

November 27, 1987

IN REPLY PLEASE
REFER TO OUR FILE

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

A-00102471, Folder 1, Am-U - 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 December 21, 1987. 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 November 28, 1987.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

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

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
NOV 30 1987
ENTRY No.

A-00102471, Folder 1, Am-U 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 Atlantic-Pacific Automotive Company located on the boundaries of the borough of Mechanicsburg and the township of Silver Spring, Cumberland County, to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport property to or from points in the counties of Bradford, Columbia, Lackawanna and Luzerne: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Dauphin Distribution Services Company, from its facilities located in Cumberland 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 _____

NOV 28 1987

BUREAU OF TRANSPORTATION
COMMON CARRIER
NOVEMBER 1987

A-00102471
F. 1
Am-U

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 Atlantic-Pacific Automotive Company located on the boundaries of the borough of Mechanicsburg and the township of Silver Spring, Cumberland County, to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport property to or from points in the counties of Bradford, Columbia, Lackawanna and Luzerne: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Dauphin Distribution Services Company, from its facilities located in Cumberland County, to points in Pennsylvania, and vice versa.

MW:np
11/17/87

Application received: 11/4/87
Application docketed: 11/16/87

NH

DOCUMENT
FOLDER

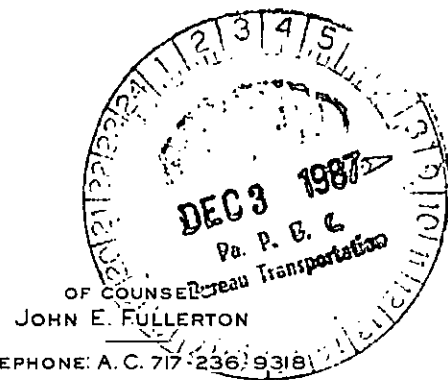
DOCKETED
APPLICATION DOCKET
NOV 30 1987
ENTRY No.

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.

DEC 21 1987

GRAF, ANDREWS & RADCLIFF, P. C.
ATTORNEYS AT LAW
407 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17101

CHRISTIAN V. GRAF
FREDERICK W. ANDREWS
DAVID H. RADCLIFF



November 30, 1987
File: 644.214

RE: PITT-OHIO EXPRESS, INC., A. 102471, Folder 1, Am-U -
Protest of Central Storage & Transfer Co. of Harrisburg

RECEIVED

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

FILE

DEC 2 1987

SECRETARYS OFFICE
Public Utility Commission

Dear Mr. Rich:

On behalf of Central Storage & Transfer Co. of Harrisburg, I enclose the original and one copy of a protest to the above-captioned application. Copies are being forwarded to applicant, applicant's attorney and to protestant.

Very truly yours,


Christian V. Graf

CVG:ter
Enclosure

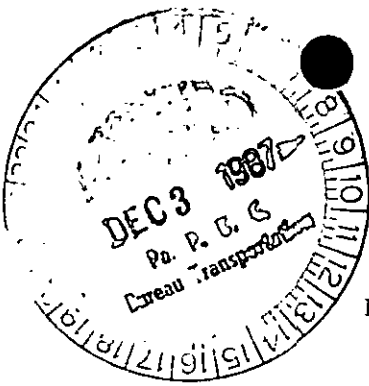
cc: Pitt-Ohio Express, Inc.
26th and A.V.R.R.
Pittsburgh, PA 15222

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

Richard S. Apple, President
Central Storage & Transfer Co. of Harrisburg
P.O. Box 2821
Harrisburg, PA 17105

David H. Radcliff, Esquire

DOCUMENT
FOLDER



RECEIVED

DEC 2 1987

SECRETARYS OFFICE
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

In Re: A-102471, Folder 1, Am-U. 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 Atlantic-Pacific Automotive Company located on the boundaries of the borough of Mechanicsburg and the township of Silver Spring, Cumberland County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport property to or from points in the counties of Bradford, Columbia, Lackawanna and Luzerne: SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Dauphin Distribution Services Company, from its facilities located in Cumberland County, to points in Pennsylvania, and vice versa.

FILE

Applicant's attorney: William J. Lavelle, Esquire
2310 Grant Building
Pittsburgh, Pennsylvania 15219

Pennsylvania Bulletin reference: November 28, 1987, page 4988.

PROTEST OF
CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG
A. 82019

1. The name, address and telephone number of protestant are:

CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG
P.O. Box 2821
Harrisburg, Pennsylvania 17105
Telephone: A.C. 717, 233-5821

2. The names, address and telephone number of Protestant's attorneys are:

GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, Pennsylvania 17101
Telephone: A.C. 717, 236-9318

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 4 1987
ENTRY No. 112

3. Protestant possesses authority at A. 82019, Folder 2, Am-T and Folder 2, Am-U, copies attached hereto as Exhibit A. Thereunder Protestant possesses the authority to perform all of the transportation in shipments under 10,000 pounds to points west of U.S. 219 and on shipments regardless of weight to points on and east of U.S. 219.

4. Absent knowledge as to who, if anyone, supports this application, a meaningful traffic exhibit cannot be presented.

5. Pursuant to Sec. 333(c) of the Public Utility Code, Protestant requests applicant or its counsel to furnish it with the list of names and addresses and company names and addresses of the witnesses that it intends to call.

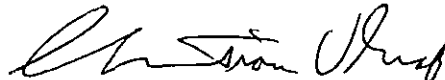
6. Protestant knows of no amendment which will satisfy its interest in this proceeding but is willing to discuss same with applicant's attorney.

WHEREFORE, absent an appropriate amendment, Protestant prays the instant application may be dismissed.

AND IT WILL EVER PRAY.

CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG

By: _____



Christian V. Graf
Its Attorney

November 30, 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 27, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley
Frank Fischl
Bill Shane

Application of Central Storage & Transfer Co. of Harrisburg, 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 from points in the counties of Philadelphia, Delaware, Bucks, Montgomery, Chester, Northampton, Lehigh, Berks, Monroe, Carbon, Schuylkill, Wyoming, Lackawanna, Luzerne, Columbia, Montour, Union, Northumberland, Snyder, Mifflin, Juniata, Perry, Franklin, Cumberland, Adams, York, Lancaster, Lebanon and Dauphin, to points in the county of Allegheny, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport household goods in use, commodities in bulk, and commodities which, because of size or weight, require the use of special equipment; and That no right, power or privilege is granted to transport any shipment weighing less than 10,000 pounds; a shipment here defined as a quantity of freight received from one consignor at one location at one origin point on one day destined to one consignee at one location at one destination point: SO AS TO PERMIT the transportation of property (except household goods in use, commodities in bulk and commodities which, because of size or weight, require the use of special equipment) between points in that part of Pennsylvania on and east of U.S. Highway 219.

A-00082019
F. 2
Am-T

Graf, Knupp & Andrews, P.C. by Christian V. Graf for the applicant.
Zane R. Johnsonbaugh for the protestant, Ward Trucking Corp.
John Steel for the protestant, Marty's Express, Inc.
Liederbach, Rossi, Hahn, Casey & Foy by William H. R. Casey for the
protestant, Hatboro Delivery Service, Inc.
McNees, Wallace & Nurick by William A. Chesnutt for the protestants,
Gilchrist Trucking, Inc. and Northeast Delivery, Inc.
Charles Kulp, Jr. for the protestant, Kulp & Gordon Motor Freight.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 25, 1983. Public notice of the application was given in the Pennsylvania Bulletin of February 4, 1984. Protests to the application were filed by Ward Trucking Corp., Marty's Express, Inc., Hatboro Delivery Service, Inc., Gilchrist Trucking, Inc., Northeast Delivery, Inc. and Kulp & Gordon Motor Freight. Upon reconsideration, all protests were withdrawn without amendment.

The application is now unprotested 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 31 supporting shippers.

Richard S. Apple, president, stockholder and director of Central Storage & Transfer Co. of Harrisburg (Central Storage or applicant), P.O. Box 2821, Harrisburg, Dauphin County, sets forth in support of the pending application that he is fully knowledgeable of the authorities, facilities and operations of the applicant and is authorized to provide the following information. The applicant is affiliated with Pyramid Lines, Inc., a Pennsylvania corporation. The two companies have separate offices, maintain separate books, have separate employees, separate equipment and separate bank accounts. Pyramid Lines, Inc., currently holds no authority from the Commission, but has two applications pending at A-00105387. Pyramid Lines does hold interstate operating authority and engages primarily in the transportation of truckload traffic.

Central Storage operates from a single Pennsylvania terminal located at 3500 Industrial Road, Harrisburg, Dauphin County. At the facility are located general offices, three major warehouses, maintenance garage and a crossdock terminal. The terminal has 66 doors which are equipped with freight handlers and forklifts. The terminal also has an in-floor automated track system. Dispatchers are located in the terminal building to facilitate operations.

All equipment dispatched from the terminal every morning with the equipment returning to the terminal at the end of the business day. At the terminal, is a two-way radio system which is capable of reaching all of the power units in the applicant's present operating area. The terminal also is equipped with WATS lines and the applicant does accept collect calls from shippers.

Central Storage has installed a computer system with software specifically designed for its motor carrier operations. This computer assists in maintaining traffic surveys and analysis comparisons, rate studies and other information that permits the applicant to have available information at a moment's notice.

Central Storage currently has available to provide the proposed transportation 63 tractors and 144 trailers. The trailers consist of 136 vans, four flatbeds, and four refrigerated vans. The applicant does not anticipate a need for additional equipment to provide the proposed service.

The supporting shippers will be provided with truckload service although the applicant is primarily an LTL carrier. The applicant will provide transportation for multiple deliveries; overnight service unless special service is requested; jobsite deliveries when requested; transportation of commodities requiring refrigeration control while in transit; C.O.D. shipments and Order Notify shipments. When volume warrants, the applicant will make regular pick-ups every day without requiring the shipper to call the terminal for service.

The unaudited balance sheet of Central Storage indicates that as of May 31, 1984, it had total current assets of \$2,264,025, total assets of \$5,963,678, total current liabilities of \$1,204,409, long-term debt of \$491,501 and retained earnings of \$3,783,396. The income statement for the first five months of 1984 sets forth that from total operating income of \$3,459,334, the applicant generated a net income of \$129,943.

Melvin J. Wagner, traffic manager of Caloric/Modern Maid Corp., 403 Main Street, Topton, Berks County, sets forth in support of the pending application that the shipper is a manufacturer of kitchen household appliances, which ships three to five shipments daily outbound and receives inbound shipments totalling three to four per week. Shipments will originate at its facilities in Topton, and will be destined for such points as Media, Aston, Bethlehem, Macungie, Fort Washington, Doylestown, Philadelphia, West Chester, Lansdale, Pottsville, Johnstown and State College. Inbound origins will include Berwyn, Fort Washington and Cornwell Heights and will be destined for the facilities in Topton.

The shipper requires a carrier that can provide overnight service with limited handling of these shipments since the commodities to be shipped are fragile. The applicant is currently providing service pursuant to its intrastate authority.

Robert D. Houd, shipping supervisor for Eastern Foundry Co., Sprig & Schaeffer Streets, Boyertown, Berks County, states in support of the pending application that the shipper is a cast iron foundry producing pipe fittings, soil pipes and heaters. From the Boyertown facility, it ships six times per month with shipments destined to such points as Clearfield, Philadelphia, Pottstown and Allentown. It needs a carrier that can provide overnight service with limited handling.

Eleanor Feltenberger, traffic clerk of Flavored Nuts, Box 100, Pennsylvania Avenue, Tyrone, Blair County, states in support of the pending application that the supporting shipper is engaged in the manufacture of candy-coated peanuts which it distributes from its Tyrone facility to such points in Pennsylvania as Altoona, Lewistown, Huntingdon, State College, Bradford and Lock Haven. It ships approximately two to three shipments to the area of application. The shipper is currently utilizing the applicant and the additional authority will permit the shipper to consolidate all of its shipments to all points in Pennsylvania, thus removing congestion at its dock.

Jon L. Nase, warehouse manager for G. H. Brown, Second & Chestnut, Perkasio, Bucks County, states that G. H. Brown is a wholesale distributor of automotive finishing products from the Perkasio facility to such points in Pennsylvania as Allentown, Easton, Reading, Wilkes-Barre and Scranton. It is anticipated that the applicant will be utilized on a daily basis for two to three shipments. It is supporting the applicant for overnight service because the applicant has the experience to provide the transportation proposed.

