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

In re: A-00102471, F. 1, Am-Z - 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 August 1, 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 July 9, 1988.

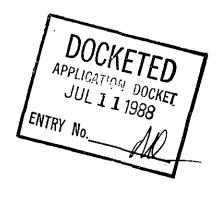
Very truly yours,

David Ehrhart Supervisor - Application Section Bureau of Transportation

DE:RP:rs

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

POLDER TO



A-00102471, Folder 1, Am-Z 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), from McConway & Torley Corporation, from its facilities located in the city of Pittsburgh, Allegheny County and the borough of Kutztown, Berks 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	JUL -9 1988

BUREAU OF TRANSPORTATION COMMON CARRIER JUNE

1988

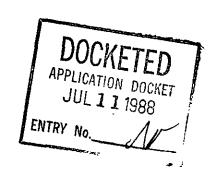
A-00102471 F. 1 Am-Z

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), from McConway & Torley Corporation, from its facilities located in the city of Pittsburgh, Allegheny County and the borough of Kutztown, Berks County, to points in Pennsylvania, and vice versa.

FW:11 6/27/88

Application received: 6/20/88 Application docketed: 6/27/88





Protests due on No Hearings

AUG - 1 1988

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.

4

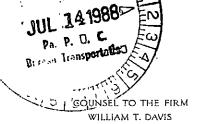
KRINER, KOERBER AND KIRK

ATTORNEYS-AT-LAW
IIO NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

(814) 765-9611

July 12, 1988

WILLIAM C. KRINER DWIGHT L. KOERBER, IR-ALAN F. KIRK



RECEIVED

JUL'141988

SECRETARY'S OFFICE
Public Utility Commission

FILE

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

RE: PITT-OHIO EXPRESS, INC. A-102471, F.1, Am-Z

Dear Mr. Rich:

I am transmitting herewith the original and one copy of the Protest of Butler Trucking Company, in opposition to the above application. As shown, a copy has been served upon applicant's representative.

I am enclosing an additional copy of this letter of transmittal, and would ask that you affix onto this letter the date upon which the subject Protest is received, and then return the letter to me. A self-addressed, stamped envelope has been enclosed for that purpose.

Very truly yours,

Dwight L. Koerber Jr

cc: Butler Trucking Company

William J. Lavelle, Esquire

Enclosures: Protest

1 copy

Copy of letter

Envelope

DLK/jsr



BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JUL 1 4 1988

PITT-OHIO EXPRESS, INC.

SECRETARY'S OFFICE Public Utility Commission

A-102471, F.1, Am-Z

PROTEST OF

BUTLER TRUCKING COMPANY

FILE

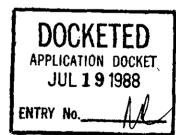
COMES NOW, BUTLER TRUCKING COMPANY, a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

The name and address of Protestant are as follows:

Butler Trucking Company P. O. Box 88 Woodland, PA 16881

2. The name, address and telephone number of Protestant's attorney are as follows:

Dwight L. Koerber, Jr., Esquire KRINER, KOERBER AND KIRK 110 North Second Street P. O. Box 1320 Clearfield, PA 16830 (814) 765-9611



3. Protestant is ready, willing and able to provide all or part of the services proposed herein, consistent with its operating authority and equipment.

DOCUMENT FOLDER

- 4. Under its certificate in A-92978, Folder 1 and Amendments thereto, including Amendment Q and Amendment R, protestant is authorized to provide service in conflict with this application. In fact, protestant is currently serving the supporting shipper, McConway & Torley Corporation. Attached hereto as Appendix B is a copy of protestant's operating authority, covering its Amendment R and Amendment Q grants of authority, which are the authority upon which protestant relies in order to provide service for the supporting shipper.
- 5. It is Protestant's position that granting this application would be contrary to the public interest, as it would have an adverse impact upon the operations of Protestant by depriving it of traffic that would complement its present operations.
- 6. Protestant knows of no restrictive amendment that would satisfy its interest at this time, but would consider a restrictive amendment that would include deletion of the scope of the application that conflicts with the authority protestant holds in its Amendment R and Amendment Q certificate.
- 7. Protestant requests, pursuant to Section 333(c) of the Public Utility Code, that applicant furnish it with the names of supporting shippers and a summary of their testimony.

