

ADELMAN LAVINE KRASNY GOLD AND LEVIN
ATTORNEYS AND COUNSELORS AT LAW

NATHAN LAVINE
MARVIN KRASNY
LEWIS H. GOLD
ROBERT H. LEVIN
GARY M. SCHILDHORN
MYRON A. BLOOM
BARRY D. KLEBAN
GARY D. BRESSLER
STEVEN D. USDIN
MARK A. KOMPA
MARK J. PACKEL

November 7, 1985

SUITE 1900
TWO PENN CENTER PLAZA
PHILADELPHIA, PA. 19102
(215) 568-7515

ALEXANDER B. ADELMAN
(1950-1984)

OF COUNSEL
SIDNEY CHAIT

FILE

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NOV 12 1985

SECRETARY'S OFFICE
Public Utility Commission

Mr. Bob Kennedy
Kennedy Transfer
P. O. Box 704
DuBois, PA 18801

RE: Application of Klapec Trucking Company
Docket A-102306, F.1, Am-F

Dear Mr. Kennedy:

As you may be aware, I represent Klapec Trucking Company in the above-captioned application proceeding before the Pennsylvania Public Utility Commission.

My client has informed me that you have indicated that you will not protest this application if it were restrictively amended to remove the right to transport household goods in use. Please be aware that we will agree to make such an amendment but would like to do so subsequent to November 18, 1985 which is the final day for filing protests. This will allow me to make the restriction you require in the same document which will contain other restrictions to satisfy other protestants.

Please accept this letter as a formal indication of our agreement to make the aforementioned restriction. Thank you for your anticipated cooperation and feel free to contact me with any questions or comments.

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NOV 12 1985

Non-Rail Transportation
Public Utility Commission

KWW:mmm

Very truly yours,

Kevin Walsh

KEVIN W. WALSH

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LAW OFFICES

WICK, RICH, FLUKE & STREIFF NOV 18 1985

1610 TWO CHATHAM CENTER
PITTSBURGH, PA 15219
(412) 765-1600

~~Non-Rail Transportation~~
Public Utility Comm.

ROBERT R. WERTZ
OF COUNSEL

TELECOPIER
(412) 281-3783

HENRY M. WICK, JR.
DIXON R. RICH
ALLAN L. FLUKE
CHARLES J. STREIFF
DAVID M. O'BOYLE
LEROY L. METZ, II
CARL F. MEYER
VINCENT P. SZELIGO
LUCILLE N. WICK
TED TISHMAN
DIXON R. RICH, JR.
RONALD M. DEL DUCA, JR.
ANTHONY P. LEECH

November 15, 1985

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NOV 18 1985
SECRETARY'S OFFICE
Public Utility Commission

Re: Klapec Trucking Company
Docket No. A-00102306, F.1, Am-F
Our File 857-063

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

FILE

Dear Mr. Rich:

We enclose for filing with the Commission, the signed original of Protest on behalf of Warren C. Sauers Co., Inc. in opposition to the above-captioned application. A copy of this Protest has been served upon applicant and applicant's representative.

Please acknowledge receipt of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the stamped, self-addressed envelope provided for that purpose.

Sincerely yours,

WICK, RICH, FLUKE & STREIFF

David M. O'Boyle
David M. O'Boyle

vr
Enclosures
cc: Kevin W. Walsh, Esq. (w/Enc.)
Warren C. Sauers Co., Inc. (w/Enc.)

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NOV 18 1985

SECRETARY'S OFFICE

Public Utility Commission

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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NOV 18 1985

Public Utility Commission

KLAPEC TRUCKING COMPANY

DOCKET NO. A-00102306, Folder 1, Am-F

PROTEST ON BEHALF OF
WARREN C. SAUERS CO., INC.

FILE

AND NOW, comes Warren C. Sauers Co., Inc. (Protestant) and protests the above application and in support thereof states as follows:

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

Warren C. Sauers, Inc.
2601 Rochester Road
Zelienople, PA 16063
(412) 961-0616

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

David M. O'Boyle, Esquire
WICK, RICH, FLUKE & STREIFF
1610 Two Chatham Center
Pittsburgh, PA 15219
412-765-1600

3. Protestant is seeking authority in conflict with this application. By application filed November 6, 1985 Protestant is seeking authority as follows:

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APPLICATION DOCKET
NOV 20 1985
ENTRY No. *NR*

Transportation of glass containers, closures therefor, and equipment, materials and supplies used in the manufacture, sale and distribution of glass containers, for Diamond-Bathurst, Inc., between its facilities in the Borough of Knox, Clarion County and the Township of Jenks, Forest County, and from said facilities to points in Pennsylvania, and vice versa.

Applicant identifies the shipper as Diamond Container General, but Protestant believes the correct name is Diamond Bathurst.

4. Protestant is presently providing service in the application area and is willing and able to provide additional service. To the extent that this application conflicts with the authority sought by Protestant, there is no need for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public.

5. Pursuant to Section 333(c) of the Public Utility Code (66 Pa.C.S. §333(c)) Protestant hereby requests a list of the witnesses expected to testify in the above-entitled proceeding, together with the subject matter of their anticipated testimony.

Respectfully submitted,

WICK, RICH, FLUKE & STREIFF



David M. O'Boyle
1610 Two Chatham Center
Pittsburgh, PA 15219
(412)765-1600
Attorneys for Protestant
Warren C. Sauers Co., Inc.

