

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
April 28, 1986

In re: A-00102306, F001, Am-F

(See attached list)

Application of Klapac Trucking Company

Amendment to permit the transportation, of property, by motor vehicle, (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.

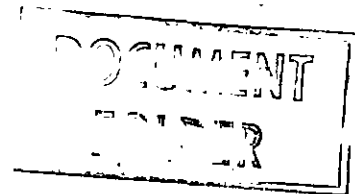
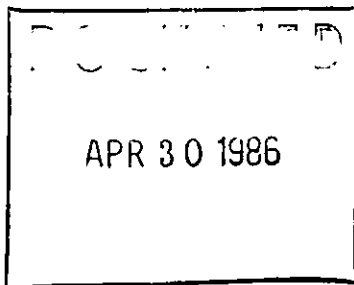
N O T I C E

This is to inform you that an initial hearing on the above-captioned case will be held Thursday, May 29, 1986, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

The presiding officer in this proceeding will be Administrative Law Judge Joseph Klovekorn. Judge Klovekorn can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 560-2105.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Klovekorn
Bureau of Trans.
Ms. Dickson
Ms. Crouse
Mr. Bramson
File Room



Kevin W. Walsh, Esquire
Adelman, Lavine Krasny, Gold & Levin
Suite 1900 Two PennPenter Plaza
Philadelphia, PA 19102

215 568 7515

KLAPEC TRUCKING COMPANY
R D #1 673 North Seneca Street
Oil City, PA 16301

Bob Kennedy
Kennedy Transfer
P O Box 704
Du Bois PA 18801

David M. O'Boyle, Esquire
1610 Two Chatham Center
Pittsburgh, PA 15219

ORIGINAL

LAW OFFICES

WICK, RICH, FLUKE & STREIFF

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

TELECOPIER
(412) 261-3783

VINCENT P. SZELIGO
LUCILLE N. WICK
TED TISHMAN
DIXON R. RICH, JR.
RONALD M. DEL DUCA, JR.
ANTHONY P. LEECH
CYNTHIA B. JONES
THOMAS E. WEIERS

HENRY M. WICK, JR.
DIXON R. RICH
ALLAN L. FLUKE
CHARLES J. STREIFF
DAVID M. O'BOYLE
LEROY L. METZ, II
CARL F. MEYER

May 23, 1986

RECEIVED

MAY 28 1986

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

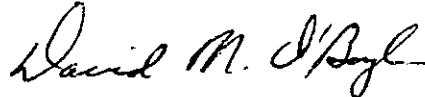
Dear Mr. Rich:

We have been authorized on behalf of protestant Warren C. Sauers Co., Inc. to withdraw its protest in opposition to the above-captioned application. We request that we remain a party of record for purposes of receiving all future notices and orders issued by the Commission.

By copy of this letter, we are advising Administrative Law Judge Joseph Klovekorn and Kevin W. Walsh, Esq., counsel for applicant, of this action.

Sincerely yours,

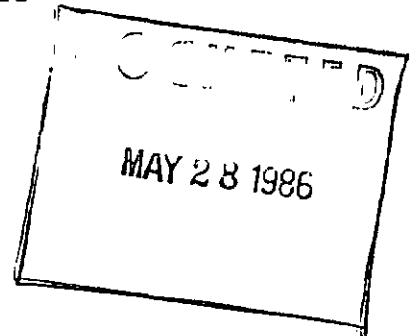
WICK, RICH, FLUKE & STREIFF



David M. O'Boyle

vr

cc: Joseph Klovekorn, ALJ
Kevin W. Walsh, Esq.
Warren C. Sauers Co., Inc.





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
May 28, 1986

IN REPLY PLEASE
REFER TO OUR FILE
A-00102306, F001, Am-F

(See letter dated 4/28/86)

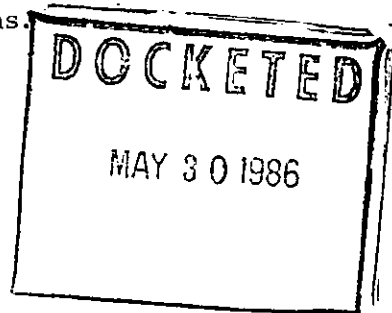
Application of Klapec Trucking Company

N O T I C E

Since all protests against the above captioned application have been withdrawn, the hearing scheduled for Thursday, May 29, 1986, in Philadelphia, has been cancelled.