Respectfully submitted,
KRINER, KOERBER AND KIRK

By:

DATED: July 12, 1988

Dwight L. Koerber, Jr. Attorney for Protestant BUTLER TRUCKING COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 12th of July, 1988, I have served a copy of the foregoing Protest upon applicant's representative, by first class mail, at the following name and address:

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

Dwight L. Koerber, Jr.

APPENDIX A

Attached hereto is a copy of the publication of the application of Pitt-Ohio Express, Inc., in A-102471, F.1, Am-Z, as it appeared in the Pennsylvania Bulletin on July 9, 1988.

facilities owned or controlled Valley Farms, Inc. located in the township of Loyal-ock, Lycoming County, to points in Pennsylvania, with the right to return empty containers to the point of origin. Attorney: Christopher Zettlemoyer, P. O. Box 11844, Harrisburg, Pa. 17108.

A-00099080, Folder 1, Am-C. Valley Farms Equipment Co., Inc. (1860 East Third Street, Williamsport, Lycoming County, Pa. 17703-0847), a corporation of the Commonwealth of Pennsylvania—milk and dairy products, from the facilities owned or controlled by Valley Farms, Inc., located in the township of Loyalsock, Lycoming County, to points within an airline distance of 100 statute miles of the point of origin, with the right to return empty containers to the point of origin: so as to permit the transportation of foodstuffs and related items customarily sold in convenience stores, for Stop-N-Go Foods of Mid-Penn, Inc., between points in Pennsylvania. Attorney: Christopher Zettlemoyer, P. O. Box 11844, Harrisburg, Pa. 17108.

A-00099691, Folder 1, Am-O (Corrected). Neel Transportation Co., Inc. (R. D. 6, Box 516, Washington, Washington County, Pa. 15301), a corporation of the Commonwealth of Pennsylvania, inter alia—paper, paper products and such articles as are used in the manufacture of paper and paper products, from the facilities of Brockway Glass Company, Inc., located in the city of Washington and the township of Canton and South Strabane, all in Washington County, 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: so as to permit the transportation of property, excluding commodities in bulk and household goods in use, from the Pennsylvania facilities of Owens-Brockway Glass Container Division of Owens-Illinois, Inc., to points in Pennsylvania, and vice versa. Attorney: John A. Pillar, Suita-700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222

A-00098596, Folder 1, Am-D (Corrected). Merchants Home Delivery Service of Pennsylvania, Inc. (2400 Latigo Avenue, P.O. Box 5067, Oxnard, California 93031), a corporation of the Commonwealth of Pennsylvania, inter alia-new furniture, new appliances, house and office furnishings, accessories and carpeting, from the facilities of Gee Bee Furniture Center, Inc., in the township of Hempfield, Westmoreland County, to points in that portion of Pennsylvania on and west of the eastern boundaries of the counties of Bedford, Blair and Clearfield, and on and south of the northern boundaries of the counties of Clearfield, Jefferson, Clarion, Venango and Mercer: so as to permit the transportation of property (except commodities in bulk and household goods in use), between points in the county of Allegheny, and within an airline distance of 100 statute miles of the limits thereof, limited to transportation to, from or between the facilities of R. H. Kuhn Co., Inc., t/d/b/a Freight Liquidators. Attorney: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, Pa. 19106.

A-00100812, Folder 3, Am-C. Jack Gray Transport, Inc. (4600 East 15th Avenue, Gary, Indiana 46403), a corporation of the Commonwealth of Pennsylvania, inter aliazinc sinter, for St. Joe Resources Company, from points in the county of Beaver: so as ito permit the transportation of property, from the facilities of Zinc Corp. of America, located in the borough of Palmerton, Carbon County and the borough of Monaca, Beaver County, to points in Pennsylvania, and vice versa. Attorney: Henry M. Wick, Jr., 1450 Two Chatham Center, Pittsburgh, Pa. 15219.