ORIGINAL RECEIVED

ADELMAN LAVINE KRASNY GOLD AND LEVIN
ATTORNEYS AND COUNSELORS AT LAW

JAN 16 1986

Office of A. L. J.
Public Utility Commission

SUITE 1900
TWO PENN CENTER PLAZA
PHILADELPHIA, PA. 19102
(215) 568-7515

ALEXANDER B. ADELMAN
(1950-1984)

OF COUNSEL
SIDNEY CHAIT

NATHAN LAVINE
MARVIN KRASNY
LEWIS H. GOLD
ROBERT H. LEVIN
GARY M. SCHILDHORN
MYRON A. BLOOM
BARRY D. KLEBAN
GARY D. BRESSLER
SARA B. KALB*
MARK J. PACKEL

January 9, 1986

*N. Y. BAR ALSO

Honorable William H. Smith
Chief Administrative Law Judge
Pennsylvania Public Utility
Commission
P.O. Box 3265
Harrisburg, PA 17120

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JAN 16 1986

Re: Klapec Trucking Company
Docket No. A-00102306 F.1 Am.F.

SECRETARY'S OFFICE
Public Utility Commission

Dear Judge Smith:

I represent the applicant in the above-captioned proceeding. The protest period on this application expired on November 18, 1985 and we expect your office to be scheduling a hearing in this matter in the very near future.

We are respectfully requesting that this matter be scheduled for a hearing at the Philadelphia State Office Building in Philadelphia, Pennsylvania. This request is made for the reason that the supporting shipper witness in this proceeding is domiciled in the Philadelphia area, as is counsel for the applicant, thereby allowing us to minimize the inconvenience to the public witness who will testify in support of this application.

Your indulgence in granting this hearing site request would be greatly appreciated.

Very truly yours,

Kevin Walsh

KEVIN W. WALSH

KWW:mmw

cc: Mr. J. Bert Klapec

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JAN 17 1986

MAY & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS
ALLEGHENY SQUARE
OIL CITY, PENNSYLVANIA 16301
814/676-5691

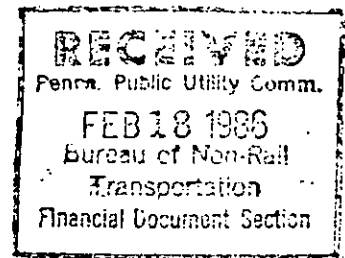
February 13, 1986

Mr. Joseph T. McDevitt
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Sir:

We, as their representatives, wish to request 30-day extensions of time for filing the 1985 Annual Report for the following carriers:

1. Calcium Chloride Sales, Inc.
713 W. Main St.
Grove City, PA 16127
A-00098058
2. Klapec Trucking Company
673 N. Seneca St.
Oil City, PA 16301
A-00102306
3. WER Trucking, Inc.
P. O. Box 45
Fryburg, PA 16326
A-00101353
4. A. P. Services, Inc.
P. O. Box 45
Fryburg, PA 16326
A-00100527



Your assistance in this matter is greatly appreciated.

Yours very truly,

James R. Heasley
James R. Heasley
Partner

JRH/es



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

FEB 24 1985

IN REPLY PLEASE
REFER TO OUR FILE

TK 1 A-00102306
KLAPEC TRUCKING COMPANY
673 N. SENECA STREET, R.D. 1
OIL CITY PA 16301

Your petition for an extension of time in which to file the 1985 Annual Report of the above-docketed carrier with the Pennsylvania Public Utility Commission is hereby granted.

The period for timely filing of the 1985 Annual Report is extended to April 30, 1986.

Failure to file the Annual Report within the extension period will result in the imposition of penalties, which could include cancellation of the carrier's certificate or permit as provided by law.

Very truly yours,

Joseph M. Machulsky

Joseph M. Machulsky, Chief
Financial Document Section

JMM:dmm

cc: (P.U.C.) File Section ✓
Annual Report Section

Contact Person: J. C. Keiter (717) 783-3839
W. B. Fitzpatrick (717) 783-5938
D. M. Motter (717) 787-3964

DOCUMENT
FOLDER

DOCKETED
FEB 26 1986

CONFIDENTIAL

LAW OFFICES OF
Richard W. Kooman, II

MARIANNE PROFESSIONAL CENTER
CLARION, PENNSYLVANIA 16214

POST OFFICE BOX 700

AREA CODE 814
226-9100

March 27, 1986

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

RECEIVED

MAR 31 1986

IN RE: Application of Klapac Trucking Company
Docket No. A-00102306, F.1, Am-F

**SECRETARY'S OFFICE
Public Utility Commission**

Dear Secretary Rich:

On behalf of W.H. Christie & Sons, Inc., we enclose for filing with the Commission a Petition For Leave To Intervene in the above referenced matter. A copy of this Petition has been sent to the Applicant's representative as shown in the Pennsylvania Bulletin.

Please acknowledge receipt of the enclosed on the duplicate copy of this letter of transmittal and return to me in the self addressed stamped envelope provided for that purpose. If you have any questions concerning this filing, do not hesitate to contact me.

