

SALLY A. DAVOREN

ATTORNEY AT LAW

1000 STANDARD LIFE BUILDING

345 FOURTH AVENUE

PITTSBURGH, PENNSYLVANIA 15222

(412) 562-0100

RECEIVED

JUL 8 1985

SECRETARY'S OFFICE  
Public Utility Commission

July 5, 1985

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JUL 08 1985

FILE

Non-Rail Transportation  
Public Utility Comm.

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-I  
Temporary Authority Application

Dear Mr. Rich:

Enclosed, for filing, is a protest to the above application, which is being filed on behalf of Newcomer Trucking, Inc. A copy of this protest has been served on the applicant's representative in accordance with the Commission's Rules of Practice. Thank you.

Respectfully submitted,



SALLY A. DAVOREN, ESQ.  
Attorney for  
Newcomer Trucking, Inc.,  
Protestant

SAD/pbs

Enclosure

cc: John A. Vuono, Esq.

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JUL 8 1985

Before the PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE  
Public Utility Commission  
Non-Rail Transportation  
Public Utility Comm.

In re: Application of  
Pitt-Ohio Express, Inc.

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Docket No. A-00102471, F.1,  
Am-I  
Temporary Authority  
Application

**FILE**

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier named herein desires to protest the above application, and, in support thereof, states as follows:

1. The name, address and telephone number of protestant is set forth in Appendix A attached hereto.
2. The name, address and telephone number of protestant's attorney is:

Sally A. Davoren, Esq.  
1000 Standard Life Building  
345 Fourth Avenue  
Pittsburgh, PA 15222  
(412) 562-0100

3. The authority of protestant which is in conflict with the above application is summarized in Appendix A, attached hereto. A true copy of protestant's authority in conflict with the authority sought by the applicant is attached hereto as Appendix B.

**DOCUMENT  
FOLDER**

**DOCKETED**  
APPLICATION DOCKET  
JUL 12 1985  
ENTRY No. *11*

4. Protestant denies that approval of the application will serve a useful public purpose, responsive to a public demand or need.

5. Protestant denies that the above applicant possesses the technical and financial ability to provide the proposed service, and that the applicant has a propensity to operate safely and legally.

6. Protestant is currently providing service in the application area, and/or is willing and able to provide such service.

7. Protestant avers that the authority of the transferor to be transferred herein is dormant and/or that the transferor has abandoned the authority to be transferred.

8. Protestant denies that there is or soon will be an immediate transportation need in the application area which reasonably cannot be met by existing carrier service.

Respectfully submitted,



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SALLY A. DAVOREN, ESQ.  
Attorney for  
Newcomer Trucking, Inc.,  
Protestant

Due Date: July 15, 1985

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

APPENDIX A

The foregoing protest to the above application is filed on behalf of:

Newcomer Trucking, Inc.  
1232 Newcomer Street  
Pittsburgh, PA 15204

Newcomer Trucking, Inc. has authority from the Commission, at Docket No. A-00102265, F.1, Am-E, to transport property from points in Allegheny County to points in Butler County, and vice versa. Protestant is authorized, at F.1, Am-F of its certificate, to transport property between points in the City of Pittsburgh, Allegheny County, and within ten (10) highway miles of the limits of said City, and, as a Class C carrier, to transport property from points in the City of Pittsburgh, Allegheny County, and within ten (10) highway miles of limits of said City, to points within thirty (30) highway miles of the limits of said City. At F.1, Am-C of its certificate, Newcomer is authorized to transport property from points in Allegheny County to points in the Counties of Armstrong, Clarion, Forest and Jefferson, and vice versa, with certain exclusions. A summary of protestant Newcomer's authority, which may contain other authority in conflict with that sought by the applicant, is attached to this protest as Appendix B.

**NEWCOMER TRUCKING, INC.**

**Docket No. A-00102265**

1. To transport, as a Class D carrier, property, from the city of Pittsburgh, Allegheny County, to points on the following route and vice versa, excluding service to or from points on the route between Pittsburgh and the borough of New Bethlehem, Clarion County, and also excluding service to or from the borough of Shippenville, Clarion County:

Beginning in the city of Pittsburgh, thence crossing the Allegheny River and via Highway Route 28 to Kittanning, thence via Highway Route 66 to New Bethlehem, and Clarion, thence via Highway Route 66 to Fryburg, Clarion County, thence via Highway Route 36 to Leeper, Clarion County, thence via Highway Route 68 to Marienville, Forest County, thence returning via Highway Route 68 to Leeper and continuing on Highway Route 68, via Lucinda to its junction with Highway Routes 66 and 322; thence via Highway Routes 66, 68 and 322; to Clarion, thence via Highway Route 68 through Rimersburg and East Brady, to its intersection with Highway Route 268, thence via Highway Route 268 through Cowansville, to its intersection with Highway Route 28, thence to Kittanning via Highway Route 28, and thence returning to the city of Pittsburgh from Kittanning via Highway Route 28.

with right No. 1 above subject to the following conditions:

a. That no right, power or privilege is granted to transport household goods in use, from points in the Borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa.

b. That no right, power or privilege is granted to transport clay products from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles of the limits of the said borough, to points in Pennsylvania.

c. That no right, power or privilege is granted to transport catalogs for Montgomery Ward & Company between points in the borough of New Bethlehem, Clarion County, and from points in the borough of New Bethlehem, Clarion County, to post offices and stores of the said company within fifty (50) miles by the usually traveled highways of the limits of the said borough.

d. That no right, power or privilege is granted to transport peanut butter and peanut products in truckload lots for the H. B. DeViney Company, Inc., from its plant in the borough of New Bethlehem, Clarion County, to points in Pennsylvania.

