

January 27, 1989

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-AE - 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 February 21, 1989. 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 January 28, 1989.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:RP:11

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

<b>DOCKETED</b> APPLICATION DOCKET JAN 30 1989 ENTRY No. <u>    </u> <i>MA</i>
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**DOCUMENT  
FOLDER**

A-00102471, Folder 1, Am-AE 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, except commodities in bulk and household goods and office furniture in use, for G. C. Murphy Company between points in Pennsylvania: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture, in use), for Teledyne-McKay, from its facilities located in the city of York, York County, 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 \_\_\_\_\_

JAN 28 1989

BUREAU OF TRANSPORTATION  
COMMON CARRIER  
JANUARY 1989

A-00102471  
F. 1  
Am-AE

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, except commodities in bulk and household goods and office furniture in use, for G. C. Murphy Company between points in Pennsylvania: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture, in use), for Teledyne-McKay, from its facilities located in the city of York, York County, to points in Pennsylvania, and vice versa.

MW:rs  
1/17/89

Application received: 12/5/88  
Application docketed: 1/13/89

NA

DOCUMENT  
FOLDER

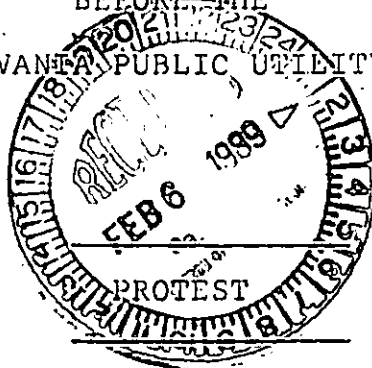
DOCKETED  
APPLICATION DOCKET  
JAN 30 1989  
ENTRY No.         

FEB 21 1989

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.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: APPLICATION OF  
Pitt-Ohio Express Inc.  
26th and A.V.R.R.  
Pittsburgh Pa 15222



APPLICATION DOCKET  
A-00102471 Folder 1, Am-4E

RECEIVED

FEB 6 1989

FILE

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

SECRETARY'S OFFICE  
Public Utility Commission

In accordance with 52 PA. Code 53.381, protest of the above application is hereby made on behalf of

A. Duie Pyle, Inc.

P.O. Box 564  
West Chester, Pa. 19380

A.100089

on the following grounds:

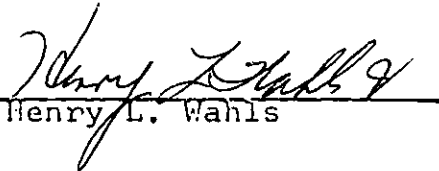
(1) That the service proposed will be competitive with and detrimental to the existing authorized service of the above named motor carrier.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accomodation, convenience or safety of the public.

A copy of the pertinent operating authority of the above named carrier is appended hereto. Also appended hereto is a restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier above named.

I hereby certify that a copy of the Notice of Protest has, on this date, been served upon applicant and its counsel by mailing a copy of same to the address set forth in the Pennsylvania Bulletin dated January 28, 1989.

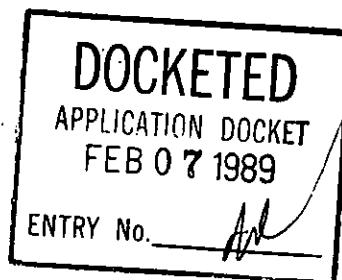
By

  
Henry L. Wahls

A. DUIE PYLE INC.  
P.O. Box 564  
West Chester, Pa. 19380

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

DOCUMENT  
FOLDER



A. DUIE PYLE, INC.

ADVERSE IMPACT

A. Duie Pyle, Inc., provides an active, daily service pursuant to Pennsylvania Public Utility Commission authority which duplicates, in part, the authority sought by the instant application. In addition, A. Duie Pyle, Inc. is constantly soliciting additional traffic within the application territory.

The protestant presently derives approximately \$ 50,000 annually in revenue from traffic handled within the scope of this application. A grant of the authority requested would tend to divert both traffic and revenue from A. Duie Pyle, Inc., thereby adversely affecting protestant's overall operation.

CERTIFICATE - A00107226

Freight PA. P.U.C. No.12  
Cancels Freight PA. P.U.C.  
No. 2 and No. 11

PLYLE CORPORATION, t/d/b/a

A. DUIE PYLE, INC.

DIRECTORY OF OPERATING AUTHORITY

between points in

PENNSYLVANIA

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This tariff applies only when, and to the extent its application is authorized in tariffs made subject hereto by specific reference to the Freight PA. P.U.C. number shown

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All rates and charges not brought forward are cancelled

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ISSUED: JUNE 18, 1987

EFFECTIVE: June 19, 1987

(Except as otherwise provided)

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Effective Date: June 19, 1987

