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JAMES D. CAMPBELL, JR.  
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JEANNINE TURGEON  
CLYDE CRADY SWISHER, III

August 12, 1986

Mr. Jerry Rich, Secretary  
Pennsylvania Public  
Utility Commission  
Post Office Box 3265  
Harrisburg, Pennsylvania 17120

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FILE

AUG 13 1986

SECRETARY'S OFFICE  
Public Utility Commission

In Re: Pitt-Ohio Express, Inc. - A-00102471

Dear Secretary Rich:

F.I., Am-N

Please find enclosed the original and two (2) copies of a Protest filed by New Penn Motor Express, Inc. in the above captioned matter.

A copy has been provided to applicant's counsel as indicated below.

Sincerely,

James D. Campbell, Jr.

JDC:nlp  
Enclosures

cc: William J. Lavelle  
2310 Grant Building  
Pittsburgh, Pennsylvania 15219

DOCUMENT  
FOLDER

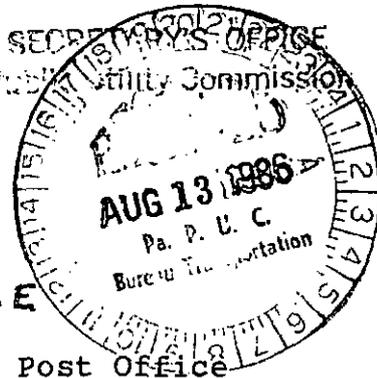
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AUG 13 1986

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE  
Public Utility Commission

In Re: Application of Pitt-Ohio : A-00102471  
Express, Inc. : Folder 1. Am-N



P R O T E S T

FILE

1. AND NOW, comes NEW PENN MOTOR EXPRESS, INC., Post Office Box 630, Lebanon, Pennsylvania 17042, (717)-274-2521 and protests the above Application.

2. The service and facilities of the Protestant and other authorized carriers are ample to meet all the requirements of the shipping public in the territory involved in this Application.

3. The approval of the Application would be prejudicial to your Protestant and other authorized carriers in this territory in that it will authorize additional competition with the potential resulting loss in revenue and less satisfactory service of the public.

4. Approval of the Application would be contrary to the public interest.

5. Your Protestant holds operating authority docketed to A. 84240. A copy of said authority is attached hereto as Exhibit "A", and made a part hereof.

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
AUG 14 1986  
ENTRY No. *[Signature]*

6. Applicant is aware of no amendment which would satisfy its interest in this matter.

7. Pursuant to Section 333(c) of the Public Utility Law, Protestant requests Applicant or its attorney to furnish the undersigned with a list of the names and addresses of all witnesses whom it intends to call, and the names and addresses of the supporting shippers they will represent, at least ten (10) days prior to the commencement of evidentiary hearings in this case.

WHEREFORE, NEW PENN MOTOR EXPRESS, INC. respectfully prays that the above Application be dismissed.

NEW PENN MOTOR EXPRESS, INC.

BY

-----  
James D. Campbell, Jr.  
Campbell, Spitzer, Davis  
& Turgeon  
130 State Street  
Post Office Box 1000  
Harrisburg, PA 17108  
717-232-1876

Dated: August 12, 1986

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Application of New Penn Motor Express, Inc.  
for amendment to permit the transportation  
of property between points on and east of  
U. S. Highway Route 15, and west of U. S.  
Highway Route 15, within an airline distance  
of 25 statute miles of the limits of the  
City of Williamsport, Lycoming County

A. 84240, F.7, Am-A

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S. §332(h)), the decision of Administrative Law Judge Buchanan dated February 8, 1984 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1: That the application of New Penn Motor Express, Inc., at Application Docket No. 84240, Folder No. 7, Amendment A, be and the same is hereby approved and that the certificate issued to Applicant at Application Docket No. 84240, Folder 7, November 8, 1982, be amended to include the following rights:

To transport, as a Class D. Carrier, property between points on and east of U. S. Highway 15, and west of U. S. Highway Route 15, within an airline distance of twenty-five (25) statute miles of the limits of the City of Williamsport, Lycoming County, and/or on and south of Interstate Highway Route 80, with the right to interchange traffic with Class A, Class B, and Class D carriers so authorized.