Very truly yours,



Richard W. Kooman, II

RWK: rmm:0200C
enclosure

cc: Kevin W. Walsh, Esquire
Robert Williams

**DOCUMENT
FOLDER**

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

MAR 31 1986

Application of
KLAPEC TRUCKING COMPANY

SECRETARY'S OFFICE
Public Utility Commission

Docket No. A-00102306, F.1, Am-F

PETITION FOR LEAVE TO INTERVENE

AND NOW COMES W. H. Christie & Sons, Inc., by its attorney, Richard W. Kooman, II, and petitions the Commission for leave to intervene in the above proceeding, for the following reasons:

1. By this application, Klapec Trucking Company (hereinafter "Klapec" or "applicant") is seeking permanent authority to transport:

Property (except commodities in bulk) for Diamond Container General, from its facilities located in the Borough of Knox, Clarion County, to points in Pennsylvania, and vice versa.

2. W. H. Christie & Sons, Inc. holds authority from this Commission at Docket No. A.95916, F.1, Am-L, which authorizes the transportation of property, with certain exclusions, between points in the Counties of Armstrong, Butler, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, McKean, Venango and Warren, and from points in said counties to points in Pennsylvania, and vice versa.

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APR 1 - 1986

3. A copy of the authority of this petitioner is attached to this petition as Appendix A.

4. Petitioner denies that approval of the application will serve a useful public purpose, responsive to a public demand or need.

5. Petitioner avers that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest.

6. Petitioner, W. H. Christie & Sons, Inc., does not subscribe to the Pennsylvania Bulletin, and was unaware of the application until it learned of the application by virtue of its protests to identical applications by Warren C. Sauers Co., Inc., Docket No. A-00101575, F.1, Am-J and Venezia Hauling, Inc., Docket No. A-00105332, F.1, Am-A.

7. This Petition for Leave to Intervene was filed as soon as the petitioner became aware of the application.

8. The Commission has regularly permitted intervention in opposed applications where the applicant is not prejudiced by petitioner's tardiness. For example, in an Interim Order recently issued in connection with the Application of Joseph Matas Rubi, Administrative Law Judge Michael A. Nemecek granted the petitions of three carriers to intervene in the proceeding, stating that "[n]o substantial prejudice will result to applicant given the need to hold a hearing in any event." Appli-

cation of Joseph Matas Rubi, Docket No. A-00106180, Interim Order, January 16, 1986.

In Application of Lew G. Rich and Patricia L. Rich, at Docket No. A-00099668, F.1, Am-A, the Commission, in granting intervention, stated that:

We traditionally have interpreted the time restrictions on filing protests in a liberal manner so that we might have a full and complete record upon which to base a decision. This policy is especially appropriate where, since no hearing has yet been held, the applicant will not incur any substantial prejudice or inconvenience by allowing Philip Stinger, Inc. to intervene.

In Application of Jack Gray Transport, Inc., Docket No. A-00100812, F.2, Administrative Law Judge Dennis J. Harnish, by Order dated December 2, 1983, granted the petition of Ernest E. Latsha to intervene in an application proceeding in which initial hearings, at which the applicant's witness and shipper witness testified, had already been held.

9. Granting of the instant petition in this proceeding will not result in any prejudice to the applicant. The application is already opposed, and intervention by petitioner will not broaden the issues or cause any delay in the hearing on this application.

10. Intervention by petitioner is necessary to present to the Commission a complete record concerning need for the proposed service and service now available to shippers in the application area.

WHEREFORE, W. H. Christie & Sons, Inc. respectfully requests that the Commission grant to them leave to intervene in this proceeding as a protestant.

Respectfully submitted,

By: Richard W. Kooman II
RICHARD W. KOOMAN, II,
Attorney for
W. H. CHRISTIE & SONS, INC.,
Petitioner

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 6, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of W. H. Christie & Sons, Inc., a corporation of the State of New York, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property between points in the borough of Kane, McKean County, and within fifteen (15) miles by the usually traveled highways of the limits of the said borough; subject to the following condition: That no right, power or privilege is granted to transport from any point of origin to the county of Warren, except to or from the plant of the Kinzua Valley Chemical Company, in the township of Hamilton, McKean County, and originating at said chemical company: SO AS TO PERMIT the transportation of property, between points in the counties of Armstrong, Butler, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, McKean, Venango and Warren, and from points in said counties to points in Pennsylvania, and vice versa; subject to the following conditions: (1) That no right, power or privilege is granted to transport commodities in bulk and household goods in use; (2) That no right, power or privilege is granted to transport shipments weighing less than ten-thousand (10,000) pounds in weight, from one consignor to one consignee; (3) That no right, power or privilege is granted to transport property which, because of size or weight, requires the use of special equipment or special handling.

A-00095916

F. 1

Am-L

Appendix A

Pillar and Mulroy, by John A. Pillar for the applicant.
Graf, Knupp & Andrews, by David H. Radcliff for protestant, City Transfer, Inc.
Breman & Burns, by Joseph E. Breman for protestant, Breman's Express Co.

Rex W. McQuaide for protestant, W. C. McQuaide, Inc.
Wick, Rich, Fluke & Streiff, by Vincent T. Szeligo and David M. O'Boyle
for protestant, Warren C. Sauers Co., Inc.
Vuono, Lavelle & Gray, by William J. Lavelle for protestant, Brocius
Trucking, Inc.
Zane R. Johnsonbaugh for protestant, Ward Trucking Corp.
John E. Fullerton for protestants, Ray L. Brandt Trucking Co., R. H.
Crawford, Inc., S & L Services, Inc., and Powers Trucking Co.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on May 9, 1983 and published in the Pennsylvania Bulletin of July 9, 1983. Ten carriers lodged protests but withdrew pursuant to a restrictive amendment which places various restrictions on the service, such as prohibiting service to and from certain areas; prohibiting service for certain shippers or to and from certain shipper facilities; and prohibiting the transportation of certain commodities in certain areas.