A-00102135, Let 1, Am-C. Diesel Service, Inc., t/d/b/a DSI Transportation Co. (6700 Essington Avenue, Philadelphia, Philadelphia County, Pa. 19142), a corporation of the State of New Jersey, inter alia—No. 2 oil and residual oil, from the facilities of Petroleum Heat & Power Co., and from the facilities of Swann Oil Co., Inc., in the city and county of Philadelphia, to points in the counties of Bucks, Montgomery, Delaware, Chester, Lancaster, Lebanon, Lehigh and Northampton: so as to permit the transportation of heating oils and diesel fuel, from points in the city and county of Philadelphia and the boroughs of Marcus Hook, Delaware County, to points in the counties of Bucks, Chester, Delaware, Montgomery, Philadelphia and Dauphin. Attorney: Alan Kahn, 30 South 17th Street, Philadelphia, Pa. 19103.

A-00102471, Folder 1, Am-Z. 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), from McConway & Torley Corporation, from its facilities located in the city of Pittsburgh, Allegheny County and the borough of Kutztown, Berks County, to points in Pennsylvania, and vice versa. Attorney: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00105353, Folder 1, Am-A. Gregory A. Perry (R. D. # 5, Kittanning, Armstrong County, Pa. 16201)—coal, sand and gravel between points in the counties of Armstrong, Indiana, Clarion and Westmoreland, provided no haul shall exceed a distance of 50 miles from point of origin of destination: so as to permit the transportation of coal, between points in the counties of Armstrong, Indiana, Clarion, Westmoreland, Cambria and Somerset, for W. J. M. Coal Co., Inc., Green Valley Coal Company and Wm. McIntire Coal Company. Attorney: Kent S. Pope, 10 Grant Street, Clarion, Pa. 16214.

A-00106302, Folder 1, Am-B. Ross Delivery Corporation (2436 New Brooklyn Road, Erial, New Jersey 08110), a corporation of the State of New Jersey, inter alia—appliances, for Allied Refrigeration Co., Inc., from its facilities located in the county of Philadelphia, to points in the counties of Philadelphia, Bucks, Chester, Delaware and Montgomery: so as to permit the transportation of (1) paper and paper products, between points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia; and (2) property (except commodities in bulk and household goods in use), for Gilbert's Appliances and Levin's Furniture, between points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. Attorney: Edward L. Ciemniecki, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, Pa. 19106.

A-00106910, Folder 1, Am-A. AAA Moving & Storage Co. (Route 511, P. O. Box U, Delaware Water Gap, Monroe County, Pa. 18327), a corporation of the Commonwealth of Pennsylvania—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 the 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, when a

APPENDIX B

Attached hereto is a copy of Protestant's authority in A-92978, F.l, Amendment Q and Amendment R. In addition, all pertinent authority is asserted in opposition to the application.

A-92978, F.1, Am-N

To transport, as a Class D carrier, lumber and plywoods for Snavely Forest Products, Inc. between points in Pennsylvania.

A-92978, F.1, Am-O

To transport, as a Class D carrier, refractories and refractory materials, from the facilities of North American Refractories Company in the Township of Pike, Clearfield County, 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 in dump vehicles from or to the Counties of Allegheny, Beaver and Butler and from or to points within a seventy-five (75) mile radius of the facilities of North American Refractories Company at or near the Borough of Curwensville, Township of Pike, Clearfield County.

