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May 22, 1985

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RECEIVED
MAY 24 1985
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-F
File 481-21

Dear Mr. Rich:

Enclosed for filing are the original and nine copies of the Reply Brief of Newcomer Trucking, Inc. in the above-captioned application proceeding. Copies of this Reply Brief have been served on the Administrative Law Judge and all parties of record in accordance with the Commission's Rules of Practice.

Please acknowledge receipt of the enclosures.

Very truly yours,


JOHN A. PILLAR

jhm

Enclosures

cc: Honorable James Porterfield,
Administrative Law Judge
William J. Lavelle, Esq.
Newcomer Trucking, Inc.

DOCUMENT
FOLDER

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

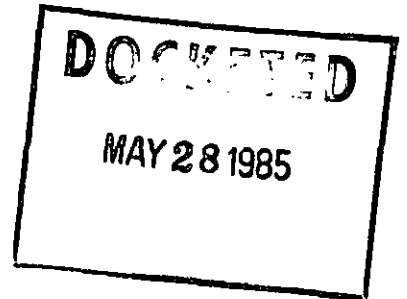
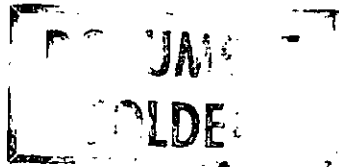
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MAY 24 1985
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Public Utility Commission

Application of
PITT-OHIO EXPRESS, INC.

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

REPLY BRIEF OF NEWCOMER TRUCKING, INC.



JOHN A. PILLAR, ESQ.
Attorney for
NEWCOMER TRUCKING, INC.

PILLAR AND MULROY, P.C.
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222

Due Date: May 24, 1985

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
PITT-OHIO EXPRESS, INC.

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

I. INTRODUCTION

Applicant, Pitt-Ohio Express, Inc., and Newcomer Trucking, Inc. (Newcomer or protestant) have filed their main brief in connection with the above docketed application. Newcomer now submits a short reply brief which is directed to certain factual contentions and arguments raised in applicant's main brief.

II. REBUTTAL ARGUMENT

As indicated in Newcomer's main brief, its principal interest in this application relates to transportation for G. C. Murphy Company from points in Allegheny County to points in the Counties of Butler, Greene, Clarion, Armstrong, Forest and Jefferson, and vice versa. It is Newcomer's position that Pitt-Ohio Express, Inc. is not authorized to provide service in the above described territory, with the exception of a small portion of Butler County. Of course, to the extent that Pitt-Ohio holds authority to transport property generally, between various counties in western Pennsylvania, it does not need any additional authority to serve G. C. Murphy.

On page 5 of its main brief, Pitt-Ohio requests the Administrative Law Judge to find, as a fact, that Pitt-Ohio is presently authorized to serve from points in Allegheny County "to and/or from most of the major cities and towns in Butler County." Newcomer takes exception to this requested finding of fact. Pitt-Ohio's Exhibit 2 indicates that Pitt-Ohio holds no authority under its present permanent authority to transport property from Allegheny to Butler County, and vice versa (see item 7 on page 2 of Pitt-Ohio's Exhibit 2). The witness for Pitt-Ohio did testify that Pitt-Ohio is purchasing a portion of the operating authority of Breman's Express, and that Pitt-Ohio holds temporary authority to operate under this authority. Although a copy of this authority was not offered in evidence by the applicant, the pertinent portion of the operating authority of Breman's Express to be acquired by the applicant authorizes service principally from points in Allegheny County to points on a regular route between Pittsburgh and the City of Butler, via Route 8, and vice versa. In addition, Pitt-Ohio is authorized to serve the Borough of Portersville and certain points in the southern sector of Butler County along Route 19, including Zelienople and Mars. This authority authorizes no service to or from points north of Butler nor east of Butler. In any event, applicant's Exhibit 8 shows that G. C. Murphy has only a single store location in Butler County, namely in Butler, and its Exhibit 9 shows that vendor locations that can reasonably be determined to be in Butler County are those located in Butler and Mars, both points which Pitt-Ohio can now serve.