Shawn Plunkett, warehouse manager for Brownell, Inc., 4667 Somerton Road, Trevoise, Bucks County, sets forth that the shipper is a distribution center for electrical supplies. Its daily shipments range from 200 to 10,000 pounds per day. From Trevoise, it ships to such points as Easton, Bridgeport, Lock Haven, Bethlehem, Macungie, Wyoming, Honesdale, Athens, Pottstown, Bechtelsville, Sterling, Johnstown, Bethel and Allentown. Inbound to its facilities, it receives shipments from Reading, Valley Forge, West Chester, Lionville, and King of Prussia. The shipper is currently using Central Storage to and from the areas it is currently authorized and a grant of authority as sought will permit the applicant to consolidate shipments.

Peter B. Locke, manager of traffic and purchasing for Silverline Manufacturing Co., Inc., P.O. Box A, Lansford, Carbon County, states that as a manufacturer of aluminum pigments used in the paint and coatings industries, it ships 10 times per week to points in the application area. An average shipment weighs 1,500 pounds and is shipped from Lansford to such points as Reading, Allentown, Easton, Scranton and Wilkes-Barre. Inbound shipments will originate at Allentown, Scranton and Reading and will be destined for Lansford.

Don Gibson, traffic manager for Commercial Printing, Inc., 1224 North Atherto, P.O. Box 156, State College, Centre County, states that it is a major printer for numerous customers located at such points

as Altoona, State College, Johnstown, Lock Haven, Mifflintown, Bradford, Montrose and Shamokin. Daily, it has two to three shipments destined for points in the application area with the shipments ranging from 200 to 10,000 pounds. Inbound to its State College facility, it receives shipments from Altoona, Lewistown, State College and Johnstown. The shipper is currently utilizing Central Storage to and from the areas it is currently authorized to serve and the additional authority will permit the shipper to consolidate all its shipments to and from the application area.

Larry Hess, traffic manager for Jostens American Yearbook, 401 Science Park, State College, Centre County, states in support of the pending application that as a manufacturer of yearbooks for colleges, high schools, junior high schools and elementary schools, it ships from State College to such points as Altoona, Lewistown, Mifflintown, Bradford, Huntingdon, Towanda, Honesdale, State College, Selinsgrove, Milton, Lewisburg, Milroy, Williamsport and Shamokin. Inbound, it has shipments moving from Altoona, State College, Huntingdon and Lewistown. Its traffic totals approximately 200 to 10,000 pounds daily both inbound and outbound. It is supporting Central Storage due to its need for a carrier that can provide overnight service.

Jerry Tye, assistant manager of traffic for Lasko Metal Products, Inc., 820 Lincoln Avenue, West Chester, Chester County, states that the shipper is a manufacturer of electrical ceiling and window fans which it ships from West Chester to such points as Warminster, Levittown, Norristown, Philadelphia, Reading, Allentown, Quakertown, Coatesville, Honesdale, Bethlehem and Pottstown. Daily, it ships from 200 to 10,000 pounds and it anticipates utilizing the applicant on a daily basis for between five and 15 shipments. It supports Central Storage due to its need for a carrier that can provide overnight service.

Ron Vought, shipping supervisor for Dana Corporation, Ninth and Oak Streets, Berwick, Columbia County, states that the supporting shipper is a manufacturer of truck and trailer leaf springs and trailer suspensions. From Berwick, it ships to Clearfield and Scranton. Its average shipments weigh approximately 5,000 pounds and it ships one to two shipments per month to points in the application area.

George Dorman, warehouse manager for Matthias Paper, 360 Penn Street, Yeadon, Delaware County, states that it anticipates tendering the applicant two to three shipments per week from Yeadon that are destined to King of Prussia, Reading, College Park, and Philadelphia. It is supporting Central Storage due to its need for a carrier that will provide overnight service.

Ronald L. Moore, general manager of Laubach Saw Equipment Corp., U.S. Route 22 West, P.O. Box 145, Thompsontown, Juniata County, states that the shipper is a distributor of Stihl chainsaws, industrial products and Kubota pumps and generators. From its Thompsontown facility, it ships to such points as Altoona, Lewistown, Huntingdon, Wellsboro, Bradford, Donnelle, Montrose and Milford. It is supporting the applicant due to its need for a carrier that can provide overnight service.

Donald Stainer, owner of Du Mor, Box 142, Mifflintown, Juniata County, states that he is a manufacturer of steel and wood playground equipment. He ships two to three shipments per week and these shipments range in weight from 200 to 10,000 pounds. From Mifflintown, he ships to Williamsport, Montoursville, Selinsgrove, Shamokin, State College, Huntingdon, Altoona, Tyrone and Lock Haven. Inbound shipments originate at Altoona, State College and Selinsgrove. The applicant is currently being utilized pursuant to its current authority and the proposed area of operation would be beneficial to the shipper.

Ruth Salidis, office manager of Arley Wholesalers, Inc., North South Road, Scranton, Lackawanna County, sets forth in support of the pending application that the shipper is a wholesaler of floor coverings and building materials. From Scranton, it ships to Sunbury, Danville, Lewisburg, Milton and Clearfield. It seeks a carrier that can provide overnight service and the proposed service will permit the applicant to handle all of its traffic.

Harlan B. Weidmon, warehouse manager for Glesco, Inc., 613 Prince Street, Lancaster, Lancaster County, sets forth in support of the pending application that as a distributor of rack and shelf systems for industrial and warehouse use, it ships to various points in Pennsylvania including Clearfield, Johnstown and Mansfield. It anticipates tendering the applicant shipments two to three times per week with shipments weighing approximately 1,000 to 2,000 pounds.

Patrick B. Sheehan, sales manager of Eagle Graphics, 2600 Cumberland, P.O. Box 73, Lebanon, Lebanon County, states that it will ship from Lebanon to such points as Laporte, Dushore, Emporium and Johnstown. On a daily basis to the application area, it ships approximately 200 to 2,000 pound shipments. These shipments will be comprised of business forms which it prints for distribution to distributors and jobbers. It is seeking a carrier that can provide overnight service with limited handling.

David L. Rubright, warehouse supervisor for Dick Blick East, 702 Broad Street, Emmaus, Lehigh County, sets forth that as a distributor of art supplies, it would utilize the applicant on a daily basis for five to 10 shipments per day averaging 300 to 1,000 pounds per shipment. This traffic will originate at Emmaus and will be destined for such points as Philadelphia, West Chester, Lansdale, Montgomeryville, Pottsville, Schuylkill Haven, East Stroudsburg, Doylestown, Warminster, Bryn Mawr, Chester, Boothwyn, Marcus Hook, Folsum, Reading, Pottstown and Bethel. The shipper seeks a carrier that will provide it with overnight service.

Gail Senese, traffic manager of James Eagen Sons Company, 200 West Eighth Street, Wyoming, Luzerne County, sets forth that as a manufacturer of flights and feed screws, it ships approximately two to three times per week to points such as Berwick, Johnstown, Orwinstown and Scranton. A carrier is sought that will provide consistent overnight service and prompt pick-ups.

Thomas Kretch, president of Pride Furniture Health Care, 71 South Main, Pittston, Luzerne County, states that he will utilize the applicant to transport therapeutic apparatus from Pittston to such points as Pottsville, Johnstown and DuBois. The additional area will benefit the shipper as it will reduce the number of carriers necessary to handle its traffic.

Neil Robbins, vice president of Modern Transparent Manufacturing Co., 530 Exeter Avenue, West Pittston, Luzerne County, states that the shipper is a manufacturer of plastic bags for use in the food industry and for manufacturing applications. It is anticipating tendering the applicant all of its traffic moving from West Pittston to such points as Woolrich and Forest City. It is satisfied with the service currently being provided by the applicant.

Anne Cosale, supervisor of purchasing and traffic for Chemcoat, Old Montoursville Road, R.D. 3, Montoursville, Lycoming County, states that the shipper is a manufacturer of paint and wood lacquers which it ships from Montoursville to such points as Scranton, Wilkes-Barre, Dunmore and Bedford. It ships approximately two to three times per month with shipments ranging from 6,000 to 10,000 pounds. It is seeking a carrier that can provide expeditious transportation.

Richard Sayman, warehouse and shipping supervisor for Tetley, Inc., Reach Road, P.O. Box 3337, Williamsport, Lycoming County, states in support of the pending application that the shipper is a tea packer and manufacturer of tea bags. It anticipates tendering the applicant three shipments per week averaging 1,000 pounds per shipment. This traffic will originate in Williamsport and will be destined for such points as Scranton, Wilkes-Barre, Clearfield, DuBois, Johnstown and Bedford.

Gary Pry, traffic manager for James F. Havice Co., R.D. 4, Box 46A, Lewistown, Mifflin County, states that the shipper is a wholesale distributor of various products other than food which it ships to food retailers, drugstores and quick stops. This traffic averages 200 to 10,000 pounds on a daily inbound and outbound basis. Shipments originating at Lewistown are destined for such points as Altoona, Huntingdon, State College, Mifflintown, Bradford, Lock Haven and Wellsboro. Inbound its traffic originates at Altoona, Johnstown and Lock Haven. A grant of authority as sought will permit the shipper to consolidate all of its traffic to and from this part of Pennsylvania, which will result in the elimination of congestion on its dock.

James Mascavage, shipping manager for Olympic Reconditioning Co., Inc., 140 Second Street, Stroudsburg, Monroe County, states that the shipper is in the business of reconditioning athletic equipment for schools and colleges. It anticipates utilizing the applicant two to three times per week for shipments averaging 1,000 to 1,500 pounds each. Possible destinations for its traffic include any point in Pennsylvania that has a school or college. All transportation will involve two-way movements. A carrier is sought that will provide overnight and second-day service.

Howard T. Furber, warehouse manager for Martin Smith, Inc., 1690 Republic Road, Huntington Valley, Montgomery County, states that shipments moving from Huntington Valley will be comprised of copper tubing and plumbing supplies and will be destined for such points as Reading, Valley Forge, King of Prussia, Allentown, Bethlehem, Easton, Quakertown and Blue Bell. Shipments average 300 to 10,000 pounds and it is anticipated that the applicant will be utilized two to three times per week. The shipper seeks a carrier that will provide transportation to construction sites on an overnight basis.

Dale Darcas, operations manager for United Tire & Rubber Co. Ltd., 2590 Industry Lane, Norristown, Montgomery County, sets forth that the shipper is a wholesale and retail distribution center for passenger and heavy equipment tires. It anticipates utilizing the applicant two to three times per week with up to five shipments per use. Shipments average 100 to 1,000 pounds. From Norristown, it ships to McConnellsburg, West Chester, Everett, Allentown, Easton, Philadelphia, Media, Towanda and Montrose. Inbound, it has traffic originating at Milford, Clarks Summit, Wellsboro, Doylestown and Chester. A carrier is sought that will provide overnight service with limited handling of shipments.

Jayson H. Dilsher, warehouse supervisor for Martin Sprocket & Gear, Inc., Box 138, Delps Road, Danielsville, Northampton County, states that the shipper is a manufacturer of steel sprockets and gears. From Danielsville, it will ship to such points as Philadelphia, Pottstown, Pottsville, Lansdale, Montgomeryville and West Chester.

Sam Miller, shipping and receiving manager for C. H. Reed, Inc., South Gate Plaza, Milton, Northumberland County, states that the shipper is a distributor of industrial supplies and compressor sales and service. Shipments average 200 to 1,600 pounds and it is anticipated that the applicant will be utilized two to three times each month. From Milton, shipments move to Mayfield and Pittston Township. The applicant is currently providing inbound service and the availability of the applicant to also provide outbound service would be highly beneficial.

Karen Fitzpatrick, traffic manager for Peter Frasse, Inc., 3911 Wissahickon Avenue, Philadelphia, Philadelphia County, states that the shipper is an iron and steel distribution service serving the mid-atlantic states. The applicant is currently being utilized pursuant to its current authority and it is anticipated that under the proposed authority, the applicant would be utilized from Philadelphia to such points as Philadelphia, West Chester, Coatesville, Quakertown, East Greenville, Bethlehem, Allentown, Easton, Doylestown, Langhorne, Phoenixville, Pottstown, Reading, Robesonia, Clearfield, Kutztown, Nazareth, Johnstown and Altoona. The shipper requires that the applicant provide overnight service and late pick-ups.