2. To transport, as a Class D carrier, property over the alternate route between Pittsburgh and the intersection of Highway Routes 268 and 68, near Millerstown, Butler County, via Highway Routes 8 and 68; the purpose of this right being intended to describe merely an alternate route, but the carrier shall not be authorized to pick up or deliver property at any point thereon.

3. To transport, as a Class D carrier, property, from the city of Pittsburgh, Allegheny County, to points on the following extension, and vice versa:

Beginning in the village of Marienville, Forest County, thence via Highway Route 68 to the borough of Kane, McKean County, thence via Highway Route 219 to the village of Wilcox, Elk County.

4. To transport, as a Class D carrier, property, from points in the county of Allegheny to points on the following route and extension thereof, and vice versa, excluding service from points in the county of Allegheny to points on the route between Pittsburgh and the borough of New Bethlehem, Clarion County, and vice versa, and also excluding service to or from the borough of Shippenville, Clarion County:

Beginning in the city of Pittsburgh, thence crossing the Allegheny River and via Highway Route 28 to Kittanning, thence via Highway Route 66 to New Bethlehem and Clarion, thence via Highway Route 66 to Fryburg, Clarion County, thence via Highway Route 36 to Leeper, Clarion County, thence via Highway Route 68 to Marienville, Forest County, thence returning via Highway Route 68 to Leeper and continuing on Highway Route 68, via Lucinda, to its junction with Highway Routes 66 and 322, thence via Highway Routes 66, 68 and 322 to Clarion, thence via Highway Route 68 through Rimersburg and East Brady to its intersection with Highway Route 268, thence via Highway Route 268 through Cowansville to its intersection with Highway Route 28, thence to Kittanning via Highway Route 28, and thence returning to the city of Pittsburgh from Kittanning via Highway Route 28.

Extension beginning in the village of Marienville, Forest County, thence via Highway Route 68 to the borough of Kane, McKean County, thence via Old Highway Route 219 to the village of Wilcox, Elk County;

with right No. 4 above subject to the following conditions:

a. That no right, power or privilege is granted to transport household goods in use, from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa.

b. That no right, power or privilege is granted to transport clay products from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles of the limits of the said borough, to points in Pennsylvania.

c. That no right, power or privilege is granted to transport catalogs for Montgomery Ward & Company between points in the borough of New Bethlehem, Clarion County, and from points in the borough of New Bethlehem, Clarion County, to post offices and stores of the said company within fifty (50) miles by the usually traveled highways of the limits of the said borough.

d. That no right, power or privilege is granted to transport peanut butter and peanut products in truckload lots for the H. B. DeViney Company, Inc., from its plant in the borough of New Bethlehem, Clarion County, to points in Pennsylvania.

e. That no right, power or privilege is granted to transport property from, to or between the stores and warehouses of the G. C. Murphy Company;

with rights Nos. 1, 2, 3 and 4 above subject to the following conditions:

A. That no right, power or privilege is granted to transport commodities in bulk in tank vehicles;

B. That no right, power or privilege is granted to transport property requiring the use of drop-frame trailers, winch trucks or tractors and/or pole trailers.

Docket No. A-00102265 (Cont'd.)

5. To interchange property, as authorized by the certificate, in the city of Pittsburgh, Allegheny County, with Class A carriers, Class B carriers, and Class D carriers operating over regular routes, subject to the provisions of Pa. Code Title 52, Chapter 31.

Docket No. A-00102265, F.1, Am-A

To transport, as a Class D carrier, property, except household goods and commodities in bulk, from points in the county of Allegheny, to points in the county of Greene and vice versa; with the right to interchange property with Class A, B and D carriers so authorized at points in the county of Allegheny;

subject to the following conditions:

(a) That no right, power or privilege is granted to transport motion picture films and accessories, newspapers, magazines, frozen and perishable foods in insulated vehicles equipped with mechanical refrigeration, frozen and perishable foods requiring refrigeration, in temperature controlled vehicles and non-food commodities required by the shipper, in writing, to have protective service in temperature controlled vans.

(b) That no right, power or privilege is granted to transport cement, in bags, originating in terminals in the county of Allegheny.

(c) 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.

(d) That no right, power or privilege is granted to provide service to or from the facilities of Glenshaw Glass Company in the county of Allegheny.

(e) That no right, power or privilege is granted to provide service to or from the facilities of Datafold Forms, Inc., in the township of Franklin, Greene County.



Docket No. A-00102265, F.1, Am-C

To transport, as a Class D carrier, property (excluding household goods in use, property in bulk and property which, because of size or weight, requires the use of special equipment), from points in the County of Allegheny to points in the Counties of Armstrong, Clarion, Forest and Jefferson, and vice versa;

Provided that no right, power or privilege is granted to transport:

(1) Property to or from the facilities of Amax, Inc. and Climax Molybdenum Corp.

(2) Shipments of iron and steel and iron and steel articles, which weigh in excess of 10,000 pounds from one consignor to one consignee, from points in Allegheny County to the Boroughs of Aliquippa and Ambridge, Beaver County, and vice versa.