Applicant's fifth requested finding of fact, on page 5 of its brief, states that "applicant does not seek any duplicating authority." Of course, applicant does seek duplicating authority to the extent that it presently holds authority to transport property between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland, subject to the restriction aforementioned, which prohibits service from Allegheny County to points in Armstrong, Butler, Clarion and Greene Counties, and vice versa.

Applicant's main brief argues that applicant has met its burden of proving a need for the proposed service throughout the state of Pennsylvania. Newcomer argued, in its main brief, that applicant failed to present any evidence of specific traffic moving between any vendor and any retail store; nor did applicant present any specific evidence of movement between any retail stores of G. C. Murphy. Applicant's main brief does not refer to any evidence of specific traffic moving between any two points. Instead, the evidence, as summarized in applicant's main brief, merely lumps together all of the vendor locations and the stores, and refers collectively to the volume of traffic that G. C. Murphy ships between such points. Moreover, since G. C. Murphy admittedly controls only 65 to 70 percent of this traffic, no attempt is made to present specific evidence of movements between vendors and stores, or between stores, which G. C. Murphy currently controls.

Furthermore, there is no specific evidence of traffic moving from the McKeesport distribution center of G. C. Murphy to any

individual retail store. Again, this evidence is lumped together collectively; no specifics are given. Accordingly, Newcomer continues to contend, as it did in its main brief, that applicant failed to meet its burden of proving that there is actual traffic moving between two points which Newcomer is presently authorized to serve.

Based on the manner in which the applicant presented its case, the Administrative Law Judge must speculate as to whether one or ten shipments moves between a vendor in Allegheny County and a store in Kittanning, for example, or whether any traffic moves between these points. This is very significant, since the applicant carries a strict burden of proof of need in the area that Newcomer can service. Perhaps the Administrative Law Judge can treat the applicant's evidence of need for service beyond Newcomer's territory more generally, since there is no opposition to that portion of the application. However, as to the area that Newcomer can service, the applicant carries a much greater burden of proof, since Newcomer's evidence indicates that it has solicited traffic in its service area, and has been advised by Murphy that there is no need for Newcomer's service. If there is no need for Newcomer's service, it is incumbent upon the applicant to present probative evidence of need for Pitt-Ohio's service in the territory Newcomer can serve.

Newcomer presented proof that it is serving Murphy stores from vendors, without complaint. G. C. Murphy has historically relied upon multiple common carriers. The allegation that Murphy requires Pitt-Ohio for service between all points in Pennsylvania,

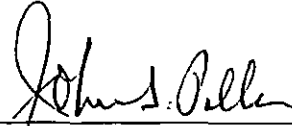
including the Newcomer territory, simply because Murphy prefers to deal with one carrier, is not a sound basis for approval of the application in its entirety.

III. CONCLUSION

In conclusion, Newcomer reiterates its position that the applicant has failed to prove that there is a need for applicant's service from Allegheny County to points in the Counties of Butler, Greene, Clarion, Armstrong, Forest and Jefferson, and vice versa.

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

John A. Pillar, Esq.
Attorney for
NEWCOMER TRUCKING, INC.

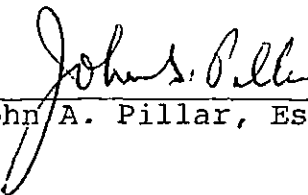
PILLAR AND MULROY, P.C.
1500 Bank Tower
307 Fourth Avenue
Pittsburgh, PA 15222

Due Date: May 24, 1985

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing reply brief on all parties of record in this proceeding, in accordance with the Commission's Rules of Practice.

Dated at Pittsburgh, PA, this 22ND day of May, 1985.



John A. Pillar, Esq.

LAW OFFICES
VUONO, LAVELLE & GRAY

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PITTSBURGH, PA 15219

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MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS

May 24, 1985

Re: Pitt-Ohio Express, Inc.
Docket No. A. 00102471, F. 1, Am-F
Our File 2691-12

RECEIVED
MAY 28 1985
SECRETARY'S OFFICE
Public Utility Commission

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Room B-18
North Office Building
Commonwealth Avenue and North Street
Harrisburg, PA 17120

Dear Mr. Rich:

We enclose for filing with the Commission the signed original and nine copies of the Reply Brief of Pitt-Ohio Express, Inc. in support of the above application.