Ruth DeBrewer, traffic manager for Graff Valve Fitting, 700 West Tabor, Philadelphia, Philadelphia County, states in support of the application that the shipper is a manufacturer's representative and distributor for valves, fittings and flanges. The shipper expects to tender the applicant one to three shipments per day totalling approximately 2,000 pounds. Shipments will move from Philadelphia to such points as King of Prussia, Reading, Philadelphia, Chester, West Chester, Allentown and Quakertown. A carrier is sought that will provide reliable overnight service.

John Jay Balulis, traffic manager for GII Corporation, Mirawal Products, Pottsville & Commerce, Port Carbon, Schuylkill County, states that the shipper is a manufacturer and distributor of building materials, interiors, exteriors and wall panels. From Port Carbon, the applicant will be utilized to handle shipments moving to Scranton, Wilkes-Barre, Hazleton, Berwick, Allentown, Clearfield and DuBois. The shipper requires a carrier that can provide it with reliable overnight service.

DISCUSSION AND FINDINGS

Central Storage seeks an amendment to its certificate of public convenience which will authorize it to transport property between points in that portion of the Commonwealth that is located east of U.S. Highway 219. This area encompasses approximately two thirds of the entire state. The applicant has excluded from transportation the commodities of household goods in use, commodities in bulk and commodities which, because of size or weight, require the use of special equipment.

The applicant in this proceeding has been engaged in Pennsylvania intrastate transportation since 1955. The applicant is providing transportation pursuant to a variety of Class A, B, C and D authorities. From its Harrisburg terminal, Central Storage operates in the southeastern and central counties of the Commonwealth. Central Storage is also authorized to provide transportation from 29 eastern counties to points in Allegheny County, and vice versa.

Central Storage, under its current authority, is operating in almost all of the counties that comprise the area east of U.S. Highway 219. These authorities, however, do not permit the applicant to provide the transportation desired and supported by the 31 supporting witnesses. The authorities limit the applicant to providing transportation of an outbound nature, from only a few counties, and this transportation is further fragmented by restrictive amendments. A grant of authority as sought, will result in extensive duplication of the applicant's present authority.

Although the applicant only operates from a single terminal located in Harrisburg, it is evident that the applicant is active in the majority of the counties comprising the application area. With its radio-equipped vehicles and specialized computer system, we are of the opinion that Central Storage should have no difficulty in meeting the needs of the shipping public in the expanded area of operations, proposed by the instant application.

The 31 supporting shippers in this proceeding have expressed a need for a carrier that is willing to transport less-than-truckload freight in an expeditious manner. Those shippers that are utilizing the applicant in either interstate or intrastate commerce, have indicated that they have found the applicant highly capable. After review of the evidence presented by these witnesses as to origins and destinations, we find that although the evidence presented does not indicate a need for service from or to each of the counties comprising the area proposed, the evidence as a whole supports the authority sought herein.

We find:

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

2. That the applicant has demonstrated that a public need exists for the proposed service.

3. That approval of the application will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued to the applicant on July 12, 1955, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, between points in Pennsylvania on and east of U.S. Highway 219.

subject to the following conditions:

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

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

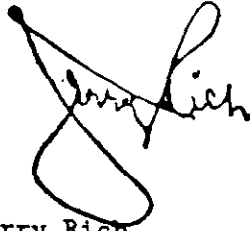
That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein, until it shall have complied with requirements of the Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of 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 the 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 carrier, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large loop at the bottom and a long horizontal stroke across the middle.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 27, 1984

ORDER ENTERED: SEP 4 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 26, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Central Storage & Transfer Co. of Harrisburg, 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, between points in Pennsylvania on and east of U.S. Highway Route 219; subject to the following conditions: That no right, power or privilege is granted to transport household goods in use; That no right, power or privilege is granted to transport commodities in bulk; and That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment: SO AS TO PERMIT the transportation of property (except household goods in use, commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), from points in that portion of Pennsylvania lying on or east of U.S. Highway Route 219, to points in that portion of Pennsylvania lying on or west of U.S. Highway Route 219, and vice versa.

A-00082019
F. 2
Am-U

Graf, Knupp & Andrews, by Christian V. Graf for the applicant.
Kriner, Koerber and Kirk, by Dwight L. Koerber, Jr., for protestant, Butler Trucking Company.
Henry L. Wahls and Peter A. Latta for protestant, A. Duie Pyle, Inc.
James J. Campo for protestant, Campo's Express, Inc.
Vuono, Lavelle & Gray, by William J. Lavelle for protestants: Pitt-Ohio Express, Inc.; Hammel's Express, Inc.; Brocius Trucking, Inc. and Pittsburgh-Johnstown-Altoona Express, Inc.
Zane R. Johnsonbaugh for protestant, Ward Trucking Corp.
Pillar and Mulroy, by John A. Pillar for protestants: W. H. Christie & Sons, Inc., Courier Express, Inc., Klappeck Trucking Company and Milo Express, Inc.
McNees, Wallace & Nurick, by William A. Chesnutt for protestant, Gilchrist Trucking, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on April 25, 1986, and published in the Pennsylvania Bulletin of May 17, 1986. Thirteen carriers protested the application; however, two carriers withdrew upon reconsideration of their interest in the matter, and the remaining 11 carriers withdrew when the applicant entered a restrictive amendment.

The amendment precludes the applicant from handling, (1) shipments for, to or from the facilities of the Brockway Glass Company, Inc.; (2) for Proctor & Gamble Distributing Company and from its facilities in Lackawanna, Luzerne and Wyoming Counties; (3) from the facilities of Lukens Steel Co., in Plymouth Township, Montgomery and Chester Counties; (4) from the facilities of Allegheny-Ludlum Steel Corporation in Chester County; and (5) to transport shipments weighing in excess of 10,000 pounds for certain named shippers in specific areas of Pennsylvania.

As amended, the application is unopposed and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and 126 supporting shippers.

Richard S. Apple, president, director and a stockholder of Central Storage & Transfer Co. of Harrisburg, has submitted a verified statement setting forth, inter alia, that the company is headquartered in Harrisburg and is affiliated with another certificated common carrier, Pyramid Lines, Inc. The affiliation exists to the extent that A. Joseph Garner is chairman of the board, a director and holder of 65 percent of the stock of Central Storage. He is also a director and a 51 percent stockholder of Pyramid. The applicant witness is also president, a director and 49 percent stockholder of Pyramid. Each company maintains separate offices, separate books, separate employees, separate equipment and separate bank accounts.

The applicant conducts business from a single Pennsylvania terminal located at 3500 Industrial Road in Harrisburg which houses the general offices, three major warehouses, a maintenance garage and a 66 door cross-dock operation. It utilizes WATS lines and accepts collect calls from customers.

The operating fleet consists of 13 automobiles, all sedans; one straight truck; 68 tractors and 201 trailers of all types. The operation is radio-dispatched with all tractors equipped with two-way radios. A safety program is administered by a full-time safety director.

An unaudited balance sheet indicates that as of October 31, 1986, the applicant's total current assets exceeded total current liabilities by approximately \$140,000, and that it had retained earnings exceeding \$5,365,000. An income statement for the first 10 months of

1986, shows that from revenues of \$7,737,400, the applicant realized a net profit of \$745,869.

James Collins, warehouse manager for Unistrut-Pittsburgh Service Company, Pittsburgh, Allegheny County, supports the applicant stating that the company distributes strut and channel material which is used by a variety of customers. Accordingly, it is possible that shipments could be made anywhere in the state. Shipments are made on the average of twice a month at approximately 2,000 pounds each. Representative destinations include State College, Altoona and Clearfield. It will use the applicant if the service becomes available.

Paul Malenky, traffic manager for Complete Reading Electric, Pittsburgh, Allegheny County, ships electrical supplies at the rate of 3,000 to 5,000 pounds per week to points such as Reading, Harrisburg, Chambersburg, Altoona, State College, Allentown and Philadelphia. He supports the application attesting to a need for overnight to second-morning delivery.

Barry Tilman, traffic manager for Long Machinery, Pittsburgh, Allegheny County, supports the application. The company manufactures and ships machinery for the tool and die industry to points such as Downingtown, Scranton, Philadelphia, Harrisburg, Pottsville, State College and Altoona. It needs consistent second-day delivery service.

Jeff Maxwell, shipping manager for Duo Fast, Pittsburgh, Allegheny County, states that the company ships air staple guns, staples, compressors and hammer guns at the rate of 1,000 to 6,000 pounds a week, to points such as Coatesville, Harrisburg, Philadelphia, Wilkes-Barre, Scranton, York and Lancaster. It will use the applicant.

Bob Kunca, traffic manager for Amick Associates, Carnegie, Allegheny County, supports the application. The company is a distributor of wire rope used in construction and material handling which it ships to points such as Philadelphia, Scranton, Lancaster, Williamsport and Hatfield. The average shipment weighs 500 to 2,000 pounds with two to three shipments made each week. It needs a reliable less than truckload carrier and will use the applicant if the service becomes available.

Bob Loebic, traffic manager for Body Associates, McKees Rocks, Allegheny County, has need for the proposed service for shipments of plastic pipe and fittings at the rate of one or two shipments a week weighing 1,000 to 2,000 pounds per shipment. Overnight service is required to Philadelphia and Harrisburg.

Nancy Pustinger is traffic manager for Standard Steel Specialty Company, Beaver Falls, Beaver County, and has entered a supporting affidavit. Commodities such as gear racks, taper pins, machine keys and elevator guide rails are shipped to points including Philadelphia, York and Williamsport. Two shipments per week weighing 5,000 pounds and over are involved, and require open top or flatbed trailers when shipments exceed 10,000 pounds.

Jane Kunz, general manager of C. F. Klages Company, Zelienople, Butler County, supports the applicant attesting to the need for service on shipments of machinery to points such as Harrisburg, State College and Scranton, at the rate of one to three shipments a month weighing 100 to 500 pounds each.

Karen Steffler, traffic manager for Portersville Valve, Portersville, Butler County, supports the applicant. It manufactures and distributes valves of all types. Shipments are made two or three times a week to points such as Philadelphia, Harrisburg, Allentown, Reading, Scranton, Wilkes-Barre and Williamsport. The company will use the applicant.

Maureen Dunlavy is office manager for Imperial Carbide, Inc., Meadville, Crawford County, and states that the company is in the tool and die business, manufacturing and machining dies and parts from aluminum and brass. It ships twice a week on a less than truckload basis to points such as Harrisburg, Tower City, York, Elizabethtown and Philadelphia. A carrier is needed which can provide reliable pick-up service with overnight or second-day delivery.

Ron Hughes, warehouse supervisor for Powers Drives, Inc., Erie, Erie County, needs the proposed service for delivery of hoses, belts, valves and other types of hydraulic equipment to points such as Altoona, State College and Lancaster. Reliable service is required two or three times a month for less than truckload shipments.

Jack Sexton, owner of Sexton Supply Company located in Erie, ships building supplies to Altoona, State College, Bellefonte, Allentown and Philadelphia at the rate of several times a week during the busy season. It will use the applicant.

Betsy Schultz is traffic manager for Larson Pharmaceuticals located in Erie, and supports the applicant. Approximately 500 to 5,000 pounds per day is shipped to such representative points as Altoona, Sunbury, Danville, Harrisburg, Philadelphia, Scranton, Wilkes-Barre, Allentown and Reading. Direct single-line service is required.

Bill Rouse, traffic manager for Rugged Trail, Inc., Uniontown, Fayette County, supports the application attesting to the need for the transportation of tires and iron and steel used in the manufacture of small off-road vehicles. Service is required to Philadelphia, Hatfield and Pottsville on a consistent overnight or second-day basis.

George Bailey, owner of Bailey Machine Company, Connellsville, Fayette County, has need for the transportation of several shipments per month averaging 500 pounds to 10,000 pounds each, to points such as Harrisburg, Philadelphia, Chambersburg, Lancaster, York, Allentown and Reading. Flatbed and dry van trailers are required. The proposed service will be utilized regularly.

