

September 23, 1988

IN REPLY PLEASE
REFER TO OUR FILE

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

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

Dear Sir:

The application of Pitt-Ohio Express, Inc. has been captioned as attached and will be submitted for review provided no protests are filed on or before October 17, 1988. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of September 24, 1988.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:rs

cc: Applicant
26 and A.V.R.R.
Pittsburgh, PA 15222

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
SEP 26 1988
ENTRY No. 110

A-00102471, Folder 1, Am-AA PITT-OHIO EXPRESS, INC. (26th and A.V.R.R., Pittsburgh, Allegheny County, PA 15222), a corporation of the Commonwealth of Pennsylvania, inter alia - property for H. J. Heinz Company, U.S.A., between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Campbell Chain Division, Cooper Industries, Inc., from its facilities located in the county of York, to points in Pennsylvania, and vice versa. Attorney: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____

SERVICE _____

SEP 24 1988

BUREAU OF TRANSPORTATION
COMMON CARRIER
SEPTEMBER 1988

A-00102471
F. 1
Am-AA

Application of Pitt-Ohio Express, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property for H. J. Heinz Company, U.S.A., between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Campbell Chain Division, Cooper Industries, Inc., from its facilities located in the county of York, to points in Pennsylvania, and vice versa.

FW:11
9/9/88

Application received: 9/6/88
Application docketed: 9/8/88

NA

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
SEP 26 1988
ENTRY No. *112*

OCT 17 1988

Protests due on No Hearings _____
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.

PENNSYLVANIA PUBLIC UTILITY COMMISSION



RECEIPT

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

Pitt-Ohio Express, Inc.
26th and A.V.R.R.
Pittsburgh, PA 15222

Date October 3, 1988

CR 131070 A

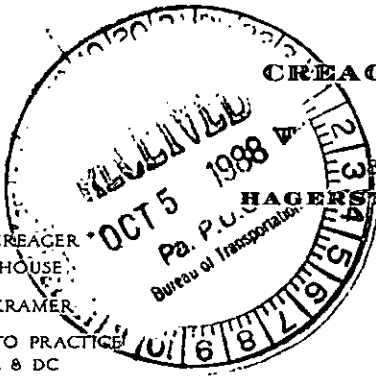
QUARTER
FOLDER

In re application of Pitt-Ohio Express, Inc.
A-00102471, F.1, Am-AA.....\$125.00

OCT 04 1988
DOCKETED

Revenue account 001780-017601-102 (ck)
ck 8729 Checks \$125.00 Currency _____
Utility account 50:26

C. Joseph Meisinger
For Department of Revenue



Law Offices

CREAGER & NEWHOUSE, P. A.

SUITE 200

BRYAN CENTER

382 WEST WASHINGTON STREET

HAGERSTOWN, MARYLAND 21740-4804

TELEPHONE 301-797-6060

FAX 301-797-6065

CHARLES E. CREAGER

DIXIE C. NEWHOUSE

ANDREW B. KRAMER

* ADMITTED TO PRACTICE
MD, PA & DC

REPLY TO:

P. O. BOX 1417
HAGERSTOWN, MD 21741-9998

October 4, 1988

RECEIVED

OCT 5 - 1988
SECRETARY'S OFFICE
Public Utility Commission

The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

Re: Application of Pitt-Ohio Express, Inc.
PA PUC Docket No. A-00102471, Folder 1, Am-AA.

Dear Mr. Rich:

FILE

Enclosed for filing on behalf of Frock Bros. Trucking, Inc., please find an original and two (2) copies of a protest to the above-captioned application. Copies of their protest are being forwarded to applicant's attorney and directly to the applicant.

Please acknowledge receipt hereof by date stamping the copy of this letter of transmittal.

Very truly yours,

CREAGER & NEWHOUSE, P.A.