The application will be referred to the Bureau of Transportation for review and report to the Commission.

cc: Judge Klovekorn
Bureau of Trans
Ms. Dickson
Ms. Crouse
Mr. Bramson
File Room



ORIGINAL

LAW OFFICES OF

Richard W. Kooman, II

MARIANNE PROFESSIONAL CENTER

CLARION, PENNSYLVANIA 16214

POST OFFICE BOX 700

May 27, 1986

AREA CODE 814
226-9100

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

RECEIVED
MAY 30 1986
SECRETARY'S OFFICE
Public Utility Commission

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

Dear Secretary Rich:

By Order dated April 23, 1986, W.H. Christie & Sons, Inc. was granted leave to intervene in the above referenced Application. Since that date, the interests of the Applicant and W.H. Christie & Sons, Inc. have been reconciled. Accordingly, I have been authorized by W.H. Christie & Sons, Inc. to withdraw the protest to the above referenced Application which it presented through the Petition for Leave to Intervene. W.H. Christie & Sons, Inc. wishes to remain a party of record in this matter and to receive copies of all future orders and filings in this matter.

If you have any questions concerning the withdrawal of this protest, do not hesitate to contact me.

Very truly yours,



Richard W. Kooman, II

RWK:rmm:0252C

cc: Ronald W. Harris, President
W.H. Christie & Sons, Inc.
Kevin W. Walsh, Esquire

DOCUMENT
FOLDER

DOCKETED
MAY 30 1986

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()

Address

City State Zip

Telephone No. ()



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

June 13, 1986

IN REPLY PLEASE
REFER TO OUR FILE

Kevin W. Walsh
Attorney at Law
Suite 1900
Two Penn Center Plaza
Philadelphia, PA 19102

In re: A-00102306, F. 1, Am-F

Application of Klapac Trucking Company.

Dear Mr. Walsh:

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

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

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

You are being granted an initial thirty (30) days to file verified statements. They will be due on or before July 14, 1986.

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

Questions about your application should be directed to Richard H. White.

Very truly yours,

By Richard H. White
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

DOCKETED
APPLICATION DOCKET
JUN 16 1986
ENTRY No. <i>MS</i>

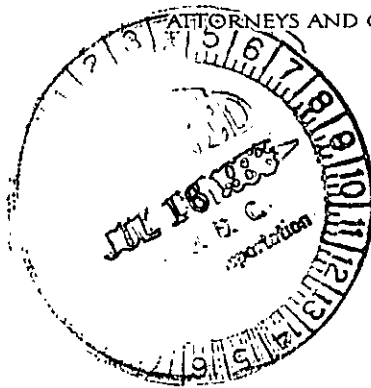
**DOCUMENT
FOLDER**

19

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
KEVIN W. WALSH
MARK J. PACKEL



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

ALEXANDER B. ADELMAN
(1950-1984)

OF COUNSEL
SIDNEY CHAIT

July 14, 1986

Mr. Richard White
Technical Review Section
Pennsylvania Public Utility
Commission
P. O. Box 3265
Harrisburg, PA 17120

Re: Application of Klapec Trucking Co.
Docket A-00102306, Folder 1, Amendment F

Dear Mr. White:

This will confirm our telephone conversation of July 8, 1986, in which we requested an extension of time for filing verified statements in the above captioned proceeding. Statements are presently due to be filed on or before July 14, 1986.

As I indicated to you, it has been impossible to coordinate the preparation and execution of the verified statement of the supporting shipper because of a recent, lengthy vacation by the testifying witness on behalf of the supporting shipper. No previous requests for extensions have been made in the proceeding.

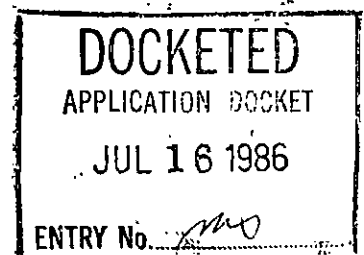
Your indulgence in this matter is greatly appreciated.