Cindy Bucey, secretary and shipping clerk for Ivex Corporation, New Castle, Lawrence County, states that in the process of manufacturing and distributing paper products, it needs reliable transportation service to Altoona, State College, Huntington, Bellefonte and Harrisburg. It has three trucks of its own but they cannot handle all of the freight available. The applicant will be used about three times a week.

Rick Adams, shipping agent for Valley Welding Supply, Washington, Washington County, a wholesale distributor of welding supplies and gases, supports the applicant. The company makes daily shipments of 200 to 1,000 pounds each to points such as Altoona, State College, Lewistown and Huntington. Supplies are received inbound from York, Philadelphia and Bethlehem. It will use the proposed service on a regular basis.

Jill Engel, traffic manager for Action Packaging, Washington, Washington County, supports the application. The company ships corrugated boxes at the rate of 500 to 10,000 pounds every other day to points such as Harrisburg, Scranton, Philadelphia, Altoona and State College. It will use the proposed service.

Earl Smith, traffic manager for Teledyne Total Power, North Huntington, Westmoreland County, states that the company manufactures engines for industrial use which are shipped to representative points in Pennsylvania such as State College, Philadelphia, Altoona, York and Harrisburg, at the rate of 500 to 1,000 pounds daily. It will use the applicant.

Barbara Kosermin, traffic manager for Liberty Precision Tooling, North Huntington, Westmoreland County, attests to the need for the transportation of precision made punches and dies of approximately 1,000 pounds per day to points such as Clearfield, Lewistown, Carlisle, Lancaster, Hazleton, Harrisburg and Philadelphia. The applicant will be utilized.

Harry G. Annesley is manager of traffic and customer claims for Hedstrom Corp., Bedford, Bedford County, and sets forth that the company manufactures and ships outdoor play equipment; wooden juvenile furniture; plastic play products and juvenile wheeled products such as bicycles, tricycles, carriages and strollers. It would use the applicant approximately once a month, averaging 3,000 pounds, principally to Pittsburgh and other Allegheny County points.

Lonnie Kline is materials control manager for G & B Specialties, Inc., Berwick, Columbia County, and has entered a supporting affidavit. It manufactures a steel forging material used in subway and railway cars, and brake parts. The applicant would be given between 5,000 and 8,000 pounds two or three times a month to the principal destination of Wilmerding, Allegheny County. It knows the applicant is a reliable carrier.

Kirby V. Coffman is assistant traffic manager for Harrisburg Paper Company, 3982 Paxton Street, Harrisburg, and has entered a verified

statement. In its business of a distributor of paper products and janitorial supplies, it would use the applicant on shipments of 100 to 500 pounds to Allegheny County, and to the balance of the area west of Route 219 for both less than truckload and truckload shipments, particularly to approximately 18 Burger King restaurants. The applicant's current service in other areas of Pennsylvania is quite satisfactory.

James A. Bosak is the shipping clerk for the Howmet Corp., facility located in Harrisburg. It ships aluminum siding, custom aluminum awnings and related articles into all areas of Pennsylvania west of Route 219 at the rate of 500 to 2,000 pounds per month. The applicant has been used within its existing area of authority and the service has been good. The additional area this application would afford the applicant would be accommodating to Howmet.

Richard D. Niedererr, general manager of warehousing and traffic for T. B. Wood's Sons Co., Chambersburg, Franklin County, supports the applicant. It ships motors, sprocket wheels, bearings, shafting, pulleys, etc., into all areas of western Pennsylvania on a daily basis, with shipments ranging in weight up to 10,000 pounds each. It will use the applicant daily.

Neil Robbins, vice president of Modern Transparent Manufacturing Co., West Pittston, Luzerne County, supports the applicant. The company is a converter of polyethylene film, producing plastic bags and plastic sheeting. Shipments are made throughout Pennsylvania with primary destinations including Latrobe in Westmoreland County; Conneaut Lake Park in Crawford County; and Verona in Allegheny County. It has used the applicant within its existing scope of authority and looks forward to having it available in the expanded territory proposed herein.

Gail Senese is traffic manager for James Eagen Sons Co., Wyoming, Luzerne County, and attests to a need for the proposed service for the transportation of iron and steel flights and feed screws used in drilling, mining and conveying equipment. Shipments weighing an average of 200 to 500 pounds each are made about eight times a month to points such as Blawnox and Pittsburgh, Allegheny County; Beaver Falls, Beaver County; Slippery Rock, Petrolia and Evans City, Butler County; and Springs, Somerset County. It is currently using the applicant within its authorized area.

Phillip Bower, owner of Central Equipment Company located in Montoursville, Lycoming County, supports the applicant. It sells construction supplies and equipment which consist of air tools, power tools, hoses, ladders, compressors, trowel machines, etc. which are shipped to points west of Route 219 in Allegheny, Cambria and Westmoreland Counties. Shipments range between 500 and 700 pounds and are made two times a month. The applicant provides good service within its authorized area, whereas other authorized carriers have not provided good pickup service.

Albert Schweitzer is a foreman for Resilite Sports Products, Inc., Northumberland, Northumberland County, and has entered a verified statement. The company assembles gymnasium mats which weigh six to 12 pounds per cubic foot. Shipments are made monthly to all areas of the proposed territory. The authority would be helpful since the shipper has found the applicant's quality of service in other areas to be very good.

Frank Schaetzke, warehouse manager for Zurn Industries located in Philadelphia, attests to a need for the proposed service for the transportation of iron body cesspools, drains, brass shower heads and pipe fittings to Uniontown, Fayette County; Pittsburgh, Allegheny County; and to a company facility in Erie. Inbound movements exist from the Erie facility and from Sharon and Franklin. It currently uses the applicant to points east of Route 219 and gets good consistent service. The same degree of service is desired to points west of Route 219.

Jack Martin, traffic controller for Joseph T. Ryerson, Philadelphia, supports the applicant. The company ships steel plates and bars and aluminum articles. The company also maintains a facility in Pittsburgh. In addition to shipping to the Pittsburgh facility, shipments are also made to Johnstown, Ellwood City and Uniontown. Approximately 2,000 to 8,000 pounds a week would be given to the applicant if the service becomes available.

Bernard Sacks, vice president of Efron America located in Philadelphia, states that the proposed authority would be very useful for shipping shower doors and shower enclosures to western Pennsylvania points such as Somerset, Uniontown, New Castle, Pittsburgh and Johnstown. Anywhere from 200 to 2,000 pounds a week would be given to the applicant. The applicant's service to points east of Route 219 has been very good and it desires the same degree of service to points west of Route 219.

Kevin Deely is vice president of Lukens Metal, Philadelphia, which ships solder, sheet lead, lead wool, calking lead and acid brushes to such western Pennsylvania points as Tarrs, Pittsburgh, Belle Vernon, McMurray and Cochran. Approximately 3,000 pounds a month are involved. It currently uses the service of another certificated carrier, but has experienced damages in transit. It will use the applicant.

Bob Bryan is distribution manager for McKnight Steel & Tube in Philadelphia and supports the applicant. As a distributor of steel, the company has need for transportation services to and from Pittsburgh, Beaver Falls and Greenville. It has used the applicant almost daily within its presently authorized territory and would like to have it available to the territory proposed herein.

Dennis Yerger, purchasing manager for Sporoco, Inc., Selinsgrove, Snyder County, states that the company is a distributor of manufactured housing products such as range hoods, lights, adhesives, paints, fireplace implements, etc. Its shipping volume to western Pennsylvania is from 100 to 500 pounds every two weeks which it would give to the applicant.

It has had delivery problems in the past on shipments destined to Clarion, Shippenville and Strattanville in Clarion County, and Saegertown in Crawford County.

Thomas L. Smith, traffic manager for Murdock Enterprises, Inc., of Somerset, Somerset County, sets forth that his company is a government defense contractor and is also engaged in automotive and heavy equipment repair and parts replacement work. There are literally hundreds of commodities involved. It would use the applicant for transporting shipments weighing up to 10,000 pounds on a daily basis. The carrier it is currently using is experiencing financial difficulties and the applicant would be used as a replacement.

Clayton D. Emery, traffic manager for York-Shipley, Inc., located in York, supports the applicant attesting to a need for the proposed service for the movement of boilers and furnaces at the rate of approximately 10 shipments a month into the area west of Route 219. It has experienced transit delays to this area in the past and believes the applicant will provide better service.

Louis F. Fischer, traffic manager of Teledyne-McKay located in York, makes daily shipments into western Pennsylvania consisting of welding wire and steel chain which average approximately 1,262 pounds per shipment. It is using Pitt-Ohio Express, but still requires another carrier to cover all of the area adequately. Representative points of destination are Pittsburgh, Erie, New Castle, Uniontown, Johnstown, Butler and Titusville. He will use the applicant for half of the traffic.

Robert E. Leroy, director of operations for Katherine Beecher Candies located in Manchester, York County, ships approximately 20,000 pounds in less than truckload quantities per month into the area of Pennsylvania west of Route 219. Approximately 40 percent of the traffic will be given to the applicant with the hopes of eliminating billing errors made by the carriers it is presently using.

Nolan Gipe is traffic manager for Donsco located in Wrightsville, York County, and ships grey iron and aluminum castings into western Pennsylvania at the rate of 5,000 to 10,000 pounds per month. He supports the applicant hoping to receive faster pickup service than he now obtains from other carriers.

Joann Groft is traffic manager for Keystone Distribution Center, Inc., Red Lion, York County, and supports the applicant. The center ships groceries and other consumer products to all areas of western Pennsylvania in less than truckload quantities of approximately 550,000 pounds per month. Because of its good experience with the applicant to other areas, more than half the tonnage would be tendered to it. It has used the applicant for many years and feels that it is a well-managed carrier.

Keith Walter is warehouse manager for Cannon Equipment East, Sinking Spring, Berks County, which manufactures material handling equipment, displays and display items. Shipments are made to West Mifflin, Warren, Pittsburgh and Braddock at the rate of three or four shipments per week. It is a fairly new warehouse operation in this area and it is now looking for a reliable carrier which can provide direct single-line service.

Ivan J. Botvin is president of All Brite Light Right, Inc., Reading, Berks County, and attests to a need for service involving shipments of lighting products for home and commercial use to points such as Ambridge, Washington, Erie, Johnstown, Pittsburgh and Chalfonte. Because of the fragile nature of the products, the company is searching for a carrier with direct single-line service. It uses the applicant now and is familiar with its quality of service. Approximately 10 shipments a month will be available for the applicant.

Melvin J. Wagner, traffic manager for Caloric/Modern Maid Corporation located in Tipton, Berks County, has entered a supporting affidavit. It manufactures such household appliances as dishwashers, microwave ovens, ranges and other ovens which are shipped into all areas of Pennsylvania on a daily basis. It is now engaged in private carriage but would curtail the operation if the applicant is granted the proposed authority.

Edward R. Bell, president of Bell Distribution, Bensafem, Bucks County, ships heating and air conditioning units and other appliances to points such as Pittsburgh, Johnstown, Uniontown and Somerset. Up to 10,000 pounds a month are involved. It is familiar with the applicant and is confident that it can provide the dependable service required.

James J. Kincade, shipping supervisor for Rumsey Electric Utility Sales, Malvern, Chester County, ships electrical items such as sockets, heaters and meter boxes to points in Butler, Erie, Clarion, Somerset, Cambria and Allegheny Counties on a weekly basis. It needs a reliable carrier which can provide damage-free service and will use the applicant.

Robert Walker, traffic manager for Pennsylvania Dutch Co., Inc., Mount Holly Springs, Cumberland County, ships various types of candy throughout Pennsylvania in shipments weighing 500 to 2,000 pounds in weight. Primary destinations in western Pennsylvania are Pittsburgh, Meadville, Erie, Johnstown and Indiana. It has experienced spoilage in the summer months when shipped by certain other carriers. It has found the applicant to be very reliable when used in its existing area of operations.

Albert E. Stofanch, Jr., general manager of PECA located in Folcroft, Delaware County, ships medical supplies into western Pennsylvania, particularly the Pittsburgh area. It needs a good less than truckload carrier and will use the applicant based on the good quality of service it has provided in other areas of the state.