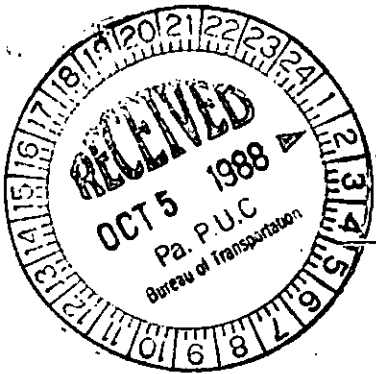
Charles E. Creager

Attorney for Frock Bros. Trucking, Inc.

CEC/rr

cc: William J. Lavelle, Esq. (w/Enclosures)
Pitt-Ohio Express, Inc. (w/Enclosures)
Edmond B. Frock, Frock Bros. Trucking, Inc. (w/Enclosures)

DOCUMENT
FOLDER



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
OCT 5 - 1988
SECRETARY'S OFFICE
Public Utility Commission

Pitt-Ohio Express, Inc.
A-00102471, Folder 1, Am-AA

PROTEST ON BEHALF OF FROCK BROS. TRUCKING, INC.

AND NOW COMES, Frock Bros. Trucking, Inc., and protests this application, notice of which appeared in the Pennsylvania Bulletin, Volume 18, No. 39, Saturday, September 24, 1988, a copy of which is attached hereto, and in support thereof respectfully represents:

FILE

1. The name, business address and telephone number of the protestant are as follows:

Frock Bros. Trucking, Inc.
P. O. Box 87
New Oxford, PA 17350
717-632-6949

2. The name, business address and telephone number of the protestant's attorney are:

Charles E. Creager, Esquire
Creager & Newhouse, P. A.
82 W. Washington Street
P. O. Box 1417
Hagerstown, MD 21741
301-797-6060

3. Protestant holds authority issued by the Commission in conflict with that sought by applicant in this proceeding. Protestant transports a substantial amount of traffic between points in the application territory.

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
OCT 6 1988
ENTRY No. 110

This transportation as well as other transportation which protestant could perform within the scope of the application, and the revenue derived, or to be derived therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant application. Diversion of the present and future traffic would have an adverse impact on protestant.

4. This Commission has issued authority to protestant under Docket No. A.00107291. Copies of the authorities held by the protestant that it regards in conflict with this application are attached herein in Exhibit #1. Frock Bros. Trucking, Inc. provides adequate, satisfactory and continuous service under this authority. The territory applicant proposes to serve coupled with the services it proposes to provide, are a unnecessary duplication of the services your protestant is presently authorized to provide and does provide the named shippers of food stuff or food products set forth in its authority attached hereto as Exhibit #1.

5. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public. Moreover, approval of this application would endanger and impair the operations of Frock Bros. Trucking, Inc., in a manner and to an extent contrary to the public interest.

6. Restrictive amendment by applicant of the authority sought here to eliminate any and all conflict with authority now held by Frock Bros. Trucking Inc. acceptance of such amendment by the Commission, would result in withdrawal of this protest.

7. This protest also relates to the fitness of the applicant.

WHEREFORE, Frock Bros. Trucking, Inc. respectfully prays that this application be dismissed or denied.

FROCK BROS. TRUCKING, INC.

By: Charles E. Creager


Charles E. Creager
Creager & Newhouse, P.A.
Attorney for Protestant

82 W. Washington Street
P. O. Box 1417
Hagerstown, MD 21741

Dated: October 4, 1988

Certificate of Service

I HEREBY CERTIFY that on this 4th day of October 1988, a copy of the foregoing protest was mailed to William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219 and Pitt-Ohio Express, Inc., 26th and A.V.R.R., Pittsburgh, PA 15222, by first-class mail, properly addressed and postage prepaid.