Docket No. A-00102265, F.1, Am-D

1. To transport, as a Class A carrier, property between the cities of Butler, Butler County, and Pittsburgh, Allegheny County, via Saxonburg, Culmerville, Curtisville and Russellton, over the following route:

Beginning in the city of Pittsburgh, Allegheny County, thence via Highway Route 8 to Saxonburg Boulevard, thence via Saxonburg Boulevard to Saxonburg, Butler County, thence via an unnumbered highway route to the city of Butler, Butler County; with the right to use Highway Route 8 as an operating route only between the city of Pittsburgh, Allegheny County, and the city of Butler, Butler County, excluding the right to render service between points on said route except as authorized herein.

2. To transport, as a Class D carrier, property from points in the county of Allegheny to points on the following route, and vice versa:

Beginning in the city of Pittsburgh, Allegheny County, thence via Highway Route 8 to Saxonburg Boulevard, thence via Saxonburg Boulevard to Saxonburg, Butler County, thence via an unnumbered highway route to the city of Butler, Butler County; with the right to use Highway Route 8 as an operating route only between the city of Pittsburgh, Allegheny County, and the city of Butler, Butler County, excluding the right to render service between points on Highway Route 8, except as otherwise authorized;

with right No. 2 immediately above subject to the following conditions:

(a) That no right, power or privilege is granted to render service to or from the city of Pittsburgh, Allegheny County, except as hereinabove authorized.

(b) That no right, power or privilege is granted to transport property requiring the use of carryalls, winch trucks, winch tractors or pole trailers.

3. To transport, as a Class D carrier, property from points in the borough of East Butler, Butler County, to points in the city of Pittsburgh, Allegheny County, and vice versa, excluding the right to serve intermediate points.

4. To interchange property with connecting Class A carriers in the city of Pittsburgh, Allegheny County, and to participate in through routes and joint rates with said connecting carriers and to interchange equipment in emergencies.

5. To transport, as a Class A carrier, property between Pittsburgh and Westwood, Allegheny County, via Crafton and Thornburg.

6. To transport, as a Class B carrier, property between points in the city of Butler, Butler County, and within three (3) miles of the limits of the said city.

7. To transport, as a Class C carrier, property for Colbert and Matlick, Nicks Radiator & Body Shop, Standard Motor Company, John Kemper, Franklin Glass Corporation, Hoffman Auto Parts Company, Butler Hardware Company, American Mirror Works, Standard Oil Company, Watson Standard Paint and Glass Company, and L. & L. Auto Parts Company and Valvoline Oil Company from points in the city of Butler, Butler County, and within three (3) miles of the limits of the said city to points within thirty (30) miles by the usually traveled highways of the limits of the city of Butler and to points in the county of Allegheny;

with rights Nos. 6 and 7 immediately above subject to the following condition:

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

A-00103664, Folder 1, Am-A. Ge. W. Ashcraft, t/d/b/a Ashcraft Construction Company (101 Gregg Street, Monongahela, Washington County, Pa. 15063), inter alia — slag, in bulk in dump vehicles, between points in the county of Washington: So as to permit the transportation of (1) crushed stone, anti-skid materials, slag, bituminous materials, sand, gravel, dirt, topsoil and construction equipment, for Burrell Construction Company, between points in the counties of Washington, Westmoreland, Fayette, Greene and Allegheny; (2) crushed stone, for Consolidated Rail Corporation between points in the counties of Washington, Westmoreland, Fayette, Greene and Allegheny; and (3) salt, for Burrell Construction Company, from the borough of Donora, Washington County, to points within an airline distance of 100 statute miles of the limits of said borough. Attorney: John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222

A-00104636, Folder 1, Am-A. Allison & Showers, Inc. (R. D. 2, Box 110A, Clarion, Clarion County, Pa. 16214), a corporation of the Commonwealth of Pennsylvania, inter alia — coal from mines or stripping operations in the county of Clarion to points in the counties of Warren, McKean, Venango, Clarion, Forest and Crawford, provided no haul shall exceed a distance of 50 miles from point of origin to point of destination: So as to permit the transportation of (1) animal feed and grain products, for PACMA and Ames Burns, from the Freeport Terminal, located in the borough of Freeport, Armstrong County, to points in Pennsylvania; and (2) animal feed and grain products, for PACMA, from the Standard Terminal, located in the borough of Arnold, Westmoreland County, to points in Pennsylvania. Attorney: Kent S. Pope, 10 Grant Street, Clarion, Pa. 16214.

A-00104939, Folder 1, Am-A. York Services, Inc. t/d/b/a Quik-Trip (3346 Appleford Way, York, York County, Pa. 17402), a corporation of the Commonwealth of Pennsylvania — parcels or packages, between points in the county of York, subject to the following conditions: (1) That no right, power or privilege is granted to transport any single shipment weighing in excess of 350 pounds from any one consignor to one consignee on any one calendar day, with a shipment defined as a one lot of freight from one consignor to one consignee at one location on the same trip; (2) That all service authorized herein is restricted to pickup and delivery on the same calendar day; and (3) That no right, power or

privilege is granted to transport commercial papers; documents; written instruments; cash letters; business, professional, educational and governmental records; audits and accounting media of all kinds; data processing media of all kinds; microfilm, microfiche, microforms and related items: So as to permit the transportation of parcels, packages and items of property, between points in the counties of Adams, Cumberland, Dauphin, Lancaster and York; subject to the following conditions: (1) That no right, power or privilege is granted to transport any single shipment weighing in excess of 350 pounds from one consignor to one consignee on any one calendar day; with a shipment defined as one lot of freight from one consignor to one consignee at one location on the same trip; and (2) That no right, power or privilege is granted to transport commercial papers, documents; written instruments and cash letters in courier service. Attorney: S. Berne Smith, 100 Pine Street, P. O. Box 1166, Harrisburg, Pa. 17108.