M. Richard Rudy, president of DuMor, Inc., Mifflintown, Juniata County, supports the applicant attesting to a desire for it to provide service to and from the city of Pittsburgh. Approximately 2,000 pounds per week are shipped to Pittsburgh with approximately 2,500 pounds moving back to Mifflintown. Presently, it is receiving six to seven day delivery service. It is sure the applicant can improve the service substantially.

Gerard J. Mullen, traffic manager for McKinney Manufacturing Company, Scranton, Lackawanna County, ships items of hardware to western Pennsylvania about five times a week with the average shipment ranging between 1,000 and 5,000 pounds. It is looking to improve upon the transit time it now receives and believes the applicant is in a position to do it.

Donato Nicolais is traffic manager for Technographics Fitchburg Coated Products, Inc., located in Moosic, Lackawanna County. Shipments are made to western Pennsylvania once a week consisting of pressurized or electrosensitive papers and stencilled papers. The applicant has provided good service in the area east of Route 219 and the same degree of service would be welcomed to points west of Route 219.

Teresa A. Green, traffic manager for Hildor Wire Products Co., Columbia, Lancaster County, has entered a supporting verified statement setting forth that the company ships steel strapping, bale ties, stitching wire and polyurethane strapping into Elizabeth, Allegheny County, and Tidioute, Warren County. To be able to use the applicant to almost the entire state by virtue of the additional territory proposed here would simplify her shipping program.

Raymond E. Becker is traffic manager for Fenner Manheim located in Manheim, Lancaster County, and ships link-type V-belts and conveyor-type flat belts to western Pennsylvania, principally Pittsburgh and Clearfield, about two times a week. It will use the applicant in place of Hall's Motor whose service has recently deteriorated.

Charles F. Jones, vice president of operations for Raub Supply Company, Lancaster, Lancaster County, states that the company has branches in Williamsport, York, Harrisburg, Allentown and Lancaster, from which it distributes plumbing, heating, electrical and other industrial wholesale products. Each branch receives approximately two inbound shipments a week from Pittsburgh and New Castle which is its center of interest in this application. A long relationship exists with the applicant and Raub welcomes the opportunity to be able to use it from western Pennsylvania.

Allen C. Miller, shipping supervisor for Quaker Alloy, Inc., Myerstown, Lebanon County, ships carbon steel and stainless steel castings and wooden pallets on the average of once a week to the western Pennsylvania points of Pittsburgh and Lake City. Its use of the applicant in the past has revealed it to be a satisfactory carrier and it will be used if the proposed service becomes available.

Richard L. Gangewere is warehouse supervisor for Graybar Electric Company, Inc., Allentown, Lehigh County, and supports the applicant. The company distributes electrical and communications equipment and ships two or three shipments a week weighing from 500 to 1,000 pounds each into the principal destinations of Erie and Butler. It will use the applicant.

Fred Silkwood, traffic manager for Banner Metals, Inc., Stroudsburg, Monroe County, ships a variety of manufactured sheet metal products to western Pennsylvania points in the counties of Beaver, Allegheny and Armstrong. It has used its own trucks, but if the applicant obtains the authority, it will consider curtailment of the operation into this area.

Dale Darcas, operations manager for United Tire & Rubber Co., Norristown, Montgomery County, ships tires and tubes to McKees Rocks, Washington, Erie, Mercer and Warren, and would use the applicant two times a week for shipments ranging in weight from 500 to 1,000 pounds each. The company needs a carrier which can provide direct single-line service with no later than second-day delivery.

Blaine Holden is sales manager for Beth Allen Equipment, Inc., Bethlehem, Northampton County, and states that the company manufactures and distributes stepladders, aerial work platforms, truck tool boxes and other items of a similar nature. Some representative points to which the products are shipped, include Johnstown, Bridgeville, Meadville, Warren, Indiana and Clarion. All shipments are less than truckload, ranging in weight from 300 to 500 pounds. A lot of jobsite deliveries are required, necessitating a reliable carrier which can provide timely deliveries on a direct single-line basis. It will use the applicant two or three times a month.

Joseph E. Sampson, traffic manager for David Kahn, Inc., located in Deer Lake, Schuylkill County, attests to a need for the proposed service for the transportation of pens, pencils, felt-tip markers and stationery to western Pennsylvania points such as Pittsburgh, Erie and McKeesport. It will use the applicant approximately once a week.

DISCUSSION AND FINDINGS

Central Storage & Transfer Co. of Harrisburg currently holds a considerable amount of common carrier operating authority from this Commission. The portion of the authority that is most relevant to the authority that has been applied for here, is a grant at Folder 2, Am-T, which authorizes the transportation of property (with certain exclusions) between points on and east of U.S. Highway Route 219.

By the immediate application, Central now seeks to expand its authority so that it can provide service from those points on and east of Route 219, to points on and west of Route 219, and vice versa. At first blush, the conditions imposed by restrictive amendment appear to

be cumbersome, however, while somewhat numerous, they do nothing more than prohibit service either for, to or from the facilities of certain shippers. They appear to present no future problems of enforcement.

The shipper support is impressive. A total of 126 shippers have entered supporting testimony, with 44 shippers representing traffic moving in a west to east direction, and 82 shippers representing the east to west direction. The shippers have been selected from a good cross-section of both the eastern and western segments of the territory involved. The shippers are domiciled in 34 individual counties and have expressed a need for service to or from points in 46 individual counties.

With an eye toward avoiding repetitive testimony, we have discussed the needs of less than half of those supporting witnesses. Nevertheless, we are convinced that the applicant has sustained its burden of showing that a public need for the service as proposed and amended does exist. We are equally convinced that it is fit, ready, willing and able to render the proposed service.

We find:

1. That a public need for the service as proposed and amended does exist.
2. That the applicant is fit, ready, willing and able to render the service as proposed and amended.
3. That approval of the application as amended is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as amended and that the certificate issued to the applicant on July 12, 1935, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, from points in Pennsylvania located on and east of U.S. Highway Route 219, to points in Pennsylvania located on and west of U.S. Highway Route 219, and vice versa;

subject to the following conditions:

1. That no right, power or privilege is granted to transport household goods in use.
2. That no right, power or privilege is granted to transport commodities in bulk.
3. That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment.

4. That no right, power or privilege is granted to provide service from the facilities of Lukens Steel Co., in Plymouth Township, Montgomery County, or from the facilities of Allegheny-Ludlum Steel Corporation and Lukens Steel Co., in Chester County, and vice versa.
5. That no right, power or privilege is granted to transport shipments weighing in excess of 10,000 pounds for:
 - (a) Owens-Illinois, Inc., to and from points in Clarion County;
 - (b) Quaker State Oil Refining Corp.; Pennzoil Company; Electralloy Corp.; Venango Metallurgical Company; J. M. Manufacturing Company; Titusville Fabrication; Oil Well Division of U.S. Steel Division, USX; Franklin Steel Company; Reno Plastics, Inc.; International Producers & Service, Inc.; and Marion Steel Barrel Company, to and from points in Venango County;
 - (c) Keystone Honing Corp.; Oil Creek Plastics, Inc. and Cytemps Specialty Steel, to and from points in Crawford County;
 - (d) Witco Chemical Corp., to and from points in the borough of Petrolia, Butler County;
 - (e) Foamex Products, Inc. to and from points in the city of Corry, Erie County; Keystone Carbon Corp. to and from points in Elk County; and
 - (f) Pierce Glass Co. and Pittsburgh Corning Corp. to and from points in McKean County.
6. That no right, power or privilege is granted to provide service in flatbed vehicles.
7. That no right, power or privilege is granted to transport property for Brockway Glass Company, Inc., to or from the facilities of Brockway Glass Company, Inc.
8. That no right, power or privilege is granted to transport property for Procter & Gamble


Distributing Company and from the facilities of Procter & Gamble Paper Products Company in the counties of Lackawanna, Wyoming and Luzerne, to points in Pennsylvania, and vice versa, except as presently authorized.

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 Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of the 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 ADOPTED: March 26, 1987

ORDER ENTERED: APR 03 1987

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407 NORTH FRONT STREET
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OF COUNSEL
JOHN E. FULLERTON

TELEPHONE: A. C. 717-236-9318

December 1, 1987
File: 49.457

RE: PITT-OHIO EXPRESS, INC., A. 102471, Folder 1, Am-U -
Protest of H. C. Gabler, Inc.

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DEC 2 1987

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

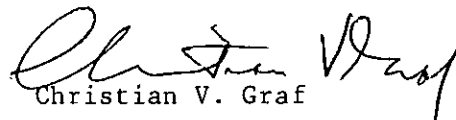
**SECRETARYS OFFICE
Public Utility Commission**

FILE

Dear Mr. Rich:

On behalf of H. C. Gabler, Inc., I enclose the original and one copy of a protest to the above-captioned application. Copies are being forwarded to applicant, applicant's attorney and to protestant.

Very truly yours,


Christian V. Graf

CVG:tcr
Enclosure

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

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

C. Jack Kane, Vice-President
H. C. Gabler, Inc.
1580 Gabler Road
P.O. Box 220
Chambersburg, PA 17201

David H. Radcliff, Esquire

**DOCUMENT
FOLDER**



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

SECRETARY'S OFFICE
Public Utility Commission

In Re: A-00102471, Folder 1, Am-U, 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 Atlantic-Pacific Automotive Company located on the boundaries of the borough of Mechanicsburg and the township of Silver Spring, Cumberland County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport property to or from points in the counties of Bradford, Columbia, Lackawanna and Luzerne; SO AS TO PERMIT the transportation of property (except commodities in bulk and household goods and office furniture in use), for Dauphin Distribution Services Company, from its facilities located in Cumberland County, to points in Pennsylvania, and vice versa.

Applicant's Attorney: William J. Lavelle, Esquire
2310 Grant Building
Pittsburgh, PA 15219

FILE

Pennsylvania Bulletin reference: November 28, 1987, page 4988.

PROTEST OF
H. C. GABLER, INC.
A. 83975

1. The name, address and telephone number of protestant are:

H. C. GABLER, INC.
1580 Gabler Road
P.O. Box 220
Chambersburg, PA 17201
Telephone: A.C. 717,264-4184

2. The names, address and telephone number of protestant's attorneys are:

GRAF, ANDREWS & RADCLIFF, P.C.
Christian V. Graf, Esquire
David H. Radcliff, Esquire
407 North Front Street
Harrisburg, PA 17101
Telephone: A.C. 717, 236-9318

**DOCUMENT
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APPLICATION DOCKET
DEC 4 1987
ENTRY No.

3. Protestant possesses authority at A. 83975, Folder 3, Am-S, with which this application stands in conflict, as follows:

"1. To transport, as a Class D carrier, such commodities as are dealt in by wholesale, retail, chain grocery and food business houses, from points in the county of Cumberland, to points in Pennsylvania, and vice versa."

4. Protestant regularly and daily handles traffic into and out of Dauphin Distribution Services Co.'s facilities in Cumberland County and has done so for years. The volume and the equipment commitment are a major part of protestant's business.

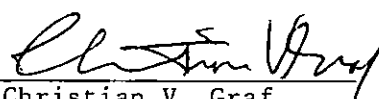
5. Protestant knows of no amendment which would satisfy its interest but is willing to discuss the matter.

6. Pursuant to Sec. 333(c) of the Public Utility Code, protestant requests that applicant or its representative furnish to protestant's counsel a list of the names and addresses of the witnesses to be presented and the companies which they represent.

WHEREFORE, protestant prays the instant application may be dismissed.

AND IT WILL EVER PRAY.

H. C. GABLER, INC.

By: 
Christian V. Graf
Its Attorney

December 1, 1987

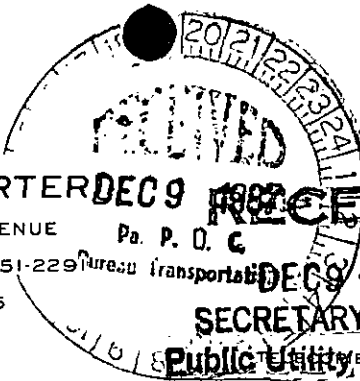
LAW OFFICES

LOUIS J. CARTER

7300 CITY LINE AVENUE

PHILADELPHIA, PA. 19151-229

(215) 879-8665



RECEIVED

Pa. P. O. C.