Charles E. Creager

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

A-00024369, Folder 10, Am-P. Friedman's Express, Inc. (Main Road, P. O. Box 480 Wilkes-Barre, Luzerne County, Pa. 18773), a corporation of the State of Delaware, *inter alia*—property, between the Pennsylvania facilities of American Air Filter Company, and from said facilities to points in Pennsylvania, and vice versa: *so as to permit* the transportation of property, between the Pennsylvania facilities of Bridon American Corporation and from said facilities, to points in Pennsylvania, and vice versa. *Attorney:* Maxwell A. Howell, 2554 Massachusetts Avenue, N. W., Washington, D. C. 20008.

A-00073006, Folder 2, Am-V. William C. Confer (R. R. #1, Box 35, Howard, Centre County, Pa. 16841), *inter alia*—coal between points in the counties of Clinton, Centre and Lycoming, provided no haul shall exceed a distance of 75 miles from point of origin to point of destination: *so as to permit* the transportation of coal, in bulk, in dump vehicles, for Bradford Coal Co. from points in the counties of Centre, Jefferson, Clarion and Elk to points in Pennsylvania and vice versa. *Attorney:* John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101.

A-00084656, Folder 2, Am-F. C. D. Ambrosia Trucking Co. (R. D. 1, Edinburg, Lawrence County, Pa. 16116), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal in bulk in dump trucks or dump trailers, between points in the counties of Beaver, Lawrence and Mercer and from points in said counties to points within 100 miles of the point of origin: *so as to permit* the transportation of coke, in bulk, in dump vehicles, from the facilities of Monessen, Inc. located in the borough of Monessen, Westmoreland County, to the facilities of Sharon Steel Corp., located in the county of Mercer. *Attorney:* William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00094528, Folder 1, Am-C. Fife Moving & Storage Co. (665 West Pike Street, P. O. Box 516, Meadowlands, Washington County, Pa. 15347), a corporation of the Commonwealth of Pennsylvania—this application seeks the right as follows: household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by a householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles in use, including objects of art, displays and exhibits which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods: (1) between points in the borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough; (2) from points in the borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; and (3), between points in the borough of McDonald, Washington County, and within 15 miles by the usually traveled highways of the limits of said borough, and from points in said area, to points in Pennsylvania, and vice versa: *which is to be in lieu of its current authority*

which reads as follows: (1) household goods and office furniture, in use, between points in the borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough; (2) household goods and office furniture, in use, from points in the borough of Houston, Washington County, and within 10 miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; and (3) household goods and office furniture in use, between points in the borough of McDonald, Washington County, and within 15 miles by the usually traveled highways of the limits of said borough, and from points in said area to points in Pennsylvania, and vice versa. *Attorney:* William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00096036, Folder 1, Am-W. Kephart Trucking Co. (P. O. Box 386, Bigler, Clearfield County, Pa. 16825), a corporation of the Commonwealth of Pennsylvania, *inter alia*—coal, from points in the counties of Fayette, Westmoreland, and Somerset, to the facilities of James M. Stott Coal Company, Inc., in the township of Rush, Centre County: *so as to permit* the transportation of coal, for Don H. Richards Coal Company, Inc. between points in Pennsylvania. *Attorney:* Dwight L. Koerber, Jr., 110 North Second Street, P. O. Box 1320, Clearfield, Pa. 16830.

A-00097255, Folder 1, Am-M. Dennis Trucking Company, Inc. (6951 Norwith Drive, Philadelphia, Philadelphia County, Pa. 19153), a corporation of the Commonwealth of Pennsylvania, *inter alia*—iron and steel articles, from the facilities of Bethlehem Steel Company, in the city and county of Philadelphia, to points in Pennsylvania, and vice versa: *so as to permit* the transportation of steel and steel products, from the facilities of Tex-Ark Joist Company, located in the city of Lebanon, Lebanon County, to points in Pennsylvania and materials, equipment and supplies used or useful in the production and distribution of steel and steel products (except in bulk) from points in Pennsylvania to the facilities of Tex-Ark Joist Company, located in the city of Lebanon, Lebanon County. Application for temporary authority has been filed at A-00097255, F. 1, Am-M, seeking the rights cited above. *Attorney:* James W. Patterson, 1800 Penn. Mutual Tower, 510 Walnut Street, Philadelphia, Pa. 19106.