As amended, the application is without further protest and the record is now certified to the Commission for handling under modified procedure. Verified statements were submitted by the applicant and 26 supporting shippers.

Ronald W. Harris, president of W. H. Christie & Sons, Inc. (Christie or applicant), sets forth in a verified statement that he and his wife, Carol, are the sole stockholders of the corporation and that they jointly manage the daily operations. The corporation is a corporation of the State of New York and domiciled in Knox, Clarion County, Pennsylvania. It has been engaged in business as a motor carrier since 1890.

Christie presently transports property generally within a defined area of northern and north central Pennsylvania. It also transports specified commodities for named shippers on a statewide basis. Christie feels however, that its present authority is so fragmented that it cannot provide the complete service requested by the shippers in northwestern Pennsylvania and believes the proposed authority will allow it to be more responsive. It can now provide nationwide interstate service, but its very limited ability to provide local statewide service within Pennsylvania is a disadvantage. Some duplication of authority will result if this application is approved.

The applicant's terminal in Knox, Clarion County, houses its general offices, dispatch offices and maintenance facilities. Major and minor equipment maintenance is performed at this location and there are facilities for the storing and handling of freight. Communications are conducted by telephone.

The operating fleet consists of 24 tractors and 62 trailers which are leased on an exclusive basis from Harris Transport Co., a company affiliated with the applicant. Thirteen other tractors are operated under lease arrangements with owner-operators. A safety program is administered which includes weekly equipment inspection, careful screening and instruction of drivers, periodic safety meetings and issuance of safety material through the insurance carrier.

An unaudited balance sheet indicates that as of July 31, 1983, the applicant has current assets of \$217,101, total assets of \$529,487, with current liabilities of \$185,999 and total liabilities of \$190,920, leaving stockholders' equity of \$338,567. An unaudited statement of income for the seven-month period ending July 31, 1983, reveals that from operating income of \$1,638,476, the applicant incurred operating expenses of \$1,597,049, resulting in a net income of \$41,427.

George Keller is central regional traffic manager for Witco Chemical Corp. (or shipper), domiciled in Bradford, McKean County, and has entered a supporting verified statement. The company is a refiner, manufacturer and distributor of petroleum and petroleum products with its main refinery located in Bradford. Other refineries are operated in North Warren (Warren County) and Petrolia (Butler County), with distribution outlets in various areas of the state. The specific commodities involved are motor oil, wax, grease, white oil, petroleum, sulfonate, etc., which are shipped in drums, packages, pails and cartons.

Approximately 25 truckloads are shipped from the facilities each week to distribution outlets and jobber sites located at places such as Butler, Greensburg, Harrisburg, Johnstown, Lancaster, Philadelphia, Reading, Scranton and York. These points are representative only, and, in fact, shipments can be made to virtually any point in Pennsylvania. In addition, it receives inbound shipments of grease, in drums, on a daily basis from Bakerstown, Allegheny County, and items such as salt, motors and supplies from Philadelphia, Reading, Erie and Pittsburgh, about six times per month. Petroleum oil is received from New Kensington, three times per week.

Witco anticipates an increase in sales during 1984. The carriers currently available cannot handle all of the traffic during peak periods. The applicant is providing Witco with excellent interstate service while its Pennsylvania intrastate authority is very limited. Witco believes that Christie is capable of providing the statewide service proposed here and that if the application is approved, the additional service would help to cure its shipping ills.

Gary L. Williamson is manager-transportation and warehousing, for McGraw-Edison Company (or shipper), and has submitted a supporting affidavit. As pertinent to this proceeding, it has facilities located in Fogelsville (Lehigh County), East Stroudsburg (Monroe County) and Canonsburg (Washington County), where it manufactures and distributes electrical transmission, distribution and storage equipment, including transformers, circuit breakers, batteries, cutouts, lightning arresters, insulators, etc.

Truckload shipments of the foregoing commodities are made from the various facilities to points in northwestern Pennsylvania, including points such as Erie, Meadville, Warren, Bradford, Clarion, Oil City, Franklin, Butler, Kittanning and Clearfield, among others. Its customers generally vary from month to month and year to year, so that the points of destination will also vary in the future. Approximately 40 percent of the shipments from the various facilities weigh 10,000 pounds or more, of which, the applicant would be given 20 to 30 shipments annually.

McGraw knows that the applicant is a reliable carrier, domiciled in Clarion County, and understands that it has equipment which unloads in the New York-New Jersey area daily that must now deadhead back to Clarion County. This equipment could be utilized under the proposed authority to transport loads from McGraw's Lehigh and Monroe County facilities moving into the 13-county area of application which would be of mutual benefit to McGraw and Christie.

Floyd Stone, traffic manager for National Can Corp. (or shipper), has entered a supporting verified statement, setting forth that the company is a manufacturer of glass containers through its Foster Forbes Glass Division which has a plant located in Oil City, Venango County. Approximately five truckloads of glass bottles a day would be given to the applicant if the proposed service becomes available.

The Oil City plant ships to various locations in Armstrong, Butler, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, McKean, Warren and Venango Counties. It is also possible that the company will locate specific warehousing within any of the counties and then, any such location will become a shipping origin point. All equipment must be 45-foot trailers with high-cube door openings.