Very truly yours,

Kevin W. Walsh

KEVIN W. WALSH

KWW:cd





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

July 18, 1986

IN REPLY PLEASE
REFER TO OUR FILE

Kevin W. Walsh
Attorney at Law
Suite 1900
Two Penn Center Plaza
Philadelphia, PA 19102

In re: A-00102306, F. 1, Am-F - Application of Klapac Trucking Co.

Dear Mr. Walsh:

In accordance with your request of July 14, 1986 for an extension of time to file verified statements, we are granting an additional 30 days for filing of statements.

Please be advised that verified statements are now due on August 14, 1986. If said statements are not filed with this office by that date we shall assume that you do not desire to pursue this matter and shall recommend to the Commission that the application be dismissed for lack of prosecution.

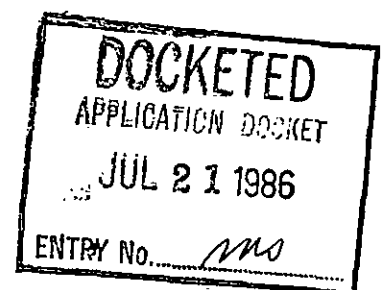
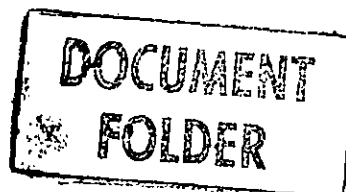
If you have any questions, please do not hesitate to contact us.

Very truly yours,

By Richard H. White
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

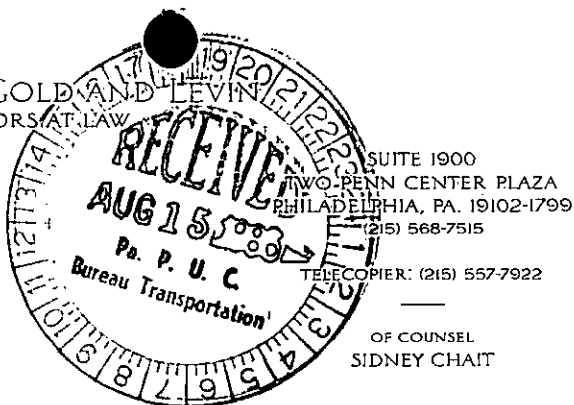
CERTIFIED MAIL

RETURN RECEIPT REQUESTED



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
KEVIN W. WALSH
MARK J. PACKEL
DOUGLAS H. WEISS
MATTHEW H. KREKSTEIN



August 13, 1986 **RECEIVED**

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

RECEIVED
AUG 15 1986
SECRETARY'S OFFICE
Public Utility Commission

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

Dear Mr. Rich:

Enclosed you will find the original and one copy of Verified Statements in the above captioned application proceeding.

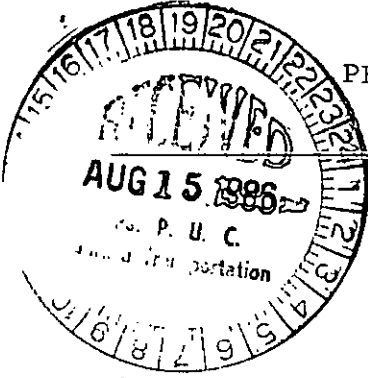
Please acknowledge receipt of the enclosures by returning a copy of this letter of transmittal in the stamped, self-addressed envelope provided for that purpose.

Very truly yours,

KEVIN W. WALSH

KWW:cd
Enclosure
cc: J. Bernard Klapec (w/enc.)