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 commodities which because of size or weight require the use of special handling or equipment.

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

That no right, power or privilege is granted to render truckload transportation originating at points in the County of Lycoming utilizing open-top or flatbed trailers.

That no right, power or privilege is granted to transport refractory products originating at points within thirty-five (35) statute miles of the City-County Building in the City of Pittsburgh, Allegheny County.

That no right, power or privilege is granted to transport iron and steel articles using flatbed trailers except between points on and east of U. S. Highway Route 15.

That no right, power or privilege is granted to transport limestone and limestone products originating in the County of York, except as presently authorized.

That no right, power or privilege is granted to transport such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses to or from points in Penn Township, York County, except as presently authorized.

That no right, power or privilege is granted to render transportation to or from the facilities of California Cannery and Growers located in the Township of Conewago, Adams County; nor to or from the facilities of R. H. Sheppard Co., D & D Distribution Services, Inc.; Hanover Terminal, Inc.; Shultz Foods Company; and National Can Corp., all in the County of York, except as presently authorized.

That no right, power or privilege is granted to transport wood and wood products to or from the City of Lock Haven, Clinton County, and points within 35 air miles of the limits thereof, except as presently authorized.

That no right, power or privilege is granted to transport scrap metal for Hodes Industries, Inc., except as presently authorized.

That no right, power or privilege is granted to render transportation to or from the facilities of American Home Foods Division of American Home Products Corporation, located in the Township of Turbot and the Borough of Milton, Northumberland County, except as presently authorized.

That no right, power or privilege is granted to render transportation to or from the facilities of Cerro Metal Products, located in the Borough of Bellefonte and the Township of Spring, Centre County.

That no right, power or privilege is granted to transport truckload traffic on flatbed equipment which originate at facilities of The Celotex Corporation.

IT IS FURTHER ORDERED: That upon compliance 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, a certificate be issued evidencing the Commission's approval of the right to operate as above determined.

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

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

BY THE COMMISSION,

  
Jerry Rich  
Secretary

(SEAL)

ORDER ENTERED: April 13, 1984

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Campbell, Spitzer, Davis & Turgeon by James D. Campbell, Jr., for the applicant.

Pillar and Mulroy by John A. Pillar for protestants, W. H. Christie & Sons, Inc., and Klapac Trucking Company.

Evans Delivery Company, Inc. pro se.

John E. Fullerton for protestant, Hall's Motor Transit Company.

William A. Lavelle for protestants, Hammel's Express, Inc., and Pitt-Ohio Express, Inc.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission through an application for temporary authority filed March 18, 1986. A corresponding application for permanent authority was filed December 20, 1985. Public notice of the temporary authority application was given in the Pennsylvania Bulletin of April 5, 1986 and six protests were filed.

Hall's Motor Transit Company, the only major carrier serving the northwest public, is undergoing a reorganization under Chapter 11 of the Bankruptcy Code. A disruption in service to the shipping public has occurred as a result of the reduced service by this carrier. Over 60 shippers have indicated that they are experiencing some sort of problem in meeting their shipping needs. As a result of diminished service to the shipping public applicant requested and was granted emergency temporary authority on May 8, 1986 to serve the northwest quadrant of Pennsylvania. The grant of emergency temporary authority is identical to that proposed herein.

We now have before us six protests to the granting of the temporary authority. Based on the information at hand, we are of the opinion that an emergency situation continues to exist and the supporting shippers continue to require the services of the applicant to meet their transportation requirements.

Applicant has presented a restrictive amendment prohibiting transportation from Brockway Glass Company, or to or from the facilities of Brockway Glass Company. Said amendment will be included in the authority granted herein.