DEC 9 - 1987

SECRETARY'S OFFICE

Public Utility Commission

LOUIS J. CARTER*
JOEL E. MAZOR**
JILL EISEMAN BRONSON***
DIANE N. SCHWAB

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR
***NEW YORK BAR ONLY

December 4, 1987

IN REPLY PLEASE
REFER TO FILE NO.

71175

Office of the Secretary (Filing Unit)
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Certified Mail
P 034 548 672

FILE

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

Protest of: American Eagle Express, Inc.

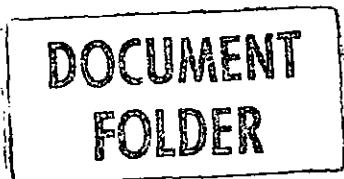
To the Secretary:

Enclosed for filing are the original and two copies each of a Protest and Interrogatories directed to the above-captioned Applicant by Protestant. Copies have been mailed to the Applicant's counsel of record.

With regard to the above-captioned Application, we respectfully request that your office provide the undersigned with photocopies of:

- A. The original Application;
- B. Any Affidavits filed in support of said Application;
- C. Any Application for Emergency Temporary or Temporary authority filed and Affidavits in support of said application and copies of any authority granted by letter or order.
- D. Copies of any protests filed by other carriers.

Kindly acknowledge receipt on the enclosed copy and please return requested copies as soon as possible.



Sincerely,

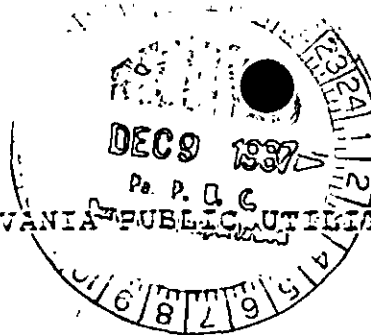
Louis J. Carter
LOUIS J. CARTER
Attorney for Protestant
American Eagle Express, Inc.

LJC/hlb

encls: as above

cc: Lisa Higley, Secretary's Office
American Eagle Express, Inc.

William J. Lavelle, Esq.,
Applicant's Attorney & Pitt-Ohio
Express, Inc. (Applicant)



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF
PITT-OHIO EXPRESS, INC.

DOCKET NO.
A.00102471, F.1,
Am-U

FILE RECEIVED

Protest of: American Eagle Express, Inc.

DEC 9 - 1987
SECRETARY'S OFFICE
Public Utility Commission

P R O T E S T

This is a Protest of the above-captioned application notice of which appeared in the Pennsylvania Bulletin on the date shown and as set forth in Attachment "A" hereto and further states the following:

1. The Protestant's name and address are:

American Eagle Express, Inc.
1810 Callowhill Street
Philadelphia, PA 19130

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

Louis J. Carter, Esq.
7300 City Line Avenue
Philadelphia, PA 19151-2291

3. The docket number(s) of the common carrier

certificate(s) under which Protestant operates and its operating authority is set forth on Attachment "B".

4. Withdrawal of those parts of the application where

the Protestant has authority rather than amendment, would result in the withdrawal of this Protest of the application as set forth in Attachment "C" to this Protest.

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
DEC 10 1987
ENTRY No. *[Signature]*

5. Protestant is willing and able to provide the service that meets the reasonable needs of the public involved in the areas in which it is certificated. Thus, approval of this application is not necessary or proper for the service, accommodation, convenience or safety of the public.

6. Protestant has not filed an application currently pending before the Commission and which is substantially for the same traffic since it has the necessary operating authority.

7. The grant of the application will have an adverse impact on the Protestant's business and its ability to serve the public by diversion of traffic and revenue which would impair or endanger Protestant's operation contrary to the public interest.

8. The fitness of the applicant is protested.

9. This Protest is to the application for Permanent as well as any application for Emergency Temporary or Temporary Authority.

WHEREFORE, Protestant, requests that this application be dismissed.



LOUIS J. CARTER
Attorney for Protestant

Dated: December 4, 1987

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 21, 1987, and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent authority application or both.

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-00102471, Folder 1, Am-U. 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 Atlantic-Pacific Automotive Company located on the boundaries of the borough of Mechanicsburg and the township of Silver Spring, Cumberland County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport property to or from points in the counties of Bradford, Columbia, Lackawanna and Luzerne: *so as to permit* the transportation of property (except commodities in bulk and household goods and office furniture in use), for Dauphin Distribution Services Company, from its facilities located in Cumberland County, to points in Pennsylvania, and vice versa. *Attorney:* William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

ATTACHMENT "B"

OPERATING RIGHTS

Page 1

AMERICAN EAGLE EXPRESS, INC.

IN CERTIFICATE NO. A.00104531

1. To transport, as a Class D carrier, property between points in the city and county of Philadelphia.

2. To transport, as a Class D carrier, floor sweeping compounds, artificial moss, sawdust, and earth, for the Paxson Manufacturing Company, from points in the city and county of Philadelphia to points within one hundred (100) miles by the usually traveled highways of the limits thereof.

IN CERTIFICATE NO. A.00104531, F. 1, Am-A

1. To transport, as a Class A carrier, property between the city and county of Philadelphia and the borough of Marcus Hook, Delaware County, and intermediate points via Fernwood, Lansdowne, Clifton Heights, Media and Lima, with right No. 1 above subject to the following conditions;

- (a) That no right, power or privilege is granted to transport household goods in use.
- (b) That no right, power or privilege is granted to perform transportation between points within Philadelphia, Philadelphia County, and the 69th Street Section in Upper Darby, Delaware County, bounded by Cobbs Creek, Township Line Road, Lansdowne Avenue and Baltimore Avenue.
- (c) That no right, power or privilege is granted to perform transportation for the Boeing-Vertol Corporation.

2. To transport, as a Class A carrier, property between the cities of Philadelphia and Chester, via Chester Pike; with right No. 2 above subject to the following conditions;

- (a) That no right, power or privilege is granted to perform transportation between points within Philadelphia, Philadelphia County, and the 69th Street Section in Upper Darby Township, Delaware County, bounded by Cobbs Creek, township Line Road, Lansdowne Avenue and Baltimore Avenue.
- (b) That no right, power or privilege is granted to perform transportation for the Boeing-Vertol Corporation:

with rights Nos. 1 and 2 above subject to the following additional condition;

That no right, power or privilege is granted to transport property from the facilities of Scott Paper Company, located in Pennsylvania, to points in Pennsylvania and vice versa.

(concluded on next page)

OPERATING RIGHTS

AMERICAN EAGLE EXPRESS, INC.

IN CERTIFICATE NO. A.00104531, F.I. Am-3 @

To transport, as a Class D carrier, parcels, packages and items of property from the county of Philadelphia to points in Pennsylvania, and vice versa; subject to the following conditions: that applicant shall have no right, power or privilege;

1. To transport the baggage of airline passengers arriving at airports in the city and county of Philadelphia;

2. To provide transportation other than wherein the parcels, packages and items of property are both picked up at the origin point and delivered to the ultimate destination within 12 hours;

3. To transport any single parcel or package weighing more than 200 pounds, a shipment being defined as a quantity of freight received from one consignor at one location, at one origin point, on one day, destined to one consignee, at one location at one destination point;

4. To transport monies, bullion, securities or other valuables;

5. To provide service from the facilities of Traders Warehouse located in the city and county of Philadelphia;

6. To transport paper boxes for Lewis Sherman & Company, Cardinal Boxes, Inc., Reliance Paragon Paper Box, Inc. and Griff and Associates; and

7. To transport paper boxes, paints and varnishes between points in Philadelphia or from Philadelphia to points in Pennsylvania on and east of US Highway Route 15, and vice versa; and further provided that applicant shall not originate transportation in Hatboro, Pennsylvania nor within five miles from any border of Hatboro, Pennsylvania; and that applicant shall originate no transportation for Philadelphia National Bank in Montzomery or Bucks Counties.

ATTACHMENT "C"

American Eagle Express, Inc.

The following amendment would result in a withdrawal
of the protest:

removal of the vice versa provision.

ATTACHMENT "C"

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF
PITT-OHIO EXPRESS, INC. :

APPLICATION DOCKET
NC. A.00102471, F.1,
Am-U

Protest of: American Eagle Express, Inc.

INTERROGATORIES PROPOUNDED BY PROTESTANT
UNDER 66 PA. C.S.A. SECTION 333

Protestant, through its attorney, Louis J. Carter, Esquire, does hereby propound the following Interrogatories upon the Applicant to be answered under oath within a reasonable time not to exceed thirty (30) days after the receipt hereof as required by said Act. As used in these Interrogatories, the term "Applicant" shall include, in addition to the named party, their attorneys, agents, servants, employees, representatives and others who are in possession of or who may have obtained information for or on behalf of the Applicant.

These Interrogatories shall be deemed to be continuing and any information secured subsequent to the filing of answers thereto which would have been includable in the answers had it been known or available shall be supplied by supplemental answers as soon as such information becomes known or available and in all events prior to the hearing of this matter pursuant to 66 Pa. C.S.A. Section 333.

1. Identify by name and address all proposed persons/shippers you plan to serve, if the captioned application is granted.

2. How are the persons/shippers you desire to serve presently meeting their transportation needs?

3. For each said shipper, identify the product or products you propose to haul.

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FOLDER

DOCKETED
APPLICATION DOCKET
DEC 10 1987

ENTRY No.

4. For each such product identify by name and address to whom said product is to be delivered and origins and destinations referred to in Interrogatory #1.

5. For each product identify the anticipated annual volume for the ten shippers who Applicant anticipates will have the largest volume of traffic.

6. Identify by name, address and telephone number each witness you propose to call at the hearing and the subject matter of their expected testimony.

7. Will you produce without the necessity of issuing a subpoena duces tecum all documents, photographs, maps, recordings or other material whatever which you plan to introduce at the hearing? If so, please attach copies of same to your answers.



LOUIS J. CARTER
Counsel for Protestant

Dated: December 4, 1987

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing documents has been served this day by first class, priority mail, United States Postal Service prepaid upon the following:

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

(Applicant)

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

(Applicant's Attorney)



LOUIS J. CARTER
Attorney for Protestant
American Eagle Express, Inc.

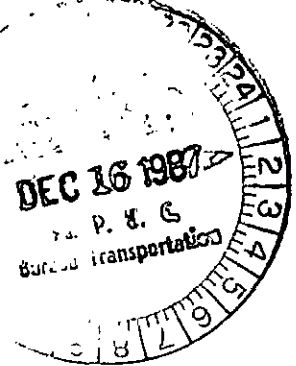
Dated: December 4, 1987

KRINER, KOERBER AND KIRK
ATTORNEYS-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

(814) 765-9611

December 14, 1987

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



COUNSEL TO THE FIRM
WILLIAM T. DAVIS

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

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

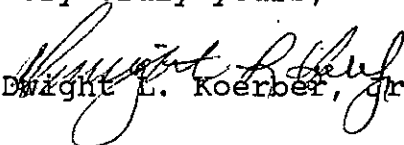
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DEC 16 1987
SECRETARY'S OFFICE
Public Utility Commission

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,

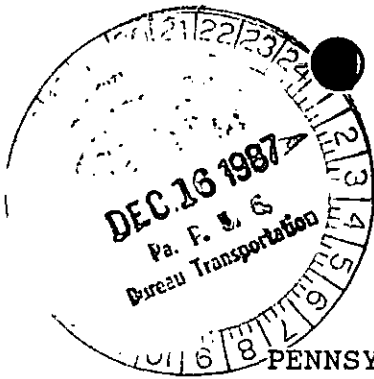

Dwight L. Koerber, Jr.

cc: Butler Trucking Company
William J. Lavelle, Esquire

Enclosures: Protest
1 copy
Copy of letter
Envelope

DLK/jsr

DOCUMENT
FOLDER



RECEIVED

DEC 16 1987
SECRETARY'S OFFICE
Public Utility Commission

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PITT-OHIO EXPRESS, INC.