Copies of the Reply Brief have been served on Administrative Law Judge James Porterfield and John A. Pillar, Esquire, the representative for the protestant.

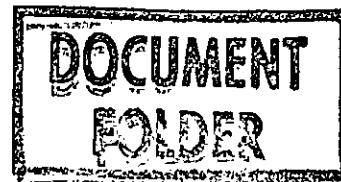
Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to us in the self-addressed, stamped envelope provided for that purpose.

Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

pa
cc: James Porterfield, Administrative Law Judge
John A. Pillar, Esquire
Pitt-Ohio Express, Inc.



BEFORE THE
Pennsylvania Public Utility Commission

DOCKET NO. A. 00102471, FOLDER 1, Am-F

PITT-OHIO EXPRESS, INC.

RECEIVED
MAY 28 1985
SECRETARY'S OFFICE
Public Utility Commission

REPLY BRIEF OF PITT-OHIO EXPRESS, INC.
IN SUPPORT OF THE APPLICATION

WILLIAM J. LAVELLE
Attorney for
PITT-OHIO EXPRESS, INC.
Applicant

DOCUMENT
FOLDER

DOCKETED
MAY 28 1985

Of Counsel:
VUONO, LAVELLE & GRAY
2310 Grant Building
Pittsburgh, Pennsylvania 15219

Due Date: May 29, 1985

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A. 00102471, FOLDER 1, AM-F

PITT-OHIO EXPRESS, INC.

REPLY BRIEF OF PITT-OHIO EXPRESS, INC.
IN SUPPORT OF THE APPLICATION

I. STATEMENT OF THE CASE

By this application Pitt-Ohio Express, Inc. (Pitt-Ohio or Applicant) seeks authority to operate as a common carrier, by motor vehicle, as follows:

To transport, as a Class D carrier, property, except commodities in bulk and household goods and office furniture in use, for G. C. Murphy Company between points in Pennsylvania.

Applicant and the sole protestant, Newcomer Trucking, Inc. (Newcomer) have filed their Initial Briefs with Administrative Law Judge James Porterfield. Applicant now files its Reply Brief in support of the application.

II. ARGUMENT

1. APPLICANT HAS ESTABLISHED THAT APPROVAL OF THE APPLICATION WILL SERVE A USEFUL PUBLIC PURPOSE, RESPONSIVE TO A PUBLIC DEMAND OR NEED.

The purpose of this application is to enable the Applicant to provide service for G. C. Murphy Company between points in Pennsylvania. No other shippers or receivers are to be served. In weighing the evidence, it is therefore appropriate to view the shipper's transportation requirements in their totality and not on a piece-meal basis. If the shipper has a significant volume of traffic moving between a large number of points dispersed throughout the Commonwealth, then it has shown a need for the proposed service.

It is not a precondition to a grant of authority that an applicant establish a demand for service in every square mile of territory covered by the application. Rather, it need only present evidence of necessity within the area generally. Zurcher v. Pa. P.U.C., 173 Pa.Super. 343, 98 A.2d 218 (1953); Motor Freight Express v. Pa. P.U.C., 180 Pa.Super. 622, 121 A.2d 617 (1956); Reeder v. Pa. P.U.C., 192 Pa.Super. 298, 162 A.2d 231 (1960); Re: Ray A. Walker, 50 Pa. P.U.C. 531 (1977); and Application of Ward Trucking Corp., 43 Pa. P.U.C. 689 (1968).

Newcomer apparently is requesting that the evidence be evaluated on a county-by-county basis. It presumably would

then have the Commission deny the application insofar as it seeks authority from Allegheny County to points in Butler, Greene, Armstrong, Clarion, Jefferson and Forest Counties, and vice versa. (Newcomer Main Brief, p. 14, 15, 16) For the reason stated above, Applicant does not believe that this is an appropriate way to view the evidence.

A distinction must be made between an application such as this one which seeks statewide authority and is supported by evidence of a need for service generally throughout the area, and an application for statewide authority which is supported by evidence of need that is concentrated in a very limited territory. In the latter situation, if there is evidence involving a need for service in only 10 of the 67 counties in Pennsylvania, then a strong argument for denial might be made as to the other 57 counties. However, if there is a demonstrated need for service on a broad basis to and from representative origins and destinations, then the fact that there is no evidence of need involving 10 of the 67 Pennsylvania counties does not necessarily require denial of the application as to those 10 counties. This distinction is particularly important when authority is sought to serve a single shipper. The question then becomes one of whether it is good regulatory policy to fragment a grant of authority for a single shipper rather than follow the precedent of the

above-cited cases that representative evidence is sufficient to warrant approval of the entire application.