William P. Moon is the resident manager of the Knox facility of U.S. Corrugated Fibre Box Co. (or shipper) and states that he is responsible for all aspects of the operation, including selection of the carriers utilized. If the application is approved, the company would offer the applicant between five and 10 truckloads of corrugated containers per week, moving from the Knox plant to numerous points within a 100 to 125-mile radius of Knox, including Pittsburgh, Erie, Sharon and DuBois. It has used the applicant for interstate shipments and has been extremely satisfied. The applicant's terminal is within close proximity to the shipper's plant and it feels that the applicant would be an ideal carrier to supplement a private carriage operation which now handles most of the traffic.

Richard R. Andrus is transportation supervisor for Owens-Illinois, Inc., Plastic Products/Closure Group (or shipper), and sets forth in a supporting affidavit that he has responsibility for a substantial portion of the company's transportation needs on both an inbound and outbound basis. Pertinent to this application, he lends support for the traffic moving to and from a plant located at Brookville, Jefferson County, which manufactures closures for the container business.

The closures manufactured at Brookville were shuttled to a public warehouse in DuBois and shipped outbound from there. The applicant holds authority to render service from the DuBois warehouse.

The company is now building an on-premises warehouse in Brookville and the applicant will now need authority to provide service from the warehouse. About 15 truckloads a month will move from Brookville and the applicant is likely to receive between 10 and 15 percent of the traffic. Representative points of destination are Brockway, Easton, Ft. Washington, Hatboro, Lancaster, Lititz, Malvern, Philadelphia, Pittsburgh, Souderton, Verona and West Point. Traffic can be destined to any point throughout the state. Carriers must furnish 45-foot high-cube trailers.

Samuel M. Reese is the owner of Apple Leaf Food Products Co. (or shipper) which has a food processing plant in New Castle, Lawrence County, where it manufactures apple juice. He submits a verified statement in which he asserts that the applicant would be used to transport empty glass containers from a supplier located in Knox, Clarion County, to the New Castle plant. Approximately two shipments a week, of 10,000 pounds or more each, would be involved.

The company has used the applicant for interstate movements and has found it to be a reliable carrier, possessing the type of equipment needed. The applicant's Knox terminal is convenient to the supplier's facilities which will enable it to provide service on short notice, which is often the case.

Gary S. Tarleton, traffic manager for Franklin Steel Company (or shipper), has entered a supporting verified statement. The company operates a rolling mill in Franklin which utilizes scrap railway track as a raw material. The rails are heated, slit and re-rolled into various products and shapes such as steel signposts, fence posts, reinforcing bars and shapes including angles, rounds, hexes, grousers and flats. It would use the applicant to transport between five and 10 truckloads per week.

Two traffic origins are involved. In addition to the Franklin mill, the facility of Young Galvanizing in Pulaski, Lawrence County, will also be a point of origin. Franklin Steel contracts with Young Galvanizing to galvanize and re-ship some products. Franklin pays the freight and selects the carriers for the outbound shipments. Shipments from both locations are destined to customers in points throughout Pennsylvania, such as Phoenixville, Pittsburgh, Butler, Towanda, Harrisburg, Montoursville, Honesdale and Lake City. It has used the applicant in interstate traffic and has been well satisfied. Pursuant to a contract with the Pennsylvania Department of Transportation, shipments must be made direct to the PennDOT branch offices throughout the state which has created a need for additional carriers. It will use the applicant if the application is approved.

Peter Frome, traffic manager for Fine Grinding Corp. (or shipper), Conshohocken, Montgomery County, has entered a supporting

verified statement. The company is engaged in the business of particle size reduction of resins and chemicals for the food, drug and chemical industries, and has customers located throughout Pennsylvania which are serviced from the Conshohocken plant. The principal commodities are coal tar resins, aluminum chloride, calcium chloride and sodium chloride. Most shipments move in truckload quantities and the applicant will be used from Conshohocken to points in the 13 northwestern counties of the application. The applicant has provided good service on interstate movements.

Harry G. Boylan is traffic manager of Lord Corporation (or shipper), located in Saegertown, Crawford County, and supports the applicant. The company ships special adhesives, polyurethane coatings and specialty chemicals in truckload quantities to points such as Philadelphia, Saegertown, Reading, Marcus Hook and Carlisle. Inbound, it receives chemicals, pigments and solvents from Saegertown, Philadelphia and Marcus Hook. It uses the applicant for interstate service to and from points in six states and feels that its availability within Pennsylvania would enhance the company's service capabilities.

Michael A. Miller is manager of administration for Manion Steel Barrell Company (or shipper), located near Oil City, Venango County, where it manufactures steel drums. He supports the applicant stating that the company utilizes private carriage to a large extent but would use the applicant as a back-up carrier to points such as Pittsburgh, Erie, Bradford, Washington, Altoona, Johnstown, Philadelphia, Scranton and Harrisburg. It is extremely satisfied with the service the applicant now provides in interstate commerce.

C. B. Kreiger, general manager of St. Joe Container Co. (or shipper), Sharpsburg, Allegheny County, supports the applicant. It ships corrugated fibreboard shipping containers and displays from Sharpsburg to points in the application area, including Port Allegany, Erie, Warren, DuBois, Emporium, Kittanning, Butler and Brookville, and has recently acquired new customers in Franklin and Oil City. Most shipments move in truckload quantities requiring overnight delivery. It has used the applicant within its presently authorized area of operations and feels that it would be very convenient to have it available on a broader scale.