**DOCUMENT
FOLDER**



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

Application of
KLAPEC TRUCKING COMPANY

AUG 15 1986

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

SECRETARY'S OFFICE
Public Utility Commission

APPLICANT'S VERIFIED STATEMENTS

KEVIN W. WALSH, ESQUIRE
Attorney for
KLAPEC TRUCKING COMPANY,
Applicant

ADELMAN LAVINE KRASNY GOLD
AND LEVIN
1900 Two Penn Center Plaza
Philadelphia, PA 19102-1799
(215) 568-7515

Due Date: August 14, 1986

DOCUMENT
FOLDER

DOCKETED
APPLICATION
AUG 15 1986
ENTRY No. <i>mo</i>

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
KLAPEC TRUCKING COMPANY

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

I. INTRODUCTORY STATEMENT

By this application, Klapec Trucking Company (hereinafter Klapec or applicant) sought authority to operate as a common carrier, by motor vehicle, transporting:

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.

A protest to this application was filed by Warren C. Sauers Co. on the basis of its pending application to serve Diamond - Bathurst, Inc., the parent corporation for the designated shipper. A Petition for leave to Intervene was filed by W. H. Christie & Sons, Inc. and their intervention was permitted by Order of Administrative law Judge Robert Meehan dated April 23, 1986. Both protestants withdrew their protests without restrictive amendment, and the application has been set down for disposition under the Commission's modified procedure by its Bureau of Non-Rail Transportation, Technical Review Section.

Prior to the filing of verified statements, Klapec was advised that a corporate reorganization had taken place pursuant to which the name of the shipper designated on the

application was changed to Diamond - Bathurst, Inc., the name of its parent corporation, on or about July 1, 1986. No change in the nature of its operations, operating personnel or support for the instant application was effected thereby. Counsel for applicant has sought and received the consent of counsel for both former protestants to the Commission's issuance of authority designating the name of the shipper as Diamond - Bathurst, Inc., as signified by Appendix 1 to the applicant's verified statement. Klapec now submits it verified statements in support of this application.

II. VERIFIED STATEMENT OF J. BERNARD KLAPEC ON BEHALF OF KLAPEC TRUCKING COMPANY

I. Legal Name and Domicile of Applicant

Klapec Trucking Company, a Pennsylvania corporation, has its principal place of business at 673 North Seneca Street, Oil City, Venango County, PA 16301.

II. Identity and Qualifications of Testifying

Witness

My name is J. Bernard Klapec, and I am the President of Klapec Trucking Company. As such, I am fully familiar with the equipment, operating authority and capabilities of the applicant, and I am authorized to testify on its behalf in this application proceeding before the Pennsylvania Public Utility Commission.

III. Affiliations With Other Carriers

The applicant in this proceeding is not affiliated with any other motor common or motor contract carrier, either through common ownership or common management.

IV. Authority Sought

By this application, Klapec Trucking Company sought authority to operate as a common carrier, by motor vehicle, transporting:

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.

As more fully discussed in the Introductory Statement the name of the designated shipper has been changed to Diamond-Bathurst, Inc., and any authority issued in this proceeding should be amended accordingly

V. General Scope of Currently Authorized Operations

Klapec Trucking Company presently holds operating authority from this Commission at Docket No. A-102306 pursuant to which we engage in the transportation of a variety of bulk and non-bulk materials between various points in Pennsylvania. A copy of the Commission Orders granting our present operating authority are attached hereto as Appendix 2.

In addition, Klapec Company holds operating authority from the Interstate Commerce Commission at Docket No. MC-135824 pursuant to which we engage in the transportation of general

commodities from eight named counties situated in northwestern Pennsylvania to points in the forty-eight continental United States.

VI. Duplicating Authority

Since the instant application seeks authority to transport property for a single shipper, and Klapac Trucking Company presently holds extensive operating authority from this Commission, duplicating authority will result from a grant of this application. However, since the authority sought by this application is limited to service for a specific shipper, any resulting duplicating authority would be minimal. The applicant understands and agrees that any duplicating authority that may result from a grant of this application cannot be severed by sale or transfer.

VII. Dual Operations

Since the applicant herein presently holds motor common carrier operating authority and this application seeks further motor common carrier operating authority, no dual operations will result from a grant of the instant application.

VIII. Pertinent Terminal Facilities and
Communications Network

The applicant's terminal facility is located at 673 North Seneca Street, Oil City, Venango County, PA 16301. At this two acre location we have a four bay maintenance garage, two storage buildings and an office building where billing,

dispatching and other business functions are performed. We presently employ fifty drivers for the provision of motor carrier transportation services and employ five full-time mechanics for maintenance and repair of our motor vehicle equipment. In addition, we presently employ five office personnel.