Applications of the following for amendment to the certificate of public convenience approving the operating of motor vehicles as common carriers for transportation of property by transfer of rights as described under each application.

A-00088995, Folder 4, Am-A. Hammel's Express, Inc. (26th & Railroad Streets, Pittsburgh, Allegheny County, Pa. 15222), a corporation of the Commonwealth of Pennsylvania, inter alia — property for the General Supply Company, Lang Machinery Company and the Pennsylvania Transformer Company, from their stores and warehouses in the city of Pittsburgh, Allegheny County, to points in the county of Allegheny, and vice versa, provided that transportation of machinery shall not exceed 6,000 pounds in weight: So as to permit the transportation of property, from points in the county of Allegheny (1) to points in the counties of Crawford, Erie, Lawrence, Mercer and Venango, and vice versa, and (2) to those points in the counties of Beaver, Fayette, Washington and Westmoreland located more than 25 airline miles from the City-County Building in the city of Pittsburgh, and vice versa; subject to the following conditions: (1) That no right, power or privilege is granted to transport household goods in use; (2) That no right, power or privilege is granted to transport commodities in bulk; (3) That no right, power or privilege is granted to transport shipments of iron or steel and iron or steel articles weighing in excess of 10,000 pounds;

(4) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment or special handling; (5) That no right, power or privilege is granted to transport motion picture films and accessories, dry ice, newspapers, magazines, and meat, meat products, meat by-products, dairy products, articles distributed by meat packing houses and such commodities as are used by meat packers in the conduct of their business; (6) That no right, power or privilege is granted to transport frozen and perishable foods, fresh fruits and vegetables, perishable non-food commodities in temperature-controlled vehicles, from points in Allegheny County to points within 150 miles of the limits of Allegheny County; and (7) That no right, power or privilege is granted to provided service for Standard Brands, Inc., Armour and Company, Swift and Company, The Best Foods, Inc., Fairmont Creamery Company, Grennan Bakery Company, Seven Baker Brothers Company, Highway Express Lines, Inc. and to or from the facilities of Exhibitors Service Company in Allegheny County; which is to be a transfer of part of the rights authorized under the certificate issued at A-00024261, Folder 23 to Exhibitors Service Company, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. Application for temporary authority has been filed at A-00088995, F. 4; Am-A seeking the rights cited above. Attorney: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00102471, Folder 1, Am-I. Pitt-Ohio Express, Inc. (26th & Railroad Streets, Pittsburgh, Allegheny County, Pa. 15222), a corporation of the Commonwealth of Pennsylvania, inter alia — property, between points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington and Westmoreland; subject to the following conditions: That no right, power or privilege is granted to transport commodities in bulk; That no right, power or privilege is granted to transport household goods and office furniture in use; That no right, power or privilege is granted to transport commodities which because of their size or weight require special handling or the use of special equipment; That no right, power or privilege is granted to transport iron and steel and iron and steel articles and refractories in single shipments weighing more than 24,000 pounds; That no right, power or

privilege is granted to transport iron and steel and iron and steel articles and refractories, in single shipments weighing more than 10,000 pounds to, from or between points in Beaver County; That no right, power or privilege is granted to transport money, bullion, securities and other valuables, including checks in process and proof work; and 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; So as to permit the transportation of property, from points in the county of Allegheny to other points in Pennsylvania beyond the county of Allegheny, and vice versa; subject to the following conditions: (1) That no right, power or privilege is granted to transport household goods in use; (2) That no right, power or privilege is granted to transport commodities in bulk; (3) That no right, power or privilege is granted to transport shipments of iron and steel and iron and steel articles weighing in excess of 10,000 pounds; (4) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment or special handling; (5) That no right, power or privilege is granted to transport property for Hershey Foods Corp. and its subsidiaries, H. B. Reese Co., San Giorgio Macaroni, Inc., and Y. & S. Candies, Inc., from the township of Derry, Dauphin County, the city of Lebanon and the township of North Cornwall, Lebanon County, and the township of East Hempfield, Lancaster County, to points in Pennsylvania, and vice versa; (6) That no right, power or privilege is granted to transport property from points in Allegheny County to points within an airline distance of 25 miles of the City-County Building in the city of Pittsburgh and vice versa; (7) That no right, power or privilege is granted to transport property from points in the county of Allegheny, to points in the counties of Indiana, Clearfield, Cambria, Blair, Huntingdon, Somerset, Bedford, Lebanon, Berks, Lancaster, Beaver, Crawford, Erie, Fayette, Lawrence, Mercer, Venango, Washington and Westmoreland; and vice versa; (8) That no right, power or privilege is granted to transport limestone and limestone products for J. E. Baker Company, from its plant in the township of West Manchester, York County, and for the Thomasville Stone and Lime Company, from its plant in the township of Jackson, York County; (9) That no right, power or privilege is granted to transport property, from the facilities of American Home Foods