Irwin Vilardofsky is division traffic manager for Firestone Foam Products (or shipper), and has entered supporting evidence in the proceeding. The plant is maintained in Corry, Erie County, where the company receives inbound shipments of white granular powder in truckload quantity from a supplier in York on a twice-monthly basis. Outbound shipments of carpet cushioning weighing in excess of 10,000 pounds each, are shipped to points in Delaware, Philadelphia, Chester, Bucks and Montgomery Counties at the rate of four to five times per month.

Christie is currently being used for interstate transportation and the shipper is well satisfied. The company is now handling the intrastate traffic in its own trucks but would use the applicant in a back-up capacity. The private carriage operation is faced with considerable

empty back-haul miles and the shipper believes the applicant could handle the traffic at rates that are competitive or even lower than private carriage. Any traffic handled by the applicant would be either new traffic to market areas not now served by the shipper or would be traffic diverted from private transportation. No other carriers would be harmed if this application is approved.

Robert L. Thompson, credit manager for Zippo Manufacturing Company (or shipper), states that he is involved in the selection of trucking services for the movement of outbound goods from a plant located in Bradford, McKean County, and is authorized to submit evidence in this matter. Zippo manufactures various items including lighters, flints, lighter fluid, retractable tape, rulers, knives, and pens and pencils. Shipments are made to numerous points such as Philadelphia, Pittsburgh, Williamsport, Erie, Meadville, York, Harrisburg, Scranton, State College, etc.

Six to nine truckloads of containerized commodities are shipped to Zippo's warehouse in Philadelphia annually. It also has as much as two truckloads a month moving to large jobbers to the points previously mentioned with many other points becoming potential destinations. It recognizes the applicant as a reliable carrier and will utilize its service within the area proposed.

Paul L. Jordan, owner of Jordan Hardware (or shipper), Knox, Clarion County, supports the application. He supports the applicant as pertinent to the transportation of property from various points in Pennsylvania to the retail store in Knox. He receives approximately 20,000 pounds a week from Butler and Pittsburgh which would be given to the applicant if the application is approved. He recognizes Christie as a local carrier that provides excellent service.

Garry N. Schmader is a partner in Tionesta Builders Supply (or shipper), located at R.D. 1, Tionesta Township, Forest County, and has entered a supporting verified statement. The Tionesta facility consists of a warehouse and a retail home improvement center from which they ship lumber, plywood, roofing, insulation, hardware and cabinets to western Pennsylvania destinations such as Franklin, Oil City, Clarion, New Bethlehem, Brookville and Titusville. Inbound material is received from Punxsutawney, Clearfield, Pittsburgh, Erie, Meadville and New Castle. The applicant's terminal is within 25 miles of the Tionesta facilities which enables it to provide emergency service on short notice.

Richard C. Lewis is the owner of R. C. Metals (or shipper), located in Ridgway, Elk County, and states that weekly shipments of powder metal material are made to points such as Ridgway, Kersey, DuBois, Sykesville, Emporium, Austin, Johnsonburg and St. Marys, among others. Most destinations are within 50 miles of the plant. Due to the fact that the shipper is located in a small rural area, it feels there is very little truck service available on a regular basis and the company states that it needs a carrier such as the applicant.

William H. Barry, traffic manager of Pyramid Industries, Inc. (or shipper), supports the application for the transportation of plastic tubing and beverage containers from a plant and warehouse in Erie to customers in Pittsburgh, Philadelphia, Washington and Johnstown. Several times each year it receives inbound shipments of plastic pipe from Pittsburgh. The applicant has established an excellent reputation for service and equipment in northwestern Pennsylvania and Pyramid Industries is pleased that it has decided to expand its area of operations.

Larry A. Lang is vice president of West Penn Oil Company (or shipper), Warren, Warren County, and has entered a supporting verified statement. The company is an independent oil compounder and contract or custom packer, operating a plant and warehouse in Warren where it manufactures and distributes lubricating oils for stationary equipment, machinery and automobiles. It would give the applicant approximately 26 truckloads a year, moving to points such as Philipsburg, New Kensington, Creighton, Farmers Valley and Bradford. Shipments of empty bottles are received inbound from New Kensington and Creighton. The applicant has been delivering inbound shipments within the extent of its present authority. Its equipment is suitable and its drivers appear competent and courteous. A grant of the proposed authority would be beneficial.

Richard Gordon is the owner and secretary/treasurer of General Warehousing of DuBois, Inc. (or shipper), domiciled in DuBois, Clearfield County, and supports the application. As a public warehouse, it receives shipments from various points in the state from its principals and re-ships to other points upon instruction from the principals. Approximately 50 truckloads a month are involved, of which, the applicant would be given 10 to 20 percent. Representative points of origin and/or destinations are, Altoona, Washington, Peach Glen, Brockway, Franklin, Meadville, Erie, Philadelphia, Harrisburg, Pittsburgh and Ridgway. Depending on the warehouse customer, shipments could be destined to any point in the state. A carrier with broad statewide authority is desired.

Randell L. Galbraith is sales manager for Plexwood Division of Werzalit of America (or shipper), located at Bradford, McKean County, and states that he is familiar with the company's transportation needs. It is a manufacturer of table tops, casket lid panels, chair seat blanks and basketball backboards. Outbound shipments move in truckload quantity and are destined to points such as Philadelphia, Levittown and McMurray. It has used the applicant within its existing area of authority and will welcome the opportunity to use it within the proposed expanded territory.