Our drivers are dispatched from our facility in the morning and are instructed to telephone our terminal facility at the completion of a haul for purposes of further dispatch. This minimizes empty backhauls and increases our flexibility to serve other shippers.

IX. Pertinent Equipment

Attached hereto as Appendix 3 is a recent equipment list denoting motor vehicle equipment presently owned and operated by Klapec Trucking Company in its certificated operations. As a review of that Appendix indicates, Klapec presently owns and operates forty-one tractors and eighty-five trailers consisting of flatbed units, van units, dump units, pneumatic tank units, drop deck trailers and lowboy trailer equipment. We also own and operate eight tri-axle straight trucks consisting of three tri-axle dump trucks and five tri-axle flatbed trucks. All of this equipment receives regular service and safety checks by our five full-time mechanics to insure its safe operating conditions. In addition, we are

willing to acquire, either by lease or outright purchase, such additional motor vehicle equipment as may be necessary for the service proposed by this application.

X. Safety Evidence

Klapec Trucking Company takes great pride in our record for safe operations, and the importance of compliance with safety regulations is constantly stressed to our drivers. All of our drivers meet the requirements for safe operations pursuant to federal standards, and we maintain public liability and property damage insurance and cargo insurance in those amounts required by the regulation of this Commission and the Interstate Commerce Commission. Periodic safety meetings are conducted for the benefit of our drivers and safety brochures provided by our insurance carrier are posted throughout our terminal facility. All of our drivers are instructed to conduct a walk around inspection of the vehicle at the beginning and completion of a haul. We intend to maintain our record for safe operation, and fully intend to comply with all Commission, state and federal safe operation requirements.

XI. Type of Service Currently Provided

Klapec has not provided service to the supporting shipper as limitations on our Pennsylvania intrastate operating authority preclude us from doing so. However, we have extensive experience in transporting a broad range of general commodities and have fully discussed the transportation

requirements of Diamond - Bathurst with their traffic personnel. We are confident that we can provide the same cost efficient and expeditious delivery service to Diamond that we presently provide to our other customers.

XII. Type of Service Offered

If this application were approved, Klapac intends to utilize our van trailer equipment which is ideally suited for the transportation of a variety of glass products shipped by Diamond and the shipping materials and cullet which constitute their primary inbound commodities. We are willing to offer service twenty-four hours per day, seven days per week. We will provide service for both truckload quantities and less-than-truckload quantities, and will offer a multiple delivery type service. We have the capability of spotting trailer equipment at shipper facilities for loading and unloading. In addition, we are willing to offer any other particular service option which may be necessary to meet the transportation requirements of the supporting companies or their customers.

XIII. Financial Data

Attached hereto as Appendix 4 is the most recent balance sheet and income statement for the applicant. In addition, our annual report is on file with the Commission, and is incorporated herein by reference. Although it is anticipated that the operations proposed by this application will not result in a need for the purchase or lease of

additional trailer equipment, we are financially able to do so. While Klapec is in a sound financial position, the approval of this application will have a positive effect on our financial position by increasing the level of utilization of our motor vehicle equipment.

XIV. Feasibility of Operation

The institution of service pursuant to this application would increase the efficiency of our total operations by increasing our level of equipment utilization while providing us with an additional source of traffic. The origin facility for outbound shipments is located within approximately fifteen miles of our terminal facility. We will attempt to coordinate shipments under our present intrastate operating authority in an attempt to minimize deadheading wherever possible. In addition, we will attempt to coordinate shipments under our present intrastate operating authority and present interstate operating authority in an attempt to minimize empty backhauls. Through proper coordination of the transportation requirements of these supporting shippers, and the transportation requirements of other customer accounts, an operationally feasible, balanced operation will result.

XV. Other Pertinent Information

As this statement indicates we have the necessary equipment and experienced personnel to provide the services proposed by this application. We are situated in close

proximity to Diamond's facility which will allow us to provide prompt service and minimize deadhead mileage. We respectfully request this Commission to grant our application in it's entirety.