A-00102471, Folder 1, Am-AA. Pitt-Ohio Express, Inc. (26th and A.V.R.R., Pittsburgh, Allegheny County, Pa. 15222), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for H. J. Heinz Company, U.S.A., between points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: *so as to permit* the transportation of property (except commodities in bulk and household goods and office furniture in use), for Campbell Chain Division, Cooper Industries, Inc., from its facilities located in the county of York, to points in Pennsylvania, and vice versa. *Attorney:* William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00102471, Folder 1, Am-AB. Pitt-Ohio Express, Inc. (26th and A.V.R.R., Pittsburgh, Allegheny County, Pa. 15222), a corporation of the Commonwealth of Pennsylvania, *inter alia*—property for H. J. Heinz Company, U.S.A., between points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: *so as to permit* the transportation of property (except commodities in bulk and household goods and office furniture in use), for Wagner Division, Cooper Industries, Inc., from

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 17, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of Frock Bros. Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, property, from the Pennsylvania facilities of Hanover Wire Cloth, Inc.; Campbell Chain Cooper Group, Division of Cooper Industries; D. F. Stauffer Biscuit Co., Inc.; Wege Pretzel Co., Inc.; Harrisburg Cold Storage Co.; Round Hill Foods, Inc.; Green's Dairy, Inc.; and Hanover Klondike, a Division of The Isaly Co., Inc., to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport commodities in bulk and household goods in use.

A-00107291

Creager & Newhouse, P.A., by Charles E. Creager for the applicant.
Henry L. Wahls for the protestant, A. Duie Pyle, Inc.
Rex W. McQuaide for the protestant, W. C. McQuaide, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 21, 1987. Public notice of the application was given in the Pennsylvania Bulletin of February 14, 1987. Protests to the application were filed by W. C. McQuaide, Inc. and A. Duie Pyle, Inc. Both protests were withdrawn when the applicant restrictively amended the application as follows:

That no right, power or privilege is granted to transport property to, from or between the facilities of Dauphin Distribution Services and/or Bethlehem Steel Corp.;

That any property moving to or from the facilities of Hanover Wire Cloth, Inc., be restricted to the transportation of Pennsylvania intrastate shipments moving on the same vehicle and at the same time with movements of interstate traffic;

That any traffic moving from or to Campbell Chain Cooper Group facilities be restricted to the movement of shipments weighing 10,000 pounds or greater; and

Property moving to or from the facilities of Harrisburg Cold Storage Co., Round Hill Foods, Inc., Green's Dairy, Inc. and Hanover Klondike, be restricted to the movement of traffic or property in refrigerated equipment only.

The application is now unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and eight supporting shippers.

DISCUSSION AND FINDINGS

The applicant, Frock Bros. Trucking, Inc. (applicant or Frock), is a Pennsylvania corporation which is seeking an initial grant of authority which would authorize transportation from the Pennsylvania facilities of eight named businesses, to points in Pennsylvania, and vice versa. In responding to two (2) protests, Frock restrictively amended the application: by excluding service to, from or between the facilities of Dauphin Distribution Services and/or Bethlehem Steel Corp.; limited shipments moving to or from Hanover Wire Cloth, Inc. to shipments moving on the same vehicle at the same time as interstate shipments; limited shipments moving from or to Campbell Chain Cooper Group to shipments weighing 10,000 pounds or greater; and limited the transportation of shipments moving to or from the facilities of Harrisburg Cold Storage Co., Round Hill Foods, Inc., Green's Dairy, Inc. and Hanover Klondike be transported in refrigerated equipment only.

Although Frock holds no Pennsylvania intrastate authority, it is actively engaged in interstate commerce pursuant to common, contract and broker's authority issued by the Interstate Commerce Commission. The applicant's president, Edmond Frock, Jr., controls H. M. Kelly, Inc. (A-00089905) a common carrier in both interstate and Pennsylvania intrastate commerce.