Joseph F. Mays, owner of Knox Auto Supply (or shipper), Knox, Clarion County, states that he is a wholesaler of automotive supplies and a small engine dealer and distributor. He supports this application specifically for the transportation of anti-freeze and oil which is received at the Knox facility from Pittsburgh, Philadelphia and Oil City. Most of the outbound shipments are of less than 10,000-pound quantities, but the applicant would be given the shipments over 10,000 pounds destined to customers in Pennsylvania. The applicant's facilities are less than one block from the shipper's location.

Gerald E. Bauer is general manager of Heeter Lumber Co. (or shipper) which is located in South Bethlehem, Armstrong County. He supports the application stating that the company has a warehouse in South Bethlehem, a redi-mix cement plant in Sligo, Clarion County, and a hardware store in Rimersburg, Clarion County. As pertinent here, it has need for the transportation of bagged salt moving from New Kensington, Westmoreland County, to the South Bethlehem facility. Flatbed trailers are required. The company is aware of the applicant's reputation for rendering good service and knows that it has flatbed trailers available.

Joseph R. Smith is the sales manager for Humphrey Charcoal Corp. (or shipper) and states that he is familiar with the transportation needs of the company and that he is authorized to submit evidence on its behalf in this matter. It manufactures charcoal in a plant in Brookville, Jefferson County, and ships to points throughout Pennsylvania, including Philadelphia, Towanda, Darlington and Butler. It would give the applicant one truckload every two weeks outbound and would also use it to bring back shipments of returned, refused or damaged merchandise. It has used the applicant in interstate commerce and has been extremely satisfied and will use it within the area proposed here.

Larry E. Emerson, plant manager for Allied Roll Builders, Inc. (or shipper), has entered a supporting affidavit. The company manufactures industrial rolls used for conveying and processing metal products and forgings at a plant located at R.D. 2, Titusville, Venango County. It has customers in Pittsburgh, Birdsboro, Philadelphia, Aliquippa, Levittown, Coatesville and other Pennsylvania points. Inbound shipments of tubing originate at various steel mills throughout the state. Most shipments weigh more than 20,000 pounds each. It will use the applicant whenever possible.

Daniel R. Noyes, materials manager for Trico Industries, Inc. (or shipper), Bradford, McKean County, supports the application specifically for the transportation of steel bar stocks, tubing and castings inbound. It receives approximately two shipments a month from the Pittsburgh area in excess of 10,000 pounds each, which require flatbeds and van trailers. It believes Christie can offer reliable service and supports the application accordingly.

Theodore Tharan is the owner of Tharan Contracting (or shipper), which has its principal place of business in Knox, Clarion County. He supports the application, stating that he has need for the transportation of home building supplies from suppliers throughout Pennsylvania, with the heaviest shipments originating in Erie. The applicant's terminal is very close to the shipper's facility which should prove to be very convenient.

DISCUSSION AND FINDINGS

W. H. Christie & Sons, Inc., holds considerable Pennsylvania common carrier intrastate authority and now, by this application, seeks to expand that authority so that it will have the right to provide

service between points in 13 northwestern counties, and from points in those 13 counties, to points in Pennsylvania, and vice versa. Twenty-six shippers of a wide variety of commodities support the application.

The protests of 10 carriers were satisfied by a restrictive amendment which attaches quite a few exclusions of a variety of certain services to the proposed authority. At first glance, it appears that the many imposed conditions would prove cumbersome, however, their significance is somewhat lessened by the large territorial scope of the application and we foresee no future problems of enforcement of those conditions. The condition having the most impact, is one that limits the proposed service to the handling of only those shipments weighing 10,000 pounds or more.

Twenty-four of the 26 supporting shippers have facilities in 12 of the 13 western counties and have been convincing in their display of need for service, not only between points in the 13 northwestern counties, but also to and from a significant portion of the remainder of the state. Each shipper has detailed its service needs to specific points and half of them display a general need for service to and from any point in the state, or that any point can become either a potential point of origin or a point of destination. The two eastern domiciled shippers have an ongoing need for service to points in the 13 western counties and vice versa. We believe that the applicant has shown that a public need for the proposed service does exist and that the service will be responsive to a genuine public demand.

Pertaining to the applicant's fitness, it has become a well established carrier in Pennsylvania and enjoys a reputation of providing reliable service. It also has a history of conducting profitable operations and its current financial position is sound.

We find:

1. That the applicant has shown 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 September 1, 1970, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, between points in the counties of Armstrong, Butler, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, McKean, Venango and Warren, and from points in said counties, to points in Pennsylvania, and vice versa;

subject to the following conditions:

1. That no right, power or privilege is granted to transport shipments weighing less than 10,000 pounds, from one consignor to one consignee.
2. That no right, power or privilege is granted to transport commodities in bulk and household goods in use.
3. That no right, power or privilege is granted to transport property, which because of size or weight, requires the use of special equipment or special handling.
4. That no right, power or privilege is granted to transport property to or from points in the counties of Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset.
5. That no right, power or privilege is granted to transport property for Brockway Glass Company, Inc., Brockway, Inc. (NY), and Glenshaw Glass, Inc. or, to, from or between their facilities in Pennsylvania.
6. That no right, power or privilege is granted to transport property for J. E. Baker Company from points in the township of West Manchester, York County, and for Thomasville Stone & Lime Company from points in the township of Jackson, York County.
7. That no right, power or privilege is granted to transport property to or from the facilities of American Home Products Corporation located in the township of Turbot, and the borough of Milton, Northumberland County.
8. That no right, power or privilege is granted to transport property to or from the borough of St. Marys and the townships of Benzinger and Fox, Elk County.
9. That no right, power or privilege is granted to transport malt beverages, used containers and pallets, from or to the facilities of F & M Schaefer Brewing Co. in the county of Lehigh.