Applicant evaluated the supporting evidence at pages 19-27 of its Main Brief. The evidence essentially establishes that G. C. Murphy has in excess of 20,000,000 pounds of freight moving annually in Pennsylvania intrastate commerce. The freight moves from 161 widespread points in Pennsylvania at which vendors are located to the McKeesport, Allegheny County, distribution center and 115-120 retail stores located in 91 cities across Pennsylvania. (Ex. A-8, 9 and 10)* That is clearly representative of a need for statewide service by G. C. Murphy.

Newcomer specifically argues at page 15 of its Main Brief that G. C. Murphy did not show the volume or frequency of traffic moving from Allegheny County to points in Butler, Clarion, Greene, Armstrong, Forest or Jefferson Counties, or vice versa. That is inaccurate. Applicant's Exhibit 10 shows that in 1984 there was in fact traffic to retail stores in Armstrong, Clarion, Greene, Jefferson and Butler Counties. That traffic moved from McKeesport, Allegheny County, and the

* Numbers in parentheses preceded by "Ex." refer to exhibits. All other numbers in parentheses refer to the transcript of testimony.

now closed Helms Express ADSI warehouse at Irwin which traffic is now moving from the McKeesport warehouse. The traffic is as follows:

<u>City</u>	<u>County</u>	<u>No. of Stores</u>	<u>Weight in Pounds</u>
Kittanning	Armstrong	2	1,062,041
Ford City	Armstrong	1	79,095
New Bethlehem	Clarion	1	106,433
Clarion	Clarion	1	183,912
Waynesburg	Greene	1	4,459
Brookville	Jefferson	1	145,812
Punxsutawney	Jefferson	2	701,004
Butler	Butler	1	1,023,522

In addition, the 161 Pennsylvania vendors ship to the McKeesport, Allegheny County, distribution center and to each of the 8 stores shown above. (89-90, 121) Limiting the analysis to the specific territory questioned by the protestant, there are vendors at the following locations: Allegheny County--Carnegie, Cheswick, Creighton, East McKeesport, Glassport, Glenshaw, Leetsdale, McKees Rocks, McKeesport, McMurray, Oakdale, Pittsburgh, Sharpsburg, Verona, and West Homestead; and Butler County--Butler and Mars. (Ex. A-9)

Finally, at page 14 of its Main Brief, Protestant states that since Applicant's Exhibits 8 and 9 show cities but not counties, the Administrative Law Judge would be forced to

"speculate" as to whether the stores and vendors are located in the limited six county area in which Protestant has an interest. The speculation has been removed by the above discussion which identifies the specific stores and vendors located in these various counties. In order that no speculation will be necessary with respect to any points shown on Applicant's Exhibits 8 and 9, there are attached hereto as Appendices A and B lists of the store locations and vendor locations showing both the city and county. Appendix A can then be used to identify the location of any individual retail store shown on Applicant's Exhibit 10.

It is Pitt-Ohio's position that the evidence establishes a need for motor carrier service by G. C. Murphy throughout Pennsylvania including the limited western Pennsylvania counties in which Newcomer has a nominal interest. No useful purpose would be served by granting the balance of the application but restricting Applicant from serving points in those six counties. Such a result would be inconsistent with the evidence, with prior case law and with sound regulatory policy.

2. CLARIFICATION IS REQUIRED OF CERTAIN EVIDENTIARY MATTERS REFERRED TO BY PROTESTANT.

In its Main Brief, Protestant refers to several matters of evidence which are either taken out of context or juxtaposed in such a manner as to distort the actual testimony. Applicant

believes that the following clarifications are necessary for an accurate evaluation of the evidence. The numerical references are to the paragraph numbers of Protestant's Summary of Evidence at pages 2-11 of its Main Brief.