A-102471, F.1, Am-U

PROTEST OF

BUTLER TRUCKING COMPANY

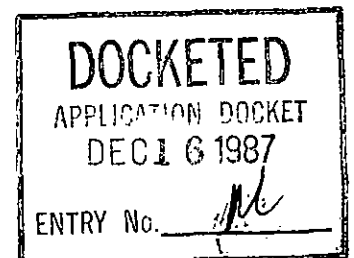
COMES NOW, BUTLER TRUCKING COMPANY, a motor common carrier holding operating authority from the Pennsylvania Public Utility Commission, and files this, its Protest to the above application. A copy of the publication of that application is attached hereto as Appendix A.

1. The name and address of Protestant are as follows:

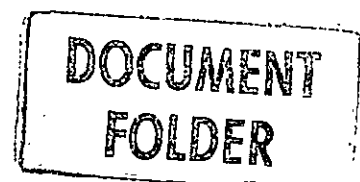
Butler Trucking Company
P. O. Box 88
Woodland, PA 16881

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.



4. Protestant holds operating authority to provide extensive service throughout the Commonwealth of Pennsylvania under the certificate it holds in Docket No. A-92978. Of particular concern would be the various grants of authority authorizing the transportation of refractories and the Amendment Q authority authorizing the transportation of property from and to points in Clearfield County to all points in Pennsylvania. Attached hereto as Appendix B is a copy of the said operating authority of protestant, with all pertinent authority being asserted in opposition to the present application.

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.

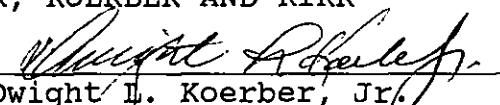
6. Protestant's interest would be satisfied if a restrictive amendment were imposed so as to delete from the application any request for authority to transport refractories or shipments that originate or terminate in Clearfield County.

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:


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

DATED: December 14, 1987

CERTIFICATE OF SERVICE

I hereby certify that on this 14th of December, 1987, 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-U, as it appeared in the Pennsylvania Bulletin on November 28, 1987.

from points in said county, to points in Pennsylvania, and vice versa. Attorney: Alan Kahn, 30 South 17th Street, Philadelphia, Pa. 19103.

A-00107828. Gary W. Filson (26 Congress Court, Quakertown, Bucks County, Pa. 18951)—computer generated reports and special forms, for Independence Information Systems, from the borough of Quakertown, Bucks County, to the city of Bethlehem, Lehigh and Northampton Counties.

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-00079156, Folder 2, Am-1. Martin Trucking, Inc. (East Poland Avenue, Bessemer, Lawrence County, Pa. 16112), a corporation of the Commonwealth of Pennsylvania, *inter alia*—scrap iron, scrap metal, cement blocks, amesite, cement, dirt, stone, clay, brick, sand, gravel, tile, slag and concrete between points in the counties of Lawrence, Beaver, Butler, Mercer and Crawford, provided no haul shall exceed a distance of 25 miles from point of origin to point of destination; subject to the following condition: excluding the transportation of cement, and stripping dirt for the Bessemer Cement Company from or to points in the borough of Bessemer, Lawrence County: *so as to permit* the transportation of cement, from the borough of Bessemer, Lawrence County, to points in Pennsylvania, and vice versa. Attorney: Henry M. Wick, Jr., 1450 Two Chatham Center, Pittsburgh, Pa. 15219.

A-00102471, Folder 1, Am-U. 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 Atlantic-Pacific Automotive Company located on the boundaries of the borough of Mechanicsburg and the township of Silver Spring, Cumberland County, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport property to or from points in the counties of Bradford, Columbia, Lackawanna and Luzerne: *so as to permit* the transportation of property (except commodities in bulk and household goods and office furniture in use), for Dauphin Distribution Services Company, from its facilities located in Cumberland County, to points in Pennsylvania, and vice versa. Attorney: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00106834, Folder 1, Am-A. Wetterau Transportation, Inc. (8920 Pershall Road, Hazlewood, MO 63042), a corporation of the State of Missouri, *inter alia*—such commodities as are dealt in by wholesale and retail grocery and food business houses, and materials; equipment and supplies used or useful in the connection with the conduct of such business, from the townships of Hempfield and Rostraver, Westmoreland County, and the township of Summit, Butler County, to points in Pennsylvania, and vice versa: *so as to permit* the transportation of such commodities as are dealt in by retail and wholesale grocery and food business houses, and materials, equipment, and supplies used or useful in connection with the conduct of such business, between points in the county of Northampton, and from points in said 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. Attorney: Mark T. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219.

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

A-00107801. Tioga Trucking, Inc. (2400 Tioga Street, Philadelphia, Philadelphia County, Pa. 19134), a corporation of the Commonwealth of Pennsylvania—(1) as a Class B carrier, property, excluding household goods in use, between points in the city of Philadelphia, Philadelphia County; (2) electrical equipment and machinery which require rigging and the use of trucks or trailers equipped with winches and used in the construction equipment, installation, operation and maintenance of electric generating substations and facilities and in telephone central offices, relay stations and facilities between points in the counties of Philadelphia, Chester, Delaware, Montgomery and Bucks; (3) as a Class B carrier, heavy machinery, safes and castings, and equipment and materials used in wrecking and rigging between points in the city and county of Philadelphia; (4) as a Class C carrier, heavy machinery, safes and castings, and equipment and materials used in wrecking and rigging from points in the city of Philadelphia to other points in Pennsylvania within an airline distance of 100 statute miles of the Philadelphia City Hall, provided no right, power or privilege is granted to transport in or from the cities of Lancaster, Harrisburg, Wilkes-Barre and Scranton; (5) sheet steel and coil steel, from the plant site and warehouse facilities of Caine Steel Company, a Division of American Industries Corporation, in the city of Philadelphia, Philadelphia County, to points in Pennsylvania; and steel products from points in Pennsylvania to the aforesaid plant site and warehouse facilities; with Right no. 5 subject to the following conditions: that no right, power or privilege is granted to render service to or from the plants of the Bethlehem Steel Corporation in Cambria County; and that no right, power or privilege is granted to render service to or from the city of Pittsburgh, Allegheny County, and points within an airline distance of 35 statute miles of the City-County Building in the said city; (6) iron and steel and iron and steel articles, from the facilities of Tuesday Industries, Inc., in Bensalem Township, Bucks County to points in Pennsylvania, and vice versa; with Right no. 6 subject to the following conditions: that no right, power or privilege is granted to render service to or from the plant of the Bethlehem Steel Corporation in Cambria County; that no right, power or privilege is granted to transport scrap metal from the city of Williamsport, Lycoming County; that no right, power or privilege is granted to render service to and from the plant of the Lukens Steel Corporation in the city of Coatesville, Chester County; and that no right, power or privilege is granted to render service to and from the plant of the Phoenix Steel Company in the borough of Phoenixville, Chester County; (7) property, from the facilities Metalstand Company located in the city and county of Philadelphia, to points in Pennsylvania, and vice versa; with Right no. 7 subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk; (8) property, for Metalstand Company between points in Pennsylvania; with Right no. 8 subject to the following conditions: that no right, power or privilege is granted to transport property in bulk; that no right, power or privilege is granted to provide service to, from or between points in Mercer County; and (9) iron and steel and iron and steel articles, which require the use of open-top type motor vehicles and trailers in truckload quantities of not less than 20,000

APPENDIX B

Attached hereto is a copy of Protestant's authority in A-92978, F.1, and Amendments thereto. All pertinent authority is asserted in opposition to the application.

BUTLER TRUCKING COMPANY

Pa. P.U.C. Operating Authority

A-92978

To transport, as a Class D carrier, coal from mines not served by railroad in the Counties of Blair, Bedford, Centre, Clearfield and Cambria, within fifty (50) miles by the usually traveled highways of the City of Altoona, Blair County, to points in the said city and within twenty (20) miles by the usually traveled highways of the limits of the said city.

To transport, as a Class D carrier, products of quarries and sand banks in the Counties of Blair, Bedford, Centre, Huntingdon and Clearfield to points within fifty (50) miles by the usually traveled highways of the point of origin.

To transport, as a Class D carrier, building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the Counties of Blair, Bedford, Huntingdon, Centre, Clearfield and Cambria, provided no haul shall exceed a distance of fifteen (15) miles which parallels the lines of the Huntingdon and Broad Top Mountain Railroad and Coal Company.

To transport, as a Class D carrier, firebrick and firebrick products, for the J. H. France Refractories, from its plants in the Village of Clarence, Snow Shoe Township, Centre County, and the Village of Winburne, Cooper Township, Clearfield County, to points in Pennsylvania, and the return of refused or damaged shipments.

To transport, as a Class D carrier, quarry products, lime and lime products, for Warner Company, from points in the Borough of Bellefonte, Centre County, and within five (5) miles of the limits of said borough to points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from J. H. France Refractories in the Borough of Snow Shoe, Centre County, to other points in Pennsylvania.

To transport, as a Class D carrier, brick and clay products from H. K. Porter Co. (formerly Patterson Fire Brick Company) in the Borough of Clearfield, Clearfield County, to other points in Pennsylvania, and the return of rejected products.

To transport, as a Class D carrier, clay products and clay for the Williams Grove Clay products Company, a division of North American Refractories, (formerly Williams Grove Clay Products Company), between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Williams Grove Clay Products Company, a division of North American Refractories, (Formerly Williams Grove Clay Products Company), from points in the Village of Bigler, Clearfield County, to points in Pennsylvania and vice versa.

To transport, as a Class D carrier, brick and terra cotta pipe from points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence to points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe;

the right immediately above to be subject to the following condition:

That no right, power or privilege is granted to transport brick from the plant of Hanley Company in the Borough of Summerville, Jefferson County.

To transport, as a Class D carrier, empty pallets, from points in the Counties of Lehigh, Northampton, Berks, Bucks and Monroe to points in the Counties of Clearfield, Cambria, Jefferson, Indiana, Armstrong, Clarion, Butler, Northumberland, Beaver and Lawrence.

To transport, as a Class D carrier, brick, and refractory products, from the plants of the General Refractories Company in the Village of Salina, Bell Township, Westmoreland County and in the Township of Perry, Fayette County, to the plants of the Bethlehem Steel Company in the City of Bethlehem, Lehigh and Northampton Counties, and the right to return empty pallets and rejected materials to the point of origin.

A-92978, F.1, Am-A

To transport, as a Class D carrier, brick and clay products, from the plant of the Marion Brick Corporation (formerly the plant of H. K. Porter Co.) in the Township of Lawrence, Clearfield County, to points in the said township and to other points in Pennsylvania, and the return of refused, rejected and returned shipments to the point of origin.

A-92978, F.1, Am-B

To transport, as a Class D carrier, magnesite, in bulk in dump vehicles, from the facilities of A. P. Green Refractories Company in the borough of Tarentum, Alleghney County, to the plant site of North American Refractories Company in the borough of Womelsdorf, Berks County, and the return of refused and rejected shipments to the point of origin.

A-92978, F.1, Am-D

To transport, as a Class D carrier, clay products and clay, for the Marion Brick Corporation (formerly Williams Grove Clay Products Company, a division of North American Refractories) between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Marion Brick Corporation (formerly Williams Grove Clay Products Company, a division of North American Refractories) from points in the Village of Bigler, Clearfield County, to points in Pennsylvania, and vice versa.

A-92978, F.1, Am-E

To transport, as a Class D carrier, refractory products, and materials and supplies used in the manufacture, distribution and installation of refractory products, excluding commodities in bulk in tank or hopper-type vehicles, between points in the Township of Porter, Huntingdon County, the Township of Logan, Blair County, the Township of Lawrence, Clearfield County, the Township of Winslow, Jefferson County and the Township of Heidelberg, Berks County, and from points in the said townships and from the plant site of Crescent Brick Company, Incorporated in the Township of Plymouth, Montgomery County, to points in Pennsylvania, and vice versa;

subject to the following conditions:

1. No right, power or privilege is granted to render service between Plymouth Township, Montgomery County and the plant site of United States Steel at the Fairless Works, Bucks County.
2. No right, power or privilege is granted to render service in dump vehicles to or from the facilities of Sheridan Supply Co. in the township of Millcreek, Lebanon County.
3. No right, power or privilege is granted to transport ores from the Counties of Bucks, Chester, Lehigh, Montgomery, Northampton and Philadelphia.