10. That no right, power or privilege is granted to transport property to or from the facilities of R. S. Carlin, Inc., located in the township of Snow Shoe, Centre County.
11. That no right, power or privilege is granted to transport grain and grain products to or from points in the counties of Clinton and Centre.
12. That no right, power or privilege is granted to transport scrap metal and scrap paper for Hodes Industries, Inc., from its facilities in the county of Centre, the city of Lock Haven, Clinton County and the borough of Tyrone, Blair County, and vice versa.
13. That no right, power or privilege is granted to transport merchandise dealt in by wholesale, retail and chain grocery or food business houses, from points in the boroughs of New Freedom and Shrewsbury and the townships of Shrewsbury and Penn, all in York County; the borough of Wellsboro, Tioga County; the township of East Hempfield, Lancaster County; and the township of Stroud, Monroe County, and vice versa.
14. That no right, power or privilege is granted to transport wood and wood products from points in the city of Lock Haven, Clinton County, and points within an airline distance of thirty-five (35) statute miles of the limits of said city, to points in Pennsylvania, and vice versa.
15. That no right, power or privilege is granted to transport property to and from the facilities of Koppers' Inc., and Penrecco Company located in Butler County.

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 Law 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: April 6, 1984

ORDER ENTERED: APR 18 1984

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Leave to Intervene was served upon counsel for the applicant, Kevin W. Walsh, at Suite 1900, Two Penn Center Plaza, Philadelphia, PA 19102, by first class mail, this 27th day of March, 1986.



File 689

Luzerne, to points in the counties of Lehigh and Northampton: *So as to permit* the transportation of ammonium sulfate for Bethlehem Steel Corporation from the facilities of Horwith Trucks, Inc., located in the county of Northampton, between points in the county of Northampton, and from points in said county, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00098545, F. 1, Am-H seeking the right cited above. *Attorney:* Raymond Talipski, 121 South Main Street, Taylor, Pa. 18517.

A-00102306, Folder 1, Am-F. Klapac Trucking Company (673 North Seneca Street, R. D. 1, Oil City, Venango County, Pa. 16301), a corporation of the Commonwealth of Pennsylvania, inter alia — property (excluding household goods and office furniture in use) between points in the city of Oil City, Venango County, and within 25 miles, by the usually traveled highways of the limits of the said city: *So as to permit* the transportation of property (except commodities in bulk) for Diamond Container General, from its facilities located in the Borough of Knox, Clarion County, to points in Pennsylvania, and vice versa. *Attorney:* Kevin W. Walsh, 1900 Two Penn Center Plaza, Philadelphia, Pa. 19102.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *contract carriers* for transportation of *property* as described under each application.

A-00106560. Soft Drink Carriers, Inc. (1882 East Highland Road, Twinsburg, Ohio 44087), a corporation of the State of Ohio — contract carrier — nonalcoholic beverages and shipping accessories, for Refreshments Products, Inc., from the facilities of Refreshment Products, Inc. located in the city of Pittsburgh, Allegheny County, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00106560 seeking the following rights: Soft drinks and bottled water, from the facilities of Refreshment Products, Inc. located in the City of Pittsburgh, Allegheny County; to points in the Township of Redstone, Fayette County and the Township of Sewickley, Westmoreland County, and return of shipping accessories. *Attorney:* David M. O'Boyle, 1610 Two Chatham Center, Pittsburgh, Pa. 15219.

Application of the following for approval of the *discontinuance of service* for the transportation of *property* as described under each application.

A-00089163, Folder 200. David S. Wenger (69 North Church Street, P. O. Box 400, Brownstown, Lancaster County, Pa. 17509) — discontinuance of part of the service — sand, in bulk in dump vehicles, from points in the Township of Mount Joy, Lancaster County to points in the City of Lancaster, Lancaster County; and sand, in bulk in dump vehicles, from points in the Township of Mount Joy, Lancaster County, to points in the Township of South Middleton, Cumberland County, and

the Township of West Hempfield, Lancaster County. *Attorney:* R. Douglas Good, 118 East Main Street, New Holland, Pa. 17557.

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 *persons* as described under each application.

A-00106547. P. Ferguson Transportation Company (P. O. Box 462, Western Avenue, Beaver, Beaver County, Pa. 15009), a corporation of the Commonwealth of Pennsylvania — persons in group and party service, between points in the county of Beaver, and from said county, to points within an airline distance of 150 statute miles of the limits thereof, and from said counties, to points in Pennsylvania. *Attorney:* Paul E. Courtney, 300 Ninth Street, Conway, Pa. 15027.

A-00106562. Riemer's Limousine, Inc. (4808 Penn Avenue, Pittsburgh, Allegheny County, Pa. 15224), a corporation of the Commonwealth of Pennsylvania — persons in limousine service, from points in the county of Allegheny, to other points in Pennsylvania, and vice versa. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222.

JERRY RICH,
Secretary

[Pa. B. Doc. No. 85-1489. Filed October 25, 1985.
9:00 a.m.]