A. In paragraph 5 at pages 2-3 Protestant states that Applicant's recently purchased Norristown, Pa. terminal would be used for shipments "under the applicant's interstate authority only". That is inaccurate, and apparently is based on a misreading of the Applicant's testimony wherein the Applicant's witness merely agreed that the only current authority it holds which would involve the Norristown facility is its interstate authority. (76) However, the witness did not at any point testify that if this application were approved it would not use the Norristown facility to handle intrastate Pennsylvania shipments.

B. In paragraph 24 on page 8, Protestant asserts that Applicant can already serve the "vast majority of the stores on the vendor to distribution center and vendor to store shipments". It is unclear what Protestant means with respect to vendor to distribution center shipments. In any event, the characterization of Pitt-Ohio's present capability to serve G. C. Murphy is erroneous. Applicant's present authority to serve G. C. Murphy is confined to 15 western Pennsylvania counties, subject to a restriction prohibiting service from Allegheny County to points in Armstrong, Butler, Clarion, Greene and

Indiana Counties, and vice versa. (Ex. A-2) Reference to Appendix A attached hereto shows that there are many retail stores located beyond the present service area of Pitt-Ohio. They include such widespread points as Altoona, Bedford, Bellefonte, Clearfield, DuBois, Gettysburg, Harrisburg, Huntingdon, Lebanon, Lewisburg, Lewistown, McConnellsburg, Nazareth, Philadelphia, Ridgway, St. Mary's, State College and York.

Furthermore, reference to Appendix B attached hereto shows that there are many vendor locations outside the scope of the Applicant's present authority. They include such points as Allentown, Altoona, Bedford, Bethlehem, Bloomsburg, Coatesville, Danville, Easton, Harrisburg, Hazeltown, Hollidaysburg, Johnstown, Lancaster, Lansdale, Lebanon, Nazareth, Philadelphia, Pottstown, Reading, Scranton, Sunbury, Tamaqua, Wilkes Barre, Williamsport and York.

It is also important to note that freight moves from all of the 161 vendor locations to all of the 91 retail store locations. Consequently, the mere fact that the Applicant may currently be able to serve some of the store locations shown on Appendix A does not mean that it can provide G. C. Murphy with the necessary service since much of the freight to the stores within the Applicant's service area is being originated at vendor locations outside the service area.

C. In paragraph 24 Protestant also alleges that although Murphy controls the routing on 65 or 70% of the vendor traffic, "unless there is a special problem the vendor generally selects the carrier to be utilized on those shipments". The shipper's testimony has been taken totally out of context. The implication left by the Protestant is that although G. C. Murphy can route 65 or 70% of this traffic, it generally does not do so and the vendor actually selects the carrier except when there is a special problem. That is not the shipper's testimony.

At pages 129 and 130 of the transcript, the shipper witness was questioned as to what carriers deliver freight in western Pennsylvania from vendors to stores. The witness identified Pitt-Ohio, Preston and Lyons. He also testified that he doesn't know the specific carriers since he doesn't personally see all of the freight bills. The following exchange then took place:

- Q. Unless you are called in on a particular matter because the store or vendor had a problem, you wouldn't get involved in that on a day-to-day basis?
- A. Right.
- Q. The vendors would be calling the carriers?
- A. For pickups?
- Q. For pickups.
- A. Right. If the pickups were bad, they'd probably call me or someone in my office.

Clearly, the witness merely testified that on a day-to-day basis the actual calling of carriers for pickup is made by the

vendor at the origin. However, on 65 or 70% of the vendor to distribution center and retail store shipments G. C. Murphy pays the freight charges and designates the carrier that the vendor is required to use. (94, 96, 122, 139) In the near future G. C. Murphy intends to publish a routing guide showing preferred carriers in each traffic lane so that the percentage of traffic it controls will actually increase above the 70% level. (94, 123)

This same erroneous characterization of the shipper's testimony is made at page 15 of Protestant's Main Brief. G. C. Murphy did not in any way indicate that it leaves the actual routing and selection of carriers on this 65% to 70% of its traffic to the vendors, but merely has the vendor perform the ministerial act of calling the designated carrier on a day-to-day basis.