Division of American Home Products Corp. located in the township of Turbot and the borough of Milton, Northumberland County, to points in Pennsylvania, and vice versa; (10) That no right, power or privilege is granted to transport motion picture films and accessories, dry ice, newspapers, magazines, and meat, meat products, meat by-products, dairy products, articles distributed by meat packing houses and such commodities as are used by meat packers in the conduct of their business; (11) That no right, power or privilege is granted to transport frozen and perishable foods, fresh fruits and vegetables, perishable non-food commodities in temperature controlled vehicles, from points in Allegheny County to points within 150 miles of the limits of Allegheny County; and (12) That no right, power or privilege is granted to provide service (a) to or from the facilities of Dauphin Distribution Services Company in Cumberland County, and Exhibitors Service Company in Allegheny County; (b) for Specialty Ladyfingers, Inc. to or from Perry County; (c) for Standard Brands, Inc., Armour and Company, Swift and Company, The Best Foods, Inc., Fairmont Creamery Company, Grennan Bakery Company, Seven Baker Brothers Company, and Highway Express Lines, Inc.; (d) for the Commonwealth of Pennsylvania to or from the Rockview Penitentiary in the County of Centre; (e) for Sears, Roebuck & Company and Montgomery Ward and Company in connection with the transportation of catalogs from the City of Pittsburgh, which is to be a transfer of part of the rights authorized under the certificate issued at A-00024261, Folder 23 to Exhibitors Service Company, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. Application for temporary authority has been filed at A-000102471, F. 1, Am-I seeking the rights cited above. Attorney: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of property as described under each application.

A-00092960, Folder 3, Guy Morral Trucking Company, Inc. (39 West Avenue, Wellsboro, Tioga County, Pa. 18901); a corporation of the Commonwealth of Pennsylvania — contract carrier — coal, in bulk in dump vehicles, for New York Electric Company, from points in the county of Clin-

ton, to points in the counties of Tioga and Lycoming. Attorney: Raymond Talipski, 121 South Main Street, Taylor, Pa. 18517.

A-00103961, Folder 3, DPD, Inc. (c/o Warren A. Goff, Esq., 109 Madison Avenue, Memphis, Tennessee 38103), a corporation of the State of Delaware — contract carrier — such commodities as are usually dealt in by a retail furniture store, for R. H. Kuhn Company, Inc., t/d/b/a Freight Liquidators, between points in Pennsylvania; and such commodities as are usually dealt in by retail furniture, appliance and electronic equipment stores, for Kelly and Cohen, Inc., between points in the counties of Allegheny, Westmoreland, Beaver, Washington, Greene, Fayette, Butler, Indiana, Cambria and Lawrence, and from points in said counties, to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the permit issued at A-00105252 to Metropolitan Contract Services, Inc., a corporation of the State of Texas, subject to the same limitations and conditions. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.

A-00106277, Rodney L. Kile, t/d/b/a Kile's Disposal Service, (420 Ridge Street, Almedia, Columbia County, Pa. 17815) — contract carrier — aluminum hydroxide, for Kawneer Company, Inc., from its facilities located in the town of Bloomsburg, Columbia County, to the facilities of Allied Chemicals Company located in the county in Elk, with the right to return refused, rejected or damaged shipments to the point of origin. Application for temporary authority has been filed at A-00106277, seeking the right cited above. Attorney: S. Berne Smith, 100 Pine Street, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

A-00106288, Case Heavy Hauling, Inc. (P. O. Box 267, Warren, Ohio 44482), a corporation of the State of Ohio — contract carrier — property, for Apex Corporation, between points in Pennsylvania. Application for temporary authority has been filed at A-00106288, seeking the following rights: To transport, steel ingots, in dump vehicles, for Apex Corporation, from the township of Quemahoning, Somerset County, to the Borough of Phoenixville, Chester County, and scrap metal, in dump vehicles, from the City and County of Philadelphia and points within 50 miles of the limits thereof, to the Township of Quemahoning, Somerset County. Attorney: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219.

SALLY A. DAVOREN

ATTORNEY AT LAW

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345 FOURTH AVENUE

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July 5, 1985

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SECRETARY'S OFFICE  
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Dear Mr. Rich:

Enclosed, for filing, is a protest to the above application, which is being filed on behalf of Newcomer Trucking, Inc. A copy of this protest has been served on the applicant's representative in accordance with the Commission's Rules of Practice. Thank you.

Respectfully submitted,

*Sally Davoren*

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Attorney for  
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JUL 12 1985  
ENTRY No. *me*

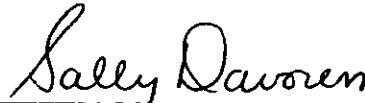
4. Protestant denies that approval of the application will serve a useful public purpose, responsive to a public demand or need.

5. Protestant denies that the above applicant possesses the technical and financial ability to provide the proposed service, and that the applicant has a propensity to operate safely and legally.

6. Protestant is currently providing service in the application area, and/or is willing and able to provide such service.

7. Protestant avers that the authority of the transferor to be transferred herein is dormant and/or that the transferor has abandoned the authority to be transferred.