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
KEVIN W. WALSH
MARK J. PACKEL

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

ALEXANDER B. ADELMAN
(1950-1984)

OF COUNSEL
SIDNEY CHAIT

July 28, 1986

David M. O'Boyle, Esquire
Wick, Rich, Fluke & Streiff
1610 Two Chatham Center
Pittsburgh, PA 15219

Richard W. Kooman, II, Esquire
Marianne Professional Center
P. O. Box 700
Clarion, PA 16214

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


Gentlemen:

As you may recall, you protested the above-captioned application which sought authority to transport property for Diamond Container General. Upon reconsideration, both of you had withdrawn your protest without any restrictive amendments having been filed.

I have now been advised by the Manager of Outbound Traffic that Diamond Container General, a wholly owned subsidiary of Diamond-Bathurst, Inc. had its name changed to reflect that of its parent corporation. While the Commission has indicated its willingness to amend the name without need for further republication, I simply want to confirm that you have no objection to the Commission issuing authority in this application designating the shipper as Diamond-Bathurst, Inc.

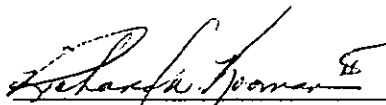
Please signify your approval by signing this letter at the signature space noted below and returning it to me in the stamped, self-addressed envelope provided for that purpose. Should you have any questions or comments, please call me immediately as verified statements are due to be filed with the Commission on August 14, 1986.

Very truly yours,


KEVIN W. WALSH

KWW:cd
cc: J. B. Klapec

DAVID O'BOYLE, ESQUIRE
Attorney for
WARREN C. SAUERS CO., INC.


RICHARD W. KOOMAN, II, ESQUIRE
Attorney for
W. H. CHRISITE & SONS, INC.

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
KEVIN W. WALSH
MARK J. PACKEL

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

ALEXANDER B. ADELMAN
(1950-1984)

OF COUNSEL
SIDNEY CHAIT

July 28, 1986

David M. O'Boyle, Esquire
Wick, Rich, Fluke & Streiff
1610 Two Chatham Center
Pittsburgh, PA 15219

Richard W. Kooman, II, Esquire
Marianne Professional Center
P. O. Box 700
Clarion, PA 16214

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

Gentlemen:

As you may recall, you protested the above-captioned application which sought authority to transport property for Diamond Container General. Upon reconsideration, both of you had withdrawn your protest without any restrictive amendments having been filed.

I have now been advised by the Manager of Outbound Traffic that Diamond Container General, a wholly owned subsidiary of Diamond-Bathurst, Inc. had its name changed to reflect that of its parent corporation. While the Commission has indicated its willingness to amend the name without need for further republication, I simply want to confirm that you have no objection to the Commission issuing authority in this application designating the shipper as Diamond-Bathurst, Inc.

Please signify your approval by signing this letter at the signature space noted below and returning it to me in the stamped, self-addressed envelope provided for that purpose. Should you have any questions or comments, please call me immediately as verified statements are due to be filed with the Commission on August 14, 1986.

Very truly yours,

Kevin W. Walsh
KEVIN W. WALSH

KWW:cd
cc: J. B. Klapec

David M. O'Boyle 8-13-86
DAVID O'BOYLE, ESQUIRE
Attorney for
WARREN C. SAUERS CO., INC.

RICHARD W. KOOMAN, II, ESQUIRE
Attorney for
W. H. CHRISITE & SONS, INC.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 9, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Klapec Trucking Company
for approval of the transfer to it of
all of the operating rights held by
J. Bernard Klapec at A-00082176.

