, P.O. BOX 117, MONROEVILLE, PA 15146

412/243-1600

Beginning August 1, 1983, Breman's Express Company will consolidate our service area in order that we may better service you, our valued customer.

We will handle only shipments to or from points in Allegheny County, or the Pittsburgh commercial zone, and points in Indiana, Cambria, Blair, Jefferson, Elk, Cameron, Lycoming, Huntington, Union, Clinton, Clearfield and Center Counties. These shipments will be handled regardless of size, from minimums up to and including trailer loads.

Also, any shipments of 5000 pounds or more will be handled without restrictions between points in Allegheny, Butler, Westmoreland and Fayette Counties.

This more efficient operation will enable us to discount all class rated shipments 20% and reduce our minimum charge to \$25.00 to all points. For your convenience, we are enclosing our new consolidated service area listing.

Please call (412) 243-1600 for pickup or rate information.

Breman's Express Company has always been and is presently a strong and viable carrier dedicated to the service and satisfaction of our customers. We shall continue this dedication to you and trust that you will continue your patronage of our company.

Sincerely,

Leslie S. Breman
President