A-92978, F.1, Am-P

To transport, as a Class D carrier, refractories, and materials and supplies used in the manufacture or installation of refractories, from the facilities of Crescent Brick Company, Inc., Clearfield Products Division and Falls Creek Division, in the Township of Lawrence, Clearfield County, the Township of Winslow, Jefferson County, and the Borough of Falls Creek, Jefferson and Clearfield Counties, to points in Pennsylvania, and vice versa:

subject to the following condition:

That no right, power or privilege is granted to transport property, in bulk, in dump vehicles, from or to the Counties of Allegheny, Beaver and Butler, and that territory located within an airline distance of seventy-five (75) statute miles of the facilities of said shippers in the Township of Lawrence, Clearfield County and the Township of Winslow, Jefferson County and the Borough of Falls Creek, Clearfield and Jefferson Counties.

A-92978, F.1, Am-Q

To Transport, as a Class D carrier:

(1) Property between points in the County of Clearfield, and from points in said county, to points in Pennsylvania, and vice versa; and

(2) Ammonium nitrate for D. & J Maurer, Inc. from the Borough of Donora, Washington County, to points in Pennsylvania, and vice versa;

All of the authority above being subject to the following conditions:

First: That no right, power or privilege is granted to transport household goods.

Second: That no right, power or privilege is granted to transport property (except in bulk) to and 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.

Third: That no right, power or privilege is granted to transport limestone and limestone products from York County.

Fourth: That no right, power or privilege is granted to transport sand, in bulk in truckloads, from the Pennsylvania Glass Sand Corporation in the Boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County, to the Boroughs of Donora, Washington County, and Industry, Beaver County.

A-92978, F.1, Am-R

To transport as a Class D carrier property:

- (1) From points in the Counties of Mercer and Beaver to points in Pennsylvania and vice versa; and
- (2) From points in Pennsylvania, on and west of U. S. Highway 220, to points in Pennsylvania east of U.S. Highway 220, and vice versa, restricted in paragraphs (1) and (2) herein to the transportation of shipments moving on flatbed tractor trailer units.
 - (a) Provided that no right, power or privilege is granted to transport shipments which because of size or weight limitations require the issuance of special permits from the Pennsylvania Department of Transportation;
 - (b) Provided that no right, power or privilege is granted to transport property from the Borough of St. Marys and the Township of Bensinger,

County of Elk; or from points in the Townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton and Warminster and the Boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, Penndel and Tullytown, all in Bucks County;

- (c) Provided that no right, power or privilege is granted to transport refractories, refractory products or materials, equipment and supplies used in the manufacture and installation of refractories and refractory products from the Counties of Allegheny, Clarion and Washington to points in Pennsylvania, and vice versa;
- (d) Provided that no right, power or privilege is granted to transport property, for or from or to the Pennsylvania facilities of Reynolds Manufacturing Company; Amsat Corporation, MonCo Products, Inc.; Freeport Brick company; Associated Ceramics and Technology; Solar Refractories; Dlubak Studios, Inc.; Hussey Metal Division, Copper Range Company; A. P. Green Refractories Company; Jones and Laughlin Steel Corporation; Bethlehem Steel Corporation; H. H. Robertson Company; Amax, Inc.; Climax Molybdenum Corp.; Molycorp, Inc.; General Electric Corporation; Sperry-New Holland Division of Rand Corp.; Zurn Industry Corp.; Copes Vulcan Company; Thalheimer Bros., Inc.; and Owens Corning Fiberglass Corporation;
- (e) Provided that no right, power or privilege is granted to transport property, having a prior or subsequent movement by water, from points in the Counties of Allegheny, Armstrong, Lawrence, Washington and Westmoreland;
- (f) Provided that no right, power or privilege is granted to transport property from, to, or between points in the Counties of Adams, Cambria, Cumberland, Daulphin, Franklin, Lancaster, Lebanon, Mifflin, and Somerset;
- (g) Provided that no right, power or privilege is granted to transport limestone and limestone products, in bags and other types of containers, for the 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, to points in Pennsylvania.



LAW OFFICES

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

September 6, 1988

Re: Pitt-Ohio Express, Inc.