Terminal facilities of the applicant are located in New Oxford, Adams County, and consist of administrative offices and a garage, at which is performed regular and major maintenance operations. At this terminal are located secretarial and dispatch personnel and mechanics. The terminal is equipped with six inbound and outbound telephone lines, and one WATS line.

At the present time, Frock has available 23 tractors and 31 trailers. Of the 31 trailers, 3 are van trailers with the remaining 28 being refrigeration equipped vans. Additional equipment is acquired when necessary from owner/operators. All maintenance of company-owned vehicles is performed by the applicant's employees.

The eight supporting shippers in the instant proceeding are all receiving service pursuant to the applicant's interstate authority. The proposed service is seen by the applicant to be a "logical and economical extension of present services to include intrastate freight along with the freight currently destined for interstate locations".

The balance sheet of the applicant indicates that as of June 30, 1986, the applicant had total current assets of \$356,403, total assets of \$1,589,164, total current liabilities of \$216,302, total liabilities of \$1,210,455 and stockholders' equity of \$378,709. For the first six months of 1986, the applicant generated a net income of \$5,247 from total revenue of \$1,950,178.

Richard Althoff, general manager for Campbell Chain Cooper Group, Division of Cooper Industries, 3990 East Market Street, York, York County, sets forth that Campbell Chain is a manufacturer of chain and related products which are shipped to its customers, which are comprised of retail stores, automotive stores and distribution centers.

It is anticipated that the applicant will be tendered a number of less-than-truckload shipments on a daily basis. Shipments will originate at the York facility and will be destined for points such as Lancaster, Philadelphia, Pittsburgh, Scranton and Altoona. On occasion, the applicant will also be tendered inbound loads to the York facility.

Campbell Chain currently uses the services of a number of Pennsylvania intrastate carriers, and is not experiencing any difficulty with the service provided by these carriers. It is supporting the applicant for the proposed authority so that the applicant is available as a backup carrier to those carriers currently providing service. The applicant is currently providing service on an interstate basis, and it is logical for Campbell Chain to use the applicant for combined interstate and intrastate shipments on the same trailer. Service previously provided by the applicant in interstate commerce has been reliable.

Glenn Cooper, distribution manager for Green's Dairy, Inc., states that Green's is engaged in the manufacture, sale and distribution of frozen dairy products. From its facility in York, Green's distributes to food warehouses and distributors throughout the state.

It is anticipated that the applicant will be utilized primarily during Green's peak shipping season as a supplemental carrier service. The shipments to be tendered the applicant will consist mainly of truckload traffic with a limited number of less-than-truckload shipments.

Green's presently ships to both small and large cities throughout Pennsylvania including such points as Greensburg, Johnstown, Altoona, Clearfield, Harrisburg, Carlisle, Coatesville and Williamsport. It has also a need occasionally for the movement of inbound shipments to its York facility.

At the present time, Green's utilizes its own fleet of motor vehicles to serve its Pennsylvania intrastate destinations. During its peak season, Green's requires additional service to supplement its private carrier operations. Since the applicant is located nearby, it is able to provide Green's with expeditious service.

Philip Wetzel, plant controller for Hanover Klondike Company, 877 York Street, Hanover, York County, states that Hanover Klondike manufactures Klondike ice cream confections. During its peak season it anticipates tendering the applicant 2 to 3 truckloads per week, which will require van trailers equipped with refrigeration equipment.

Shipments will originate at its Hanover plant and will be destined for such representative destinations as Philadelphia, Pittsburgh, Uniontown, Scranton, Harrisburg and Sunbury.

The services currently being provided Hanover Klondike by existing carriers, has been satisfactory. The proposed services of the applicant are being supported due to the fact that it is currently providing transportation for interstate shipments and Hanover Klondike feels that if it can combine both intrastate and interstate shipments its traffic will move at a more reasonable rate.