D. In paragraph 26 on page 8 Protestant states that G. C. Murphy is supporting the application for the transportation of freight from Allegheny County based vendors to its stores. There is no reference elsewhere to the extent of G. C. Murphy's support so that the implication is that this is all G. C. Murphy is interested in. Once again, the testimony forming the basis for this assertion has been taken out of context.

As indicated above, G. C. Murphy pays the freight charges and controls the routing or designation of carrier on 65-70% of its total traffic. (94, 96) At page 122 of the transcript the following exchange on cross examination took place:

Q. You indicated on traffic moving from vendors in Allegheny County to the stores directly that you control the routing 65% of the time?

A. I'd say that's right, yes.

Q. So that you're actually calling the carrier, or is the vendor calling the carrier?

A. The vendor calls the carrier.

Q. And who pays the freight charges?

A. We do.

Q. And it's for that freight you're supporting this application?

A. That's right.

Q. Not for freight where the vendor would pay the freight charges.

A. At this time we concern ourselves primarily with collect freight.

It is clear from this exchange that the witness first confirmed that it controls 65% of the traffic moving from Allegheny County vendors to retail stores. The thrust of the questioning then shifted and the witness then testified that G. C. Murphy is supporting the application with respect to the freight that it controls, namely the 65% on which it designates the carrier. That answer cannot be taken out of context and made to appear that the only service being supported is in connection with traffic originating at vendors in Allegheny County and moving to retail stores. The support is, among other things, for all of the traffic controlled by G. C. Murphy.

E. In paragraph 30 on page 9 Protestant states that "the 50% rate discount offered by the applicant is a factor in Murphy's support of this application". The implication is that G. C. Murphy's support of the application is based on the fact that Applicant will provide service at a lower rate.

The total testimony of the shipper is clearly service oriented. Moreover, although it had the right to do so Applicant did not offer any testimony with regard to the level of rates it intends to charge the shipper should the application be approved. Finally, when read in context the shipper's testimony not only minimizes the significance of the rate discount but also shows that a rate discount is meaningless unless the resulting net cost is compared to the actual charge incurred through another carrier. The testimony at page 134 of the transcript was as follows:

Q. The fact that you get a 50% discount on your rates from Pitt-Ohio is a major factor in your support of the application, isn't it?

A. Well, its a factor, certainly; however, it all depends on 50% of what. I'm sure there's carriers out there that have less than that.

Q. Even lower than the 50%?

A. Right.

F. In paragraph 4 on page 10, Newcomer asserts that its Class C authority permits service "to Beaver, Fayette, Washington and Westmoreland Counties". It should be clarified that under that authority service to points in those four

counties is limited to those portions of the counties which are within 30 miles by the usually traveled highways of the limits of the city of Pittsburgh. That area does not include all points in any of the four counties.

G. In paragraph 9 on page 11 and again at page 15 of its Argument, Newcomer alleges that after soliciting G. C. Murphy's business on November 7, 1984 it was informed that it did not need any additional carriers. From this Newcomer concludes that G. C. Murphy either has adequate service available from other carriers in the Newcomer territory or has no traffic moving in the territory.

As shown in the first part of this Argument, there is in fact a substantial amount of traffic moving within the six or seven county western Pennsylvania area in which Newcomer has an interest. The other half of Newcomer's conclusion is equally erroneous. Prior to early March 1985, G. C. Murphy relied heavily on the ADSI warehouse and distribution facilities of Helms Express at Irwin, and its related motor carrier service in Pennsylvania. When that distribution and transportation service became unavailable in early 1985, G. C. Murphy immediately found itself in need of additional motor carrier service. It turned to Pitt-Ohio based on more than five years of satisfactory experience with it on both Pennsylvania intrastate and interstate traffic. It did so because the Applicant has provided excellent service during that time,

maintains a competitive rate structure, and is a carrier with which G. C. Murphy is familiar. (109-110, 134)

The answer to Newcomer's rhetorical type argument is that conditions changed drastically between November 1984 and March 1985, creating an immediate and substantial need for the Applicant's proposed service.

III. CONCLUSION

Applicant respectfully requests that the Administrative Law Judge make the findings of fact and conclusions of law set forth herein and in the previously submitted Main Brief of Applicant, and thereafter grant the application in its entirety.