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

Our File 2691-40

RECEIVED

SEP 9 1988

SECRETARYS OFFICE **Public Utility Commission**

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

UOCKETED SEP1 21898

Dear Mr. Rich:

We have been authorized by Pitt-Ohio Express, Inc. to restrictively amend the above application to read in its entirety as follows:

To transport, as a Class D carrier, property for McConway & Torley Corporation, from its facilities located in the City of Pittsburgh, Allegheny County, and the Borough of Kutztown, Berks County, to points in Pennsylvania, and vice versa,

Subject to the following conditions:

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



SECOND: That no right, power or privilege is granted to transport shipments on flatbed trailers, except (a) from the borough of St. Mary's and the township of Bensinger, Elk County; (b) from points in the townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton and Warminster, and the boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, Penndel and Tullytown, all in Bucks County; (c) refractories, refractory products or materials, equipment and supplies used in the manufacture and installation of refractories and refractory products to or from the city of Pittsburgh, Allegheny County; (d) property from or to the Pennsylvania facilities of Reynolds Manufacturing Company; Amsat Corporation, MonCo Products,

Mr. Jerry Rich Page Two September 6, 1988

> Inc.; Freeport Brick Company; Associated Ceramics and Technology; Solar Refractories; Dlubak Studios, Inc.; Hussey Metal Division, Copper Range Company; A. P. Green Refractories Company; Jones and Laughlin Steel Corporation; Bethlehem Steel Corporation; H. H. Robertson Company; Amax, Inc.; Climax Molybdenum Corp.; Molycorp, Inc.; General Electric Corporation; Sperry-New Holland Division of Rand Corp.; Zurn Industry Corp.; Copes Vulcan Company; Thalheimer Bros., Inc.; and Owens Corning Fiberglass Corporation; (e) property having a prior or subsequent movement by water from points in Allegheny County; and (f) property from or to points in the counties of Adams, Cambria, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, and Somerset.

We understand that upon receipt of this Amendment, Dwight L. Koerber, Jr., Esq., counsel for the sole protestant, Butler Trucking Company, will advise the Commission in writing that the protest is being withdrawn. At that point the application will be unopposed and we ask that it be assigned to the Technical Review Section for further processing without an oral hearing.

Sincerely yours,

VUONO, LAVELLE & GRA

William J. Lavelle

mm

cc: Dwight L. Koerber, Jr., Esq. Pitt-Ohio Express, Inc.

KRINER, KOERBER AND KIRK

ATTORNEYS-AT-LAW

IIO NORTH SECOND STREET
P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

(814) 765-9611

September 9, 1988

COUNSEL TO THE FIRM
WILLIAM T. DAVIS

WILLIAM C. KRINER DWIGHT L. KOERBER, IR. ALAN F. KIRK

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

RE: PITT-OHIO EXPRESS, INC.

A-102471, F.1, Am-Z

RECEIVED

SEP 12 1988 SECRETARY'S OFFICE Public Utility Commission

Dear Mr. Rich:

I represent Butler Trucking Company, protestant in the above referenced proceeding. In view of the restrictie amendment presented by the applicant, by letter dated September 6, 1988, the interests of my client have been satisfied. Accordingly, I hereby withdraw the protest of Butler Trucking Company.

Very truly yours,

;

DLK:gje

cc: Mr. David F. McAllister
William J. Lavelle, Esquire







PENNS VANIA PUBLIC UTILITY COMMUSION P. O. BOX 3265, HARRISBURG, Pa. 17120

September 21, 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-Z - Application of Pitt-Ohio Express, Inc.

Dear Mr. Lavelle:

The above referenced application has been assigned for review without an 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 STATEMENTS IN SUPPORT OF APPLICATION

The verified statements 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 to file verified statements. They will be due on or before October 21, 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 should be directed to Tim Zeigler (717) 783-5946.

Very truly yours,

By Peter S. Marzolf, Supervisor
For Tim Zeigler
Technical Review Section
Bureau of Transportation

TZ:PSM:ms

DOCUMENT FOLDER

DOCKETED
APPLICATION DOCKET
SEP 21 1988
ENTRY No. 100