Paul Troyer, vice president/sales for Hanover Wire Cloth, a Division of CCX, Inc., 473 East Middle Street, Hanover, York County, states in support of the pending application that Hanover Wire Cloth is a prime manufacturer of aluminum and fiberglass insect screening which is used in doors, windows and porches. From the facility in Hanover, Hanover Wire Cloth ships to such points as Pittsburgh, Philadelphia, Scranton, Allentown and Butler. Shipments from Hanover will consist primarily of less-than-truckload shipments made into a full truckload volume. This will require the applicant to make 8 to 12 stopoff deliveries while enroute to the final destination.

Hanover Wire Cloth is currently using a number of Pennsylvania intrastate carriers, however these carriers do not desire to handle shipments requiring 8 to 12 dropoff points for Pennsylvania and interstate destinations. The applicant is being supported for the proposed authority due to its ability to provide transportation for both interstate and intrastate shipments on the same vehicle.

Jonina Biddle, sales director for Harrisburg Cold Storage Co., Inc., 1125 Berryhill Street, Harrisburg, Dauphin County, states that Harrisburg Cold Storage stores and distributes perishable items requiring refrigeration. It is anticipated that it will offer the applicant at least one less-than-truckload shipment a week.

The applicant will be utilized as a supplement to the private carriage fleet of Harrisburg Cold Storage and existing common carriers. Shipments moving from Harrisburg will be transported to such destinations as York, Lancaster, Hanover, Pittsburgh, Sunbury and Williamsport. The applicant is being supported for the proposed authority due to its ability to handle less-than-truckload shipments. The applicant also intends to combine both intrastate and interstate freight onto one vehicle. The applicant is ideally located to provide Harrisburg Cold Storage with equipment on an expedited basis.

Anthony Laughman, senior vice president of LDI, Inc., sets forth on behalf of Wege Pretzel Company a Division of LDI, Inc., Hanover, York County, that Wege Pretzel Company manufactures and distributes pretzels throughout Pennsylvania from its Hanover plant site.

Because Wege Pretzel Company's business is seasonal, it has need for a carrier that will supplement its private carriage for Pennsylvania deliveries. During its peak periods, Wege Pretzel has found that its own private carriage operations are insufficient to meet its transportation needs. Shipments moving from the Hanover plant are destined to warehouses and distribution centers throughout the state.

Thomas Bross, III, president of Round Hill Foods, Inc., New Oxford, Adams County, sets forth in support of the pending application that Round Hill Foods processes turkeys at its facility in New Oxford which are then shipped to grocery stores, foods warehouses and distributors located throughout the Commonwealth. Since its business is seasonal, it has need for additional carrier service during its peak shipping period to backup its own private carriage operations. The applicant has been providing Round Hill Foods with service for interstate shipments for a number of years.

Ronald Hamm, distribution manager for D. F. Stauffer Biscuit Co., Inc., York, York County, states that Stauffer Biscuit manufactures cookies at its plant facilities in York. From the York plant, it ships to warehouses and/or distributors located in Pittsburgh, Philadelphia, Scranton and West Mifflin. It receives inbound shipments from suppliers located at these points and other points in Pennsylvania. Traffic is currently moving via Stauffer's private carriage fleet, however during peak shipping periods this equipment is insufficient to meet Stauffer's transportation requirements.

The evidence of record submitted on behalf of the applicant, indicates that it has the equipment and financial capacity to institute the proposed intrastate service, as amended. Frock is currently providing all of the supporting shippers with service in interstate commerce, from

which it has gained experience in, and knowledge of the transportation required by the eight supporting shippers.

The statements of support provide sufficient evidence to substantiate a need for the transportation proposed by the amended application. The eight shippers have stated that they will utilize the applicant to transport shipments as a supplement to private carriage and to existing carriers during peak seasonal shipping periods. The shippers require a carrier that will transport less-than-truckload shipments, often in conjunction with interstate shipments.