Respectfully submitted,

By: William J. Lavelle
William J. Lavelle
Attorney for Applicant

VUONO, LAVELLE & GRAY
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800

Due Date: May 29, 1985

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the foregoing Reply Brief of Pitt-Ohio Express, Inc. upon all parties of record in accordance with the Rules of Practice.

Dated at Pittsburgh, Pa. this 24th day of May, 1985.

William J. Lavelle
William J. Lavelle

APPENDIX A
PITT-OHIO EXPRESS, INC.

DOCKET NO. A. 00102471, FOLDER 1, AM-F

G. C. MURPHY COMPANY
PENNSYLVANIA STORE LOCATIONS
CITY AND COUNTY
(Applicant's Exhibit 8)

<u>CITY</u>	<u>COUNTY</u>	<u>CITY</u>	<u>COUNTY</u>
Aliquippa	Beaver	Kittanning	Armstrong
Altoona	Blair	Latrobe	Westmoreland
Ambridge	Beaver	Lebanon	Lebanon
Barnesboro	Cambria	Lehighton	Carbon
Beaver	Beaver	Lemoyne	Cumberland
Beaver Falls	Beaver	Lewisburg	Union
Bedford	Bedford	Ligonier	Westmoreland
Bellefonte	Centre	McConnellsburg	Fulton
Belle Vernon	Fayette	McDonald	Washington
Bellevue	Allegheny	McKees Rocks	Allegheny
Bethel Park	Allegheny	McKeesport	Allegheny
Bethlehem	Northampton	McMurray	Washington
Blairsville	Indian	Meadville	Crawford
Brookville	Jefferson	Mercer	Mercer
Brownsville	Fayette	Mercersburg	Franklin
Burgettstown	Washington	Meyersdale	Somerset
Butler	Butler	Midland	Beaver
California	Washington	Monroeville	Allegheny
Camp Hill	Cumberland	Mount Pleasant	Westmoreland
Castle Shannon	Allegheny	Natron Heights	Allegheny
Charleroi	Washington	Nazareth	Northampton
Clairton	Allegheny	New Bethlehem	Clarion
Clarion	Clarion	New Castle	Lawrence
Clearfield	Clearfield	North East	Erie
Connellsville	Fayette	North Huntingdon	Westmoreland
Coraopolis	Allegheny	Oakmont	Allegheny
Corry	Erie	Philadelphia	Philadelphia
Derry	Westmoreland	Pittsburgh	Allegheny
DuBois	Clearfield	Pleasant Hills	Allegheny
Elizabeth	Allegheny	Punxsutawney	Jefferson
Ellwood City	Lawrence	Ridgway	Elk
Erie	Erie	St. Marys	Elk
Everett	Bedford	Shippensburg	Cumberland
Ford City	Armstrong	State College	Centre
Franklin	Venango	Titusville	Crawford
Gettysburg	Adams	Tunkhannock	Wyoming
Gibsonia	Allegheny	Uniontown	Fayette
Greensburg	Westmoreland	Vandergrift	Westmoreland
Greenville	Mercer	Warren	Warren
Grove City	Mercer	Washington	Washington
Harrisburg	Dauphin	Waynesboro	Franklin
Havertown	Delaware	West Newton	Westmoreland
Huntingdon	Huntingdon	Wilkinsburg	Allegheny
Indiana	Indiana	York	York
Jeannette	Westmoreland		

APPENDIX B

PITT-OHIO EXPRESS, INC.