A review of the evidence indicates that there is an immediate need for service and a grant of temporary authority is in the public interest; THEREFORE,

IT IS ORDERED: That the application for temporary authority be and is hereby approved, effective immediately, pending disposition of the permanent authority application, as follows:

To transport, as a common carrier, property between points north of Interstate Highway Route 80 and west of U.S. Highway Route 15 and from points in said territory to points in Pennsylvania and vice versa, with the right to interchange traffic with Class A, Class B and Class D carriers so authorized;

subject to the following conditions:

That no right, power or privilege is granted to transport property within an airline distance of 25 statute miles of the city of Williamsport, Lycoming County;

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

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

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

That no right, power or privilege is granted to render truckload transportation originating at points in the county of Lycoming utilizing open-top or flatbed trailers;

That no right, power or privilege is granted to transport refractory products originating at points within thirty-five (35) statute miles of the City-County Building in the city of Pittsburgh, Allegheny County;

That no right, power or privilege is granted to transport iron and steel articles using flatbed trailers except between points on and east of U.S. Highway Route 15;

That no right, power or privilege is granted to transport limestone and limestone products originating in the county of York, except as presently authorized;

That no right, power or privilege is granted to transport such merchandise as dealt in by

wholesale, retail and chain grocery and food businesses houses to or from points in Penn Township, York County, except as presently authorized;

That no right, power or privilege is granted to render transportation to or from the facilities of California Cannery and Growers located in the township of Conewago, Adams County; nor to or from the facilities of R. H. Sheppard Co., D & D Distribution Services, Inc.; Hanover Terminal, Inc.; Shultz Foods Company; and National Can Corp., all in the county of York, except as presently authorized;

That no right, power or privilege is granted to transport wood and wood products to or from the city of Lock Haven, Clinton County, and points within thirty-five (35) airline miles of the limits thereof, except as presently authorized;

That no right, power or privilege is granted to transport scrap metal for Hodes Industries, Inc., except as presently authorized;

That no right, power or privilege is granted to render transportation to or from the facilities of American Home Division of American Home Products Corporation, located in the township of Turbot and the borough of Milton; Northumberland County, except as presently authorized;

That no right, power or privilege is granted to render transportation to or from the facilities of Cerro Metal Products, located in the borough of Bellefonte and the township of Spring, Centre County;

That no right, power or privilege is granted to transport truckload traffic on flatbed equipment which originates at facilities of the Celotex Corporation; and

That no right, power or privilege is granted to render transportation for Brockway Glass Company, or to or from the facilities of Brockway Glass Company.

IT IS FURTHER ORDERED: That the applicant will file a tariff establishing just and reasonable rates within ten (10) days of the date this order is entered.

IT IS FURTHER ORDERED: That the authority granted herein will have no bearing on any application for permanent authority.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 26, 1986

ORDER ENTERED: JUL 8 1986

LAW OFFICES  
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JAMES D. CAMPBELL, JR.  
ROBERT C. SPITZER  
MICHAEL O. DAVIS  
JEANNINE TURGEON  
CLYDE CRADY SWISHER, III

OF COUNSEL  
ERNEST S. BURCH

RECEIVED

August 18, 1986

AUG 20 1986

Mr. Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
Post Office Box 3265  
Harrisburg, Pennsylvania 17120

SECRETARY'S OFFICE  
Public Utility Commission

FILE

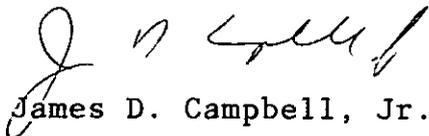
In Re: Application of Pitt-Ohio Express - A.00102471 F.1, Am-N

Dear Secretary Rich:

Please be advised that New Penn Motor Express, Inc. has reconsidered its position in the above captioned case and has directed me to withdraw its protest.

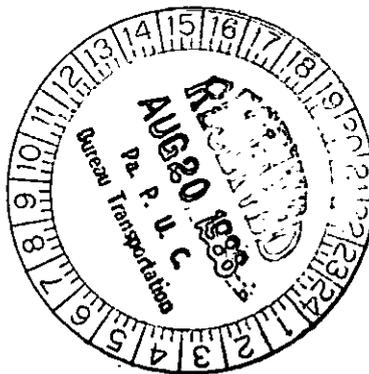
I do desire to remain a party of record for the purpose of receiving any orders which may issue in the case.

Sincerely,

  
James D. Campbell, Jr.

JDC:nlp

cc: William A. Gray, Esquire  
Robert L. Wesley



DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
AUG 25 1986  
ENTRY No. 