We find:

1. That the applicant is fit, willing and able to provide the transportation proposed by the amended application.

2. That the applicant has met its statutory burden of demonstrating that a public need exists.

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

IT IS ORDERED: That the application, as amended, be and is hereby approved, granting the following right:

To transport, as a Class D carrier, property, from the Pennsylvania facilities of Hanover Wire Cloth, Inc.; Campbell Chain Cooper Group, Division of Cooper Industries; D. F. Stauffer Biscuit Co., Inc.; Wege Pretzel Co., Inc.; Harrisburg Cold Storage Co.; Round Hill Foods, Inc.; Green's Dairy, Inc.; and Hanover Klondike, a Division of The Isaly Co., Inc., to points in Pennsylvania, and vice versa.

subject to the following conditions:

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

That no right, power or privilege is granted to transport property to, from or between the facilities of Dauphin Distribution Services and/or Bethlehem Steel Corp.

That any property moving to or from the facilities of Hanover Wire Cloth, Inc., be restricted to the transportation of Pennsylvania intrastate shipments moving on the same vehicle and at the same time with movements of interstate traffic.

That any traffic moving from or to Campbell Chain Cooper Group facilities be restricted to the movement of shipments weighing 10,000 pounds or greater.

That property moving to or from the facilities of Harrisburg Cold Storage Co., Round Hill Foods, Inc., Green's Dairy, Inc. and Hanover Klondike be restricted to the movement of property in refrigerated equipment only.

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

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

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Code relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing this Commission's approval of the right to operate as above-determined.

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1987

ORDER ENTERED: SEP 25 1987

Law Offices
CREAGER & NEWHOUSE, P. A.
SUITE 200
BRYAN CENTER
82 WEST WASHINGTON STREET
HAGERSTOWN, MARYLAND 21740-4804
TELEPHONE 301-797-6060
FAX 301-797-6065

CHARLES E. CREAGER *
DIXIE C. NEWHOUSE

ANDREW B. KRAMER

* ADMITTED TO PRACTICE
MD, PA & DC

REPLY TO:
P. O. BOX 1417
HAGERSTOWN, MD 21741-9998

November 8, 1988 **FILE** FILE NO.

10/17

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

RECEIVED

NOV 10 1988

SECRETARY'S OFFICE
Public Utility Commission

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

Dear Mr. Rich:

On or about October 4, 1988, I filed a protest on behalf of Frock Bros. Trucking, Inc. to the above-referenced application.

After further consideration, Frock Bros. Trucking, Inc. has decided to withdraw its protest. It is respectfully requested that the Commission consider the subject protest as being withdrawn.

We desire, however, to remain a party of record to receive all copies of orders, notices, etc.

Very truly yours,

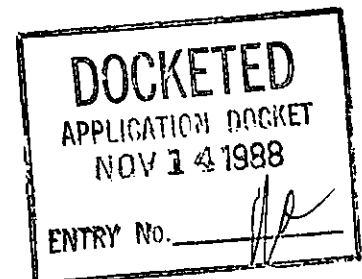
CREAGER & NEWHOUSE, P.A.

Charles E. Creager

Charles E. Creager

CEC/jb

cc: William J. Lavelle, Esquire
Edmond B. Frock





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

November 16, 1988

IN REPLY PLEASE
REFER TO OUR FILE

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

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

Dear Sir:

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

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

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

You are being granted an initial thirty (30) days in which to file the verified statements. The statements are due on or before DECEMBER 16, 1988.

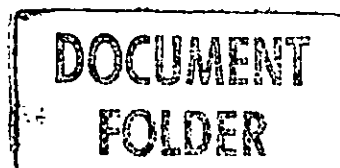
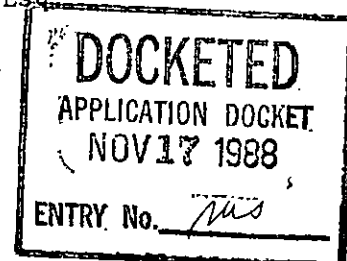
If additional time is required, it may be requested by telephone but should be followed in writing, with the reasons for the extension stated.