Respectfully submitted,



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SALLY A. DAVOREN, ESQ.  
Attorney for  
Newcomer Trucking, Inc.,  
Protestant

Due Date: July 15, 1985

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

APPENDIX A

The foregoing protest to the above application is filed on behalf of:

Newcomer Trucking, Inc.  
1232 Newcomer Street  
Pittsburgh, PA 15204

Newcomer Trucking, Inc. has authority from the Commission, at Docket No. A-00102265, F.1, Am-E, to transport property from points in Allegheny County to points in Butler County, and vice versa. Protestant is authorized, at F.1, Am-F of its certificate, to transport property between points in the City of Pittsburgh, Allegheny County, and within ten (10) highway miles of the limits of said City, and, as a Class C carrier, to transport property from points in the City of Pittsburgh, Allegheny County, and within ten (10) highway miles of limits of said City, to points within thirty (30) highway miles of the limits of said City. At F.1, Am-C of its certificate, Newcomer is authorized to transport property from points in Allegheny County to points in the Counties of Armstrong, Clarion, Forest and Jefferson, and vice versa, with certain exclusions. A summary of protestant Newcomer's authority, which may contain other authority in conflict with that sought by the applicant, is attached to this protest as Appendix B.



NEWCOMER TRUCKING, INC.

Docket No. A-00102265

1. To transport, as a Class D carrier, property, from the city of Pittsburgh, Allegheny County, to points on the following route and vice versa, excluding service to or from points on the route between Pittsburgh and the borough of New Bethlehem, Clarion County, and also excluding service to or from the borough of Shippenville, Clarion County:

Beginning in the city of Pittsburgh, thence crossing the Allegheny River and via Highway Route 28 to Kittanning, thence via Highway Route 66 to New Bethlehem, and Clarion, thence via Highway Route 66 to Fryburg, Clarion County, thence via Highway Route 36 to Leeper, Clarion County, thence via Highway Route 68 to Marienville, Forest County, thence returning via Highway Route 68 to Leeper and continuing on Highway Route 68, via Lucinda to its junction with Highway Routes 66 and 322; thence via Highway Routes 66, 68 and 322; to Clarion, thence via Highway Route 68 through Rimersburg and East Brady, to its intersection with Highway Route 268, thence via Highway Route 268 through Cowansville, to its intersection with Highway Route 28, thence to Kittanning via Highway Route 28, and thence returning to the city of Pittsburgh from Kittanning via Highway Route 28.

with right No. 1 above subject to the following conditions:

a. That no right, power or privilege is granted to transport household goods in use, from points in the Borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa.

b. That no right, power or privilege is granted to transport clay products from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles of the limits of the said borough, to points in Pennsylvania.

c. That no right, power or privilege is granted to transport catalogs for Montgomery Ward & Company between points in the borough of New Bethlehem, Clarion County, and from points in the borough of New Bethlehem, Clarion County, to post offices and stores of the said company within fifty (50) miles by the usually traveled highways of the limits of the said borough.

d. That no right, power or privilege is granted to transport peanut butter and peanut products in truckload lots for the H. B. DeViney Company, Inc., from its plant in the borough of New Bethlehem, Clarion County, to points in Pennsylvania.

2. To transport, as a Class D carrier, property over the alternate route between Pittsburgh and the intersection of Highway Routes 268 and 68, near Millerstown, Butler County, via Highway Routes 8 and 68; the purpose of this right being intended to describe merely an alternate route, but the carrier shall not be authorized to pick up or deliver property at any point thereon.

3. To transport, as a Class D carrier, property, from the city of Pittsburgh, Allegheny County, to points on the following extension, and vice versa:

Beginning in the village of Marienville, Forest County, thence via Highway Route 68 to the borough of Kane, McKean County, thence via Highway Route 219 to the village of Wilcox, Elk County.

4. To transport, as a Class D carrier, property, from points in the county of Allegheny to points on the following route and extension thereof, and vice versa, excluding service from points in the county of Allegheny to points on the route between Pittsburgh and the borough of New Bethlehem, Clarion County, and vice versa, and also excluding service to or from the borough of Shippenville, Clarion County:

Beginning in the city of Pittsburgh, thence crossing the Allegheny River and via Highway Route 28 to Kittanning, thence via Highway Route 66 to New Bethlehem and Clarion, thence via Highway Route 66 to Fryburg, Clarion County, thence via Highway Route 36 to Leeper, Clarion County, thence via Highway Route 68 to Marienville, Forest County, thence returning via Highway Route 68 to Leeper and continuing on Highway Route 68, via Lucinda, to its junction with Highway Routes 66 and 322, thence via Highway Routes 66, 68 and 322 to Clarion, thence via Highway Route 68 through Rimersburg and East Brady to its intersection with Highway Route 268, thence via Highway Route 268 through Cowansville to its intersection with Highway Route 28, thence to Kittanning via Highway Route 28, and thence returning to the city of Pittsburgh from Kittanning via Highway Route 28.

Extension beginning in the village of Marienville, Forest County, thence via Highway Route 68 to the borough of Kane, McKean County, thence via Old Highway Route 219 to the village of Wilcox, Elk County;

with right No. 4 above subject to the following conditions:

a. That no right, power or privilege is granted to transport household goods in use, from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points in Pennsylvania, and vice versa.

b. That no right, power or privilege is granted to transport clay products from points in the borough of New Bethlehem, Clarion County, and within ten (10) miles of the limits of the said borough, to points in Pennsylvania.

c. That no right, power or privilege is granted to transport catalogs for Montgomery Ward & Company between points in the borough of New Bethlehem, Clarion County, and from points in the borough of New Bethlehem, Clarion County, to post offices and stores of the said company within fifty (50) miles by the usually traveled highways of the limits of the said borough.

d. That no right, power or privilege is granted to transport peanut butter and peanut products in truckload lots for the H. B. DeViney Company, Inc., from its plant in the borough of New Bethlehem, Clarion County, to points in Pennsylvania.

e. That no right, power or privilege is granted to transport property from, to or between the stores and warehouses of the G. C. Murphy Company;

with rights Nos. 1, 2, 3 and 4 above subject to the following conditions:

A. That no right, power or privilege is granted to transport commodities in bulk in tank vehicles;

B. That no right, power or privilege is granted to transport property requiring the use of drop-frame trailers, winch trucks or tractors and/or pole trailers.