DOCKET NO. A. 00102471, FOLDER 1, AM-F

G. C. MURPHY COMPANY
PENNSYLVANIA VENDOR LOCATIONS
CITY AND COUNTY
(Applicant's Exhibit 9)

<u>CITY</u>	<u>COUNTY</u>	<u>CITY</u>	<u>COUNTY</u>
Adamstown	Lancaster	Elverson	Chester
Alexandria	Huntingdon	Emigsville	York
Allentown	Lehigh	Ephrata	Lancaster
Altoona	Blair	Fawn Grove	York
Ambler	Montgomery	Feasterville	Bucks
Apollo	Armstrong	Fleetwood	Berks
Ashland	Schuylkill	Forest City	Susquehanna
Ashton		Fort Washington	Montgomery
Aston	Delaware	Frackville	Schuylkill
Atglen	Chester	Furlong	Bucks
Auburn	Schuylkill	Gettysburg	Adams
Bangor	Northampton	Glassport	Allegheny
Bedford	Bedford	Glenshaw	Allegheny
Bensalem	Bucks	Greensburg	Westmoreland
Berwick	Columbia	Hamburg	Berks
Bethlehem	Northampton	Hanover	York
Bloomsburg	Columbia	Harrisburg	Dauphin
Blue Ball	Lancaster	Hatfield	Montgomery
Bridgeville	Allegheny	Hawthorn	Clarion
Bristol	Bucks	Hazelton	Luzerne
Butler	Butler	Hellam	York
Carnegie	Allegheny	Hollidaysburg	Blair
Cheswick	Allegheny	Honesdale	Wayne
Coatesville	Chester	Houston	Washington
Collegeville	Montgomery	Ivyland	Bucks
Columbia	Lancaster	Jeannette	Westmoreland
Cornwell Heights	Bucks	Jersey Shore	Lycoming
Creighton	Allegheny	Johnstown	Cambria
Curwensville	Clearfield	Jonestown	Lebanon
Danville	Montour	King of Prussia	Montgomery
Deer Lake	Schuylkill	Kingston	Luzerne
Denver	Lancaster	Kulpmont	Northumberland
Dillsburg	York	Kutztown	Berks
Duncansville	Blair	Lake City	Erie
Duryea	Luzerne	Lancaster	Lancaster
Dushore	Sullivan	Landisville	Lancaster
East McKeesport	Allegheny	Lansdale	Montgomery
Easton	Northampton	Latrobe	Westmoreland
Elizabethtown	Lancaster	Lebanon	Lebanon
Elizabethville	Dauphin	Leetsdale	Allegheny
Ellwood City	Lawrence	Leola	Lancaster

<u>CITY</u>	<u>COUNTY</u>	<u>CITY</u>	<u>COUNTY</u>
Lecia		Reno	Venango
Linesville	Crawford	Richland	Lebanon
Lititz	Lancaster	Ringtown	Schuylkill
Littlestown	Adams	Robesonia	Berks
Mars	Butler	Schuylkill Haven	Schuylkill
McAdoo	Schuylkill	Scranton	Lackawanna
McKees Rocks	Allegheny	Selinsgrove	Snyder
McKeesport	Allegheny	Sharon	Mercer
McMurray	Washington	Sharpsburg	Allegheny
Mechanicsburg	Cumberland	Shippensburg	Cumberland
Minersville	Schuylkill	Silver Spring	Lancaster
Mohrsville	Berks	Sinking Spring	Berks
Monroeville	Allegheny	Slatington	Lehigh
Montgomery	Lycoming	Smethport	McKean
Montgomeryville	Montgomery	Sonestown	Sullivan
Mount Joy	Lancaster	Souderton	Montgomery
Mount Pocono	Monroe	South Fork	Cambria
Mount Union	Huntingdon	Spring Church	Armstrong
Mountville	Lancaster	Stroudsburg	Monroe
Nanticoke	Luzerne	Sunbury	Northumberland
Nazareth	Northampton	Tamaqua	Schuylkill
New Albany	Bradford	Telford	Montgomery
New Oxford	Adams	Throop	Lackawanna
New Berlin	Union	Troy	Bradford
New Eagle	Washington	Tyrone	Blair
Oakdale	Allegheny	Verona	Allegheny
Oil City	Venango	Walnutport	Northampton
Old Forge	Lackawanna	West Chester	Chester
Orwigsburg	Schuylkill	West Conshohochen	Montgomery
Palmerton	Carbon	West Easton	Northampton
Pen Argyl	Northampton	West Hazelton	Luzerne
Philadelphia	Philadelphia	West Homestead	Allegheny
Phoenixville	Chester	West Reading	Berks
Pine Grove	Schuylkill	West Wyoming	Luzerne
Pittsburgh	Allegheny	Wilkes Barre	Luzerne
Pottstown	Montgomery	Williamsport	Lycoming
Primos	Delaware	Willow Grove	Montgomery
Quakertown	Bucks	Wind Gap	Northampton
Reading	Berks	Womelsdorf	Berks
		York	York