Questions about your application may be directed to me by telephoning 717-787-4386.

Very truly yours,

Lawrence Keener-Farley

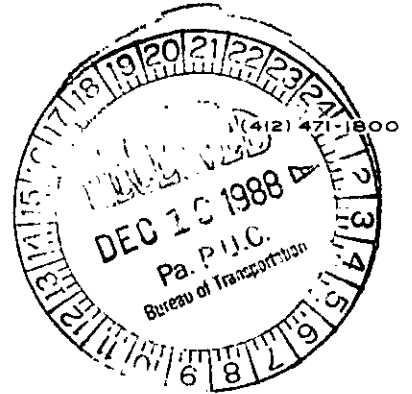
Lawrence Keener-Farley, Esq.
Technical Review Section
Bureau of Transportation



LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING
PITTSBURGH, PA. 15219



JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS

December 15, 1988

Re: Pitt-Ohio Express, Inc.
Docket No. A-00102471, F. 1, Am-AA
Campbell Chain Division, Cooper Industries
Our File 2691-43

Lawrence Keener-Farley, Esq.
Technical Review Section
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Keener-Farley:

In your absence, I spoke with Mr. Richard White on December 15 and he agreed to a 30 day extension of time for filing verified statements in connection with the above application. The statements were originally due on December 16 so I calculate the new due date as January 16, 1989. The applicant's statement is completed, but I am still waiting for information from the supporting shipper.

Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

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DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 19 1988
ENTRY No. *MS*



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

December 20, 1988

IN REPLY PLEASE
REFER TO OUR FILE

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

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

Dear Sir:

In accordance with your request of December 15, 1988, for an extension of time to file verified statements in the above captioned application, we are granting an additional period of 30 days for filing the statements. Please be advised that the verified statements are now due in this office on or before JANUARY 16, 1989.

If the said statements are not filed in this office by the date indicated, we shall assume that you do not desire to pursue the matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

If I can be of any assistance in this matter, please telephone me at 717-787-4386.

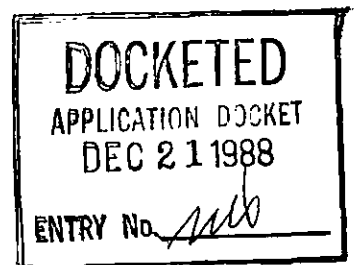
Very truly yours,

Lawrence Keener-Farley

Lawrence Keener-Farley, Esquire
Technical Review Section
Bureau of Transportation

CERTIFIED MAIL

RETURN RECEIPT REQUESTED



LAW OFFICES

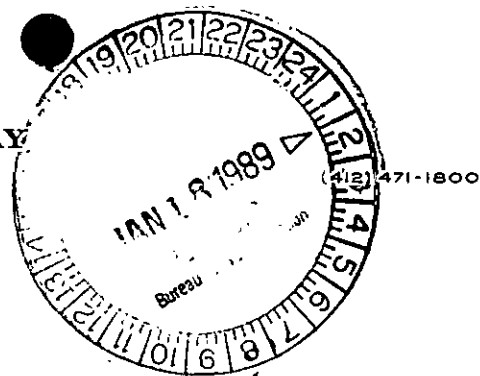
VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

PITTSBURGH, PA. 15219

January 13, 1989

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO
RICHARD R. WILSON
DENNIS J. KUSTURISS



Re: Pitt-Ohio Express, Inc.
Docket No. A-00102471, F. 1, Am-AA
Campbell Chain Division, Cooper Industries, Inc.
Our File 2691-43

Lawrence Keener-Farley, Esq.
Technical Review Section
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Keener-Farley:

This will confirm my telephone conversation with your office on January 11, 1989, wherein the due date for filing verified statements in the above proceeding was extended for 30 days to February 15, 1989. Thank you for your consideration.

Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

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