4. No right, power or privilege is granted to render service to or from the County of Armstrong.
5. No right, power or privilege is granted to render service from the township of Heidelberg, Berks County, to the County of Clearfield.
6. No right, power or privilege is granted to render service from A.P. Green Refractories, Co., Allegheny County, to the Township of Plymouth, Montgomery County and the Township of Heidelberg, Berks County, or vice versa.
7. No right, power or privilege is granted to render service from or to Allegheny Brick Co., Allegheny County, except for transportation rendered in dump vehicles.
8. No right, power or privilege is granted to render service from or to Amstat Corporation, East Greenville, Montgomery County, except transportation is authorized from or to Heidelberg Township, Berks County.
9. No right, power or privilege is granted to render service from the Township of Lawrence, Clearfield County and the Township of Winslow, Jefferson County unless said transportation is rendered in conjunction with shipments originating at either the Township of Logan, Blair County the Township of Porter, Huntingdon County or the Township of Plymouth, Montgomery County, and destined to one consignee.
10. No right, power or privilege is granted to render service to the Township of Lawrence, Clearfield County or the Township of Winslow, Jefferson County, from points in the Counties of Allegheny, Westmoreland, Centre, Clearfield, Indiana, Lancaster, Cameron, Elk and Philadelphia.

A-92978, F.1, Am-F

To transport, as a Class D carrier, furnace lining scrap or refuse, from points in Pennsylvania to the plant sites of North American Refractories Company, in the Township of Pike, Clearfield County, the Township of Towamensing, Carbon County, the Township of Heidelberg, Berks County, and the Borough of Mt. Union, Huntingdon County.

A-92978, F.1, Am-G

To transport, as a Class D carrier, refractory products, from the plant site of A.P. Green Refractories Co., in the City of Philadelphia, Philadelphia County, to points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to perform transportation from Philadelphia to points in the Counties of Philadelphia, Bucks, Chester, Delaware and Montgomery.
2. That no right, power or privilege is granted to transport ores.
3. That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.

A-92978, F.1, Am-I

To transport, as a Class D common carrier by motor vehicles, lime, limestone and limestone products from the plant site of Marblehead Lime Company in the Township of Spring, Centre County, to points in Pennsylvania;

subject to the following conditions:

- (a) Provided that no right, power or privilege is granted to perform transportation in flatbed trailers and/or van trailers from the plant site of Marblehead Lime Company in the Township of Spring, Centre County, to points in Pennsylvania, and further,
- (b) Provided that no right, power or privilege is granted to perform transportation in dump vehicles between points within an airline distance of sixty (60) statute miles of the Borough of Bellefonte, Centre County.

A-92978, F.1, Am-J

To transport, as a Class D carrier, refractories, from the facilities of A.P. Green Refractories Co. in the Borough of Tarentum and the Township of Porter, Clarion County, to points in Pennsylvania;

subject to the following condition:

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

A-92978, F.1, Am-K

To transport, as a Class D carrier, brick and clay products, from the plant of the Glen-Gery Corporation (formerly the plant of Marion Brick Corporation), in the Township of Lawrence, Clearfield County, to points in the said township and to other points in Pennsylvania.

To transport, as a Class D carrier, clay products and clay, for the Glen-Gery Corporation (formerly Marion Brick Corporation) between points in the Village of Bigler, Clearfield County.

To transport, as a Class D carrier, clay products and clay, for the Glen-Gery Corporation (formerly Marion Brick Corporation) from points in the Village of Bigler, Clearfield County, to points in Pennsylvania, and vice versa.

A-92978, F.1, Am-L

To transport, as a Class D carrier, refractories, refractory products and commodities used or useful in the installation of refractories and refractory products, and materials, equipment, and supplies used in the production and distribution of refractories, refractory products and commodities used or useful in the installation of refractories and refractory products; from the facilities of Harbison-Walker Refractories, Division of Dresser Industries, Inc., in the Borough of Mount Union, Huntingdon County, and in the Borough of Clearfield, 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.

A-92978, F.1, Am-M

To transport, as a Class D carrier, crushed motor vehicles, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to provide service in dump trailers.
2. That no right, power or privilege is granted to provide service for Hodes Industries, Inc., to or from its facilities located in the County of Centre, the City of Lock Haven, Clinton County, and the Borough of Tyrone, Blair County.

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.

A-92978, F.1, Am-S

To transport, as a Class D Carrier, refractories and refractory products, for D.B.C.A., Division of the J. E. Baker Company, from points in the County of York, to points in Pennsylvania;

subject to the following condition:

That any traffic moving under the authority granted herein is limited to shipments moving on flatbed trailers.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 8, 1987.

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Petition of Butler Trucking Company
for Correction of Commission Order

Docket No.
A-00092978, F.1, Am-T.

O R D E R

BY THE COMMISSION:

Now before the Commission for disposition is Butler Trucking Company's Letter/Petition, filed August 26, 1986, for Correction of the Commission's Order of August 7, 1986, at Docket No. A-00092978, F. 1, Am-T.

On March 18, 1986, Butler filed an application to have its common carrier certificate amended "SO AS TO PERMIT the transportation of quarry products, lime and lime products, for Bellefonte Lime Company, L.P., from points in the borough of Bellefonte, Centre County, and within an airline distance of five (5) statute miles of the limits of said borough, to points in Pennsylvania."

On May 30, 1986, Butler filed verified statements to corroborate its application. In its verified statements, Butler explained that when its application for amended authority was filed, its supporting shipper was a limited partnership, Bellefonte Lime Company, L.P. (Bellefonte L.P.). Butler further explained that after its application for amended authority was filed, the supporting shipper became incorporated and accordingly changed its name to Bellefonte Lime Company, Inc. (Bellefonte Inc.). Butler then stated that as a result of the shipper's incorporation, "the proper name of the shipper referred to in the application should be shown as Bellefonte Lime Company, Inc."

On May 30, 1986, Bellefonte Lime Company, Inc., filed verified statements in support of Butler's application. In its statements Bellefonte Inc. detailed its change of form from a limited partnership (Bellefonte, L.P.) to a corporation (Bellefonte Inc.) and stated that the identity, work, and overall nature of Bellefonte Inc. and Bellefonte L.P. were the same. Specifically, in its verified statements, Bellefonte Inc. declared that

as of January 22, 1986, the ownership of the plant changed, but the operations of the plant have remained identically the same. We are producing the same products, selling to the same customers, using substantially the same work force and in general, conducting operations as though there had not been a change in ownership.

By an Order entered August 7, 1986, we approved Butler's application for amended authority. In the body of our Order, we stated that public notice of Butler's application was duly published in the Pennsylvania Bulletin on April 5, 1986, and that no protests were received. Additionally, we emphasized that

[a]pplicant [Butler] currently has the equipment to offer the proposed services. Under applicant's [sic] current authority to serve Warner Company, new owner of Bellefonte Lime Company, Inc., it is already providing some of the services to the shipper.

The supporting shipper, Bellefonte Lime Company, Inc. operates its plant located in the borough of Bellefonte. Within five (5) miles of the Bellefonte plant is the quarry which furnishes limestone to the lime plant, located in Pleasant Gap, Centre County. The authority in this application would enhance the two facilities.

. . . [T]he applicant is fit, willing and able to perform the service as a common carrier as amended and . . . approval of the application is in the public interest and will not interfere with the safety and regulation of common carriers

Commission Order of August 7, 1986, at 2 (emphases added).

However, in the initial ordering paragraph of our Order, we referred to Bellefonte L.P. rather than Bellefonte Inc.:

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

To transport, as a Class D carrier, for Bellefonte Lime Company, L.P., quarry products, lime and lime products, from points in the borough of Bellefonte, Centre County, and within an airline

distance of five (5) statute miles of the limits of said borough, to points in Pennsylvania.

Commission Order of August 7, 1986, at 2 (emphasis added).

The discrepancy between the wording of the first ordering paragraph in our August 7 Order and the wording and clear intent of the remainder of our August 7 Order has resulted in the filing of the subject Letter/Petition. In the Letter/Petition Butler requests that we correct the first ordering paragraph in our August 7 Order to show that Butler is authorized to transport for Bellefonte Inc. Additionally, Butler asks that its request for correction of the ordering paragraph be exempted from the filing and notice requirements which govern applications to amend certificates.

Based upon the totality of the circumstances in this case, August 7 Order reveals our unequivocal intent to grant Butler the authority to transport for supporting shipper Bellefonte Inc. Consequently, we grant Butler's Petition for Correction by conforming the wording of the first ordering paragraph in our August 7, 1986, Order to authorize Butler's transportation for Bellefonte Inc. See generally, 66 Pa. C.S. §501; 52 Pa. Code §5.572.

Furthermore, we conclude that Butler's Petition for Correction is not subject to the filing and notice requisites which pertain to applications to amend certificates. See 52 Pa. Code §3.381. There has already been substantial compliance with such filing and notice requirements since Butler's application to transport for Bellefonte was published in the Pennsylvania Bulletin on April 5, 1986, and no protests were generated. Because the instant Petition for Correction involves merely a technical modification, rather than a substantive amendment, of our August 7 Order, additional filing and notice would be unnecessarily duplicative.

In summary, the facts of this case warrant correction of our August 7, 1986, Order; THEREFORE,

IT IS ORDERED:

1. That the Letter/Petition of Butler Trucking Company for correction of the Commission's Order of August 7, 1986, at A-00092978, F. 1, Am-T, be and hereby is granted.

2. That the Commission's Order of August 7, 1986, be and hereby is corrected to conform the first ordering paragraph so that it accurately expresses the Commission's intent to authorize Butler Trucking Company's transportation for Bellefonte Lime Company, Inc.:

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

To transport, as a Class D carrier, for Bellefonte Lime Company, Inc., quarry products, lime and lime products, from points in the borough of Bellefonte, Centre County, and within an airline distance of five (5) statute miles of the limits of said borough, to points in Pennsylvania.

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.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the rules and regulations of the Commission relating to the filing and acceptance of 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 the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 8, 1987

ORDER ENTERED: JAN 12 1987

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 December 22, 1987

DOCUMENT
FOLDER

CR 127249 A

DOCKETED
DEC 28 1987

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

Revenue account 001780-017601-102 (ck)

ck 6421 Checks \$125.00 Currency _____

Utility account 50:26

C. Joseph Meisinger
For Department of Revenue

1/19/88

RECEIVED

JAN 20 1988

KRINER, KOERBER AND KIRK
ATTORNEYS-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

SECRETARYS OFFICE
Public Utility Commission

(814) 765-9611

January 19, 1988

COUNSEL TO THE FIRM
WILLIAM T. DAVIS

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

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

RE: PITT-OHIO EXPRESS, INC.
DOCKET NO. A-102471, F.1, Am-U

Dear Mr. Rich:

I represent Butler Trucking Company, protestant in the above-referenced proceeding. In view of the restrictive amendment presented by the applicant, by letter dated January 8, 1988, the interests of my client have been satisfied. Accordingly, I hereby withdraw the protest of Butler Trucking Company.

Very truly yours,
Dwight L. Koerber, Jr.
Dwight L. Koerber, Jr.

DLK/kam
cc: William J. Lavelle
David F. McAllister

DOCKETED
JAN 22 1988

DOCUMENT
FILED

LAW OFFICES
VUONO, LAVELLE & GRAY
2310 GRANT BUILDING
PITTSBURGH, PA. 15219

ORIGINAL

(412) 471-1800

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

February 3, 1988

RECEIVED

Re: Pitt-Ohio Express, Inc.
Docket No. A-00102471, F. 1, Am-U
Our File 2691-35

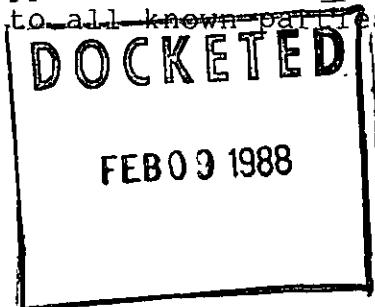
FEB 8 1988

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:

We have been authorized by Pitt-Ohio Express, Inc. to withdraw the above application. Please issue an order dismissing the application at this time. A copy of this letter is being sent to all known parties of record.



Sincerely yours,

VUONO, LAVELLE & GRAY

William J. Lavelle
William J. Lavelle

pz
cc: Christian V. Graf, Esq.
Dwight L. Koerber, Esq.
Louis J. Carter, Esq.
Pitt-Ohio Express, Inc.