Docket No. A-00102265 (Cont'd.)

5. To interchange property, as authorized by the certificate, in the city of Pittsburgh, Allegheny County, with Class A carriers, Class B carriers, and Class D carriers operating over regular routes, subject to the provisions of Pa. Code Title 52, Chapter 31.

Docket No. A-00102265, F.1, Am-A

To transport, as a Class D carrier, property, except household goods and commodities in bulk, from points in the county of Allegheny, to points in the county of Greene and vice versa; with the right to interchange property with Class A, B and D carriers so authorized at points in the county of Allegheny;

subject to the following conditions:

(a) That no right, power or privilege is granted to transport motion picture films and accessories, newspapers, magazines, frozen and perishable foods in insulated vehicles equipped with mechanical refrigeration, frozen and perishable foods requiring refrigeration, in temperature controlled vehicles and non-food commodities required by the shipper, in writing, to have protective service in temperature controlled vans.

(b) That no right, power or privilege is granted to transport cement, in bags, originating in terminals in the county of Allegheny.

(c) 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.

(d) That no right, power or privilege is granted to provide service to or from the facilities of Glenshaw Glass Company in the county of Allegheny.

(e) That no right, power or privilege is granted to provide service to or from the facilities of Datafold Forms, Inc., in the township of Franklin, Greene County.

Docket No. A-00102265, F.1, Am-C

To transport, as a Class D carrier, property (excluding household goods in use, property in bulk and property which, because of size or weight, requires the use of special equipment), from points in the County of Allegheny to points in the Counties of Armstrong, Clarion, Forest and Jefferson, and vice versa;

Provided that no right, power or privilege is granted to transport:

(1) Property to or from the facilities of Amax, Inc. and Climax Molybdenum Corp.

(2) Shipments of iron and steel and iron and steel articles, which weigh in excess of 10,000 pounds from one consignor to one consignee, from points in Allegheny County to the Boroughs of Aliquippa and Ambridge, Beaver County, and vice versa.

Docket No. A-00102265, F.1, Am-D

1. To transport, as a Class A carrier, property between the cities of Butler, Butler County, and Pittsburgh, Allegheny County, via Saxonburg, Culmerville, Curtisville and Russellton, over the following route:

Beginning in the city of Pittsburgh, Allegheny County, thence via Highway Route 8 to Saxonburg Boulevard, thence via Saxonburg Boulevard to Saxonburg, Butler County, thence via an unnumbered highway route to the city of Butler, Butler County; with the right to use Highway Route 8 as an operating route only between the city of Pittsburgh, Allegheny County, and the city of Butler, Butler County, excluding the right to render service between points on said route except as authorized herein.

2. To transport, as a Class D carrier, property from points in the county of Allegheny to points on the following route, and vice versa:

Beginning in the city of Pittsburgh, Allegheny County, thence via Highway Route 8 to Saxonburg Boulevard, thence via Saxonburg Boulevard to Saxonburg, Butler County, thence via an unnumbered highway route to the city of Butler, Butler County; with the right to use Highway Route 8 as an operating route only between the city of Pittsburgh, Allegheny County, and the city of Butler, Butler County, excluding the right to render service between points on Highway Route 8, except as otherwise authorized;

with right No. 2 immediately above subject to the following conditions:

(a) That no right, power or privilege is granted to render service to or from the city of Pittsburgh, Allegheny County, except as hereinabove authorized.

(b) That no right, power or privilege is granted to transport property requiring the use of carryalls, winch trucks, winch tractors or pole trailers.

3. To transport, as a Class D carrier, property from points in the borough of East Butler, Butler County, to points in the city of Pittsburgh, Allegheny County, and vice versa, excluding the right to serve intermediate points.

4. To interchange property with connecting Class A carriers in the city of Pittsburgh, Allegheny County, and to participate in through routes and joint rates with said connecting carriers and to interchange equipment in emergencies.

5. To transport, as a Class A carrier, property between Pittsburgh and Westwood, Allegheny County, via Crafton and Thornburg.

6. To transport, as a Class B carrier, property between points in the city of Butler, Butler County, and within three (3) miles of the limits of the said city.

7. To transport, as a Class C carrier, property for Colbert and Matlick, Nicks Radiator & Body Shop, Standard Motor Company, John Kemper, Franklin Glass Corporation, Hoffman Auto Parts Company, Butler Hardware Company, American Mirror Works, Standard Oil Company, Watson Standard Paint and Glass Company, and L. & L. Auto Parts Company and Valvoline Oil Company from points in the city of Butler, Butler County, and within three (3) miles of the limits of the said city to points within thirty (30) miles by the usually traveled highways of the limits of the city of Butler and to points in the county of Allegheny;

with rights Nos. 6 and 7 immediately above subject to the following condition:

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

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**RECEIVED**

DOCKET NO. A-00102471, Folder 1, Am-I.  
PITT-OHIO EXPRESS, INC.