As specified under authority of  
PA Code, Title 52, Section 23.42

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Issued by

PLYLE CORPORATION, t/d/b/a

A. DUIE PYLE, INC.

200 Garfield Avenue

West Chester, Pennsylvania 19380

DESCRIPTION OF CERTIFICATED RIGHTS

- (e) Iron and steel articles in shipments of 10,000 lbs. or more from Philadelphia to points in Lehigh and Northampton Counties and vice versa; and from the facilities of Bethlehem Steel Corporation in Lehigh and Northampton Counties, and from the facilities of American Nickeloid Company, Inc. in Walnutport, Northampton County.
46. To transport, as a Class D carrier, iron and steel, iron and steel articles and products, and materials, equipment and supplies used in the manufacture and distribution of iron and steel, and iron and steel articles and products, for Lukens Steel Company, between points in the city of Coatesville, Chester County, and within an airline distance of three (3) statute miles of the limits of said city, and from the said territory to points in Pennsylvania, and vice versa.

with right no. 46 subject to the following condition:

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

47. To transport, as a Class D carrier, property, except household goods in use and commodities, in bulk, between points in the counties of Lackawanna, Luzerne, Monroe, Carbon, Schuylkill, Lehigh, Northampton, Dauphin, Lebanon, Berks, Bucks, Cumberland, York, Lancaster, Chester, Montgomery, Philadelphia, Franklin, Adams and Delaware.

with right no. 47 subject to the following conditions:

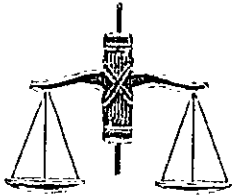
That no right, power or privilege is granted to transport:

1. From the facilities of AMP, Inc., in the counties of Adams, Chester, Cumberland, Dauphin, Franklin, Lancaster, Schuylkill and York,
2. From the facilities of Hershey Foods Corporation in the counties of Dauphin, Lebanon, Lancaster and Cumberland,
3. Limestone and limestone products from the facilities of J.E. Baker Co. in York County,

SUGGESTED RESTRICTIVE AMENDMENT

Eliminate the counties of Monroe, Lehigh, Dauphin, Lebanon, Berks, Bucks, Cumberland, Lancaster, Chester, Montgomery, Philadelphia, and Delaware.





Rex W. McQuaide

Attorney at Law

305 Franklin Street • Johnstown, PA 15901  
Telephone 814/535-4774

February 16, 1989

Mr. Jerry Rich, Secretary  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. Box 3265  
Harrisburg, PA 17120

RECEIVED

FEB 17 1989

RE: Pitt-Ohio Express, Inc.  
A-00102471 F. I. A-AE  
Protest of W. C. McQuaide, Inc.

SECRETARYS OFFICE  
~~Public Utility Commission~~

Dear Mr. Rich:

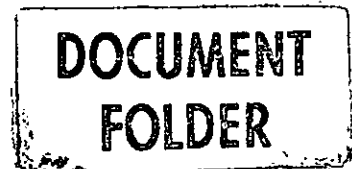
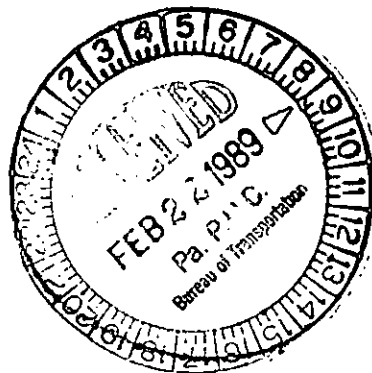
On behalf of W. C. McQuaide, Inc., I enclose herewith the original and two (2) copies of a Protest to the above captioned application. Copies are being forwarded to the Applicant, applicant's Attorney, and to the Protestant.

Very truly yours,

Rex W. McQuaide  
Attorney at Law

RWMiejp  
Enclosures

cc: Mr. William F. McQuaide  
William J. Lavelle, Esquire  
Pitt-Ohio Express, Inc.



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

**RECEIVED**

**FEB 17 1989**

**SECRETARYS OFFICE**  
**Public Utility Commission**

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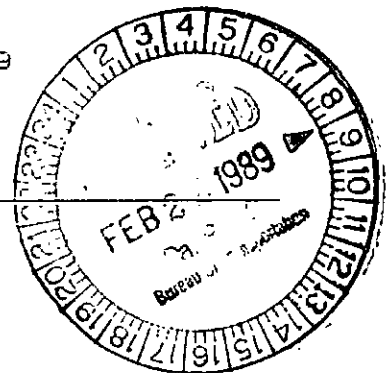
A-00102471. Folder 1, AM-AE. Pitt-Ohio Express, Inc. (26th and A.V.R.R., Pittsburgh, Allegheny County, Pennsylvania 15222), a corporation of the Commonwealth of Pennsylvania, inter alia -- property, except commodities in bulk and household goods, and office furniture in use, for G. C. Murphy Company between points in Pennsylvania: so as to permit the transportation of property (except commodities in bulk and household goods and office furniture, in use, for Teledyne-McKay, from its facilities located in the City of York, York County, to points in Pennsylvania, and vice versa.

APPLICANT'S ATTORNEY:

William J. Lavelle, Esquire  
2310 Grant Building  
Pittsburgh, PA 15219

PENNSYLVANIA BULLETIN REFERENCE:

January 28, 1989  
Page 378



**DOCUMENT  
FOLDER**

**DOCKETED**  
APPLICATION DOCKET  
FEB 22 1989  
ENTRY No. *11*

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PROTEST OF  
W. C. MCQUAIDE, INC.  
A. 84290

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AND NOW COMES W. C. MCQUAIDE, INC., and protests this Permanent Authority application representing as follows:

1. The name, address and telephone number of Protestant is

W. C. MCQUAIDE, INC.  
153 Macridge Avenue  
Johnstown, Pennsylvania 15904

Telephone: A.C. (814) 266-3116

2. The name, address and telephone number of Protestant's attorney is:

REX W. MCQUAIDE, ESQUIRE  
305 Franklin Street  
Johnstown, PA 15901

Telephone: A.C. (814) 535-4774

3. Protestant possesses authority at A. 84290, Folder 7, Am-RR, copy attached as Exhibit A, which permits service between all points in Pennsylvania, and as such Protestant can provide all of the service sought by Applicant.

4. Protestant is adversely affected by this application as it would tend to divert revenues and traffic from W. C. MCQUAIDE, INC. causing an adverse impact upon the Protestant contrary to the public interest.

5. Protestant challenges the fitness of the Applicant and also challenges the need for the proposed service.

6. Protestant performs an adequate and satisfactory service within the scope of its authority.

7. Protestant knows of no amendment which will satisfy its interest, but is willing to discuss the matter with Applicant or its representative.


8. Pursuant to Section 333(c) of the Public Utility Code, demand is made upon Applicant to furnish Protestant's Counsel with a list of the names and addresses of the witnesses it intends to call, and a brief summary of their proposed testimony and, in particular, any complaints, if any, against the services of the Protestant.

WHEREFORE, W. C. MCQUAIDE, INC. respectfully prays that this application be dismissed.

AND IT WILL EVER PRAY.

W. C. McQuaide, Inc.

BY:

  
Rex W. McQuaide, Esquire  
Attorney for Protestant

Dated: February 16, 1989

FOLDER 7, Am-RR

To transport, as a Class D carrier, property, between points in Pennsylvania.

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 in bulk.

That no right, power or privilege is granted to transport mobile homes.

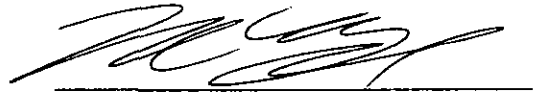
That no right, power or privilege is granted to transport commodities, which because of size or weight require the use of special equipment.

That no right, power or privilege is granted to transport commodities requiring the use of mechanically refrigerated equipment.

EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served a copy of the foregoing document upon Pitt-Ohio Express, Inc., 26th and A.V.R.R., Pittsburgh, PA 15222 and Applicant's Representative, William J. Lavelle, Esquire, 2310 Grant Building, Pittsburgh, PA 15219 by first class mail, postage prepaid and properly addressed.



Rex W. McQuaide, Esquire  
Attorney for Protestant

Johnstown, Pennsylvania  
February 16, 1989

# 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 & A.V.R.R.  
Pittsburgh, PA 15222

Date March 2, 1989

DOCUMENT  
FOLDER

CR 131672 A

DOCKET  
MAR 07 1989

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

Revenue account 001420-017000-101 (ck)

ck 9272 Checks \$125.00 Currency \_\_\_\_\_

Utility account 70

C. Joseph Melsinger  
For Department of Revenue

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

PITTSBURGH, PA. 15219

May 9, 1989

ORIGINAL

(412) 471-1800

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-AE  
Our File 2691-46

RECEIVED

MAY 12 1989

SECRETARY'S OFFICE  
Public Utility Commission

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

Dear Mr. Rich:

On behalf of Pitt-Ohio Express, Inc. we hereby waive the applicability of Act No. 295 and the right to a hearing to commence within 90 days of the institution of the proceeding.

Sincerely yours,

VUONO, LAVELLE & GRAY

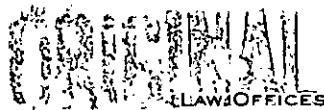
*William J. Lavelle*  
William J. Lavelle

pz

DOCKETED  
MAY 17 1989

DOCUMENT  
FOLDER





**VUONO, LAVELLE & GRAY**

2310 GRANT BUILDING

PITTSBURGH, PA. 15219

(412) 471-1800

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

May 12, 1989

Re: Pitt-Ohio Express, Inc.  
Docket No. A-00102471, F. 1, Am-AE  
Our File 2691-46

**RECEIVED**

**MAY 15 1989**

**SECRETARYS OFFICE**  
Public Utility Commission

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

Dear Mr. Rich:

We have been authorized by Pitt-Ohio Express, Inc. to advise the Commission that it is withdrawing the above application at this time. We assume that the Commission will in due course issue a notice dismissing the application.

Sincerely yours,

VUONO, LAVELLE & GRAY

*William J. Lavelle*  
William J. Lavelle

pz

cc: Rex W. McQuaide, Esq.  
Mr. Henry L. Wahls  
Pitt-Ohio Express, Inc.

**DOCKETED**

**MAY 18 1989**

**DOCUMENT  
FOLDER**