JUL 15 1985

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

**FILE**

PROTEST AND REQUEST  
FOR ORAL HEARING

JUL 15 1985

SECRETARY'S OFFICE  
Public Utility Commission

The motor carrier(s) shown on Appendix A hereof (herein called protestant(s)) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.

2. Protestant(s) hold authority from this Commission at the docket numbers shown in Appendix A and the relevant portions of the authority are attached to the protest. Unless otherwise indicated in Appendix A, protestant(s) will withdraw the protest only in the event an amendment is made which will totally eliminate the conflict between the authority sought by the application and the authority presently held by protestant(s).

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestant(s) presently

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APPLICATION DOCKET

JUL 17 1985

ENTRY No. *Ad*

hold authority to provide service in the area affected by the application, (b) protestant(s) and other existing carriers are providing adequate service to the shipping public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of tonnage and revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect protestant(s) and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

4. Protestant(s) request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestant(s) will appear and present evidence of protestant(s) own operations and particular interest(s) unless this application is amended so as to eliminate those interest(s) as set forth in this protest.

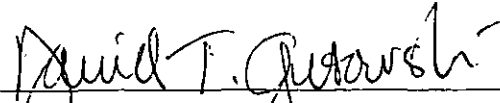
WHEREFORE, protestant(s) request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestant(s) to participate fully therein; and applicant be required to make available



at the hearing competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

J & S, INC.

  
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David T. Gutowski, Secretary


Dated: July 12, 1985

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request for oral hearing upon

John A. Vuono, Attorney for the applicant as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh this 12th day of July 1985.

  
\_\_\_\_\_

APPENDIX A

RE: PITT-OHIO EXPRESS, INC.

DOCKET NO. A-00102471, Folder 1, Am-I.

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SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on June 22, 1985, applicant seeks authority to operate as a common carrier transporting:

- property, between points in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington, and Westmoreland; subject to the following conditions: That no right, power or privilege is granted to transport household goods and office furniture in use; That no right, power or privilege is granted to transport commodities which because of their size or weight require special handling or the use of special equipment; That no right, power or privilege is granted to transport iron and steel and iron and steel articles and refractories in single shipments weighing more than 24,000 pounds; That no right, power or privilege is granted to transport iron and steel and iron and steel articles and refractories, in single shipments weighing more than 10,000 pounds to, from or between points in Beaver County; That no right, power or privilege is granted to transport money, bullion, securities and other valuables, including checks in process and proof work; and 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: So as to permit the transportation of property, from points in the county of Allegheny to other points in Pennsylvania beyond the county of Allegheny, and vice versa; subject to the following conditions: (1) That no right, power or privilege is granted to transport household goods in use; (2) That no right, power or privilege is granted to transport commodities in bulk; (3) That no right, power or privilege is granted to transport shipments of iron and steel and iron and steel articles weighing in excess of 10,000 pounds; (4) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment or special handling; (5) That no right, power or privilege is granted to transport property for Hershey

Foods Corp, and its subsidiaries. H. B. Reese Co., Sam Giorgio Macaroni, Inc., and Y & S Candies, Inc., from the township of Derry, Dauphin County, the city of Lebanon and the township of North Cornwall, Lebanon County, and the township of East Hempfield, Lancaster county, to points in Pennsylvania, and vice versa; (6)...(7)...(8)...(9)... (10)...(11)... (12)...(a)...(b)...(c)...(d)...(e)...which is to be a transfer of part of the rights authorized under the certificate issued at A-00024261, Folder 23 to Exhibitors Service Company, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

INTEREST OF PROTESTANTS:

1. J & S, Inc., PO Box 288, Indianola, PA, 15051  
(412) 767-9888, holds authority at Docket No. A-97519.  
A summary of its pertinent operating authorities is attached to the protest. This authority permits the protestant to transport a contract carrier between the facilities of Thrift Drug Company, a division of the J. C. Penny company, Inc.

J & S, INC.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

OPERATING AUTHORITIES

DOCKET NO. 97519

The Commission authorized J & S, Inc. to engage in the business of a contract carrier by motor vehicles under special and individual corporation herein listed, and in the manner prescribed:

1. To transport, as a contract carrier, such commodities as are dealt in by retail drug and variety stores and equipment, material (excluding commodities in bulk), for Thrift Drug Division of J. C. Penney Company, Inc., from its facilities in the township of Falls, Bucks County, to points in Pennsylvania, and vice versa;

AND

2. Such commodities as are dealt in by retail drug and variety stores, and equipment, material and supplies, used in the conduct of such business (excluding commodities in bulk) for the account of Thrift Drug Division of J. C. Penney Company, Inc., from, its facilities in the Township of O'Hara, Allegheny County, Pa., to points in Pennsylvania and vice versa.

and subject to the following conditions, is consistent with the public interest and in accordance with the policy declared in Section 801 of the Public Utility Law:

FIRST: Provided that transportation to or from the city of Johnstown, and boroughs and townships contiguous thereto, and to and from points in the borough of Martinsburg, Blair County and points within an airline distance of thirty (30) statute miles of the limits thereof shall be limited to stores of Thrift Drug, J. C. Penney Co., and its leased store accounts, and to return merchandise to vendors.

SECOND: That no right, power or privilege is granted to transport commercial paper documents, written instruments, or supplies such as are used in the operation of banks or banking institutions, audit media, punch cards, processed film, business papers, documents or records, unless in mixed truckloads with such commodities as are dealt in by retail and variety stores.