A-00102306

O R D E R

BY THE COMMISSION:

By application docketed July 22, 1980 Klapec Trucking Company, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to J. Bernard Klapec under the certificate issued at A-00082176.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by J. Bernard Klapec at A-00082176 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, cinders, slag, limestone, stone, rock, soil, tile, amesite, concrete and cinder blocks, building materials, brick, coal, sand and gravel between points in the counties of Venango and Clarion, excluding the right to transport brick, clay or clay products, including tile, from or to the New Bethlehem Tile Company plant located in Porter Township, Clarion County.
2. To transport, as a Class D carrier, scrap iron, scrap steel, junk and other waste materials, in dump vehicles, for M. N. Adelson and Sons, Inc., from its junk yards in the city of Oil City, Venango County, and in the borough of Kittanning, Armstrong County, to points in the city of Oil City, Venango County, and within an airline distance of one hundred (100) statute miles of the limits of said city, and vice versa.
3. To transport, as a Class D carrier, coal, in dump vehicles, between points in the county of Clarion and from points in the said county to points in the counties of Venango, Crawford, Erie, Warren and Forest.

4. To transport, as a Class D carrier, sand and gravel, in dump vehicles, from points in the borough of Monesta, Forest County, and the city of Oil City, and the township of Sugar Creek, Venango County, to points in the counties of Venango, Crawford, Warren, Clarion, Forest, Jefferson, McKean and Elk.
5. To transport, as a Class D carrier, limestone in dump vehicles, between points in the county of Clarion and from points in the said county to points in the counties of Venango, Crawford, Warren, Forest, Jefferson, McKean and Elk.
6. To transport, as a Class D carrier, blacktop or amesite, in dump vehicles, from points in the township of Sugar Creek, Venango County, to points in the counties of Venango, Crawford, Warren, Forest, Jefferson, McKean and Elk.
7. To transport, as a Class D carrier, scrap tin, scrap iron, scrap steel, junk and other waste materials, in dump vehicles and flat bottomed trailers, from the junk yards of the Continental Can Company at 15 Mineral Street in the city of Oil City, Venango County, to the yards of Vulcan Materials Company, De-Tinning Division, in the township of Neville, Allegheny County.
8. To transport, as a Class D carrier, steel ingots or billets for remelt purposes only, weighing in excess of 3,800 pounds each, in dump vehicles, for the Electralloy Corporation, from its plant in the city of Oil City, Venango County, to points within an airline distance of one hundred fifty (150) statute miles of the limits of said city.
9. To transport, as a Class D carrier, ingots and ingot molds weighing in excess of thirty-eight hundred (3,800) pounds each, in dump vehicles, for the Electralloy Corporation, from its plant in the city of Oil City, Venango County, to points in Pennsylvania, and vice versa.
10. To transport, as a Class D carrier, steel ingots and pig, for Electralloy Corporation, from the facility of said shipper in the city of Oil City, Venango County, to points in Pennsylvania.
11. To transport, as a Class D carrier, steel castings for Venango Metallurgical Products, from the facility of said shipper in the city of Oil City, Venango County, to points in Pennsylvania.
12. To transport, as a Class D carrier, materials and supplies used in the production of steel ingots, pig and steel castings, for Electralloy Corporation and Venango Metallurgical Products, from points in Pennsylvania to the facilities of the Electralloy Corporation and Venango Metallurgical Products in the city of Oil City, Venango County;

with right no. 12 above subject to the following conditions:

No right, power or privilege is granted to transport commodities in bulk in tank or hopper-type vehicles.

No right, power or privilege is granted to transport refractory products for Pittsburgh Metals Purifying Division of Susquehanna Corporation.

No right, power or privilege is granted to transport refractory products from points in Armstrong County.

No right, power or privilege is granted to provide service from points in Beaver County.

No right, power or privilege is granted to transport limestone and limestone products from points in the county of Centre.

No right, power or privilege is granted to transport steel and steel products from points in the city of Williamsport, Lycoming County.

13. To transport, as a Class D carrier, property (excluding household goods and office furniture in use) between points in the city of Oil City, Venango County, and within twenty-five (25) miles, by the usually traveled highways of the limits of the said city.
14. To transport, as a Class C carrier, tanks, boilers, machinery, structural steel, accessories and equipment incidental to these commodities from points in the city of Oil City, Venango County, and within ten (10) miles by the usually traveled highways of the limits of said city to oil leases and coal mines within one hundred (100) miles by the usually traveled highways of the point of origin in the counties of Clarion, Forest, Warren, McKean, Elk, Potter, Venango and Jefferson, provided such transportation shall be limited and restricted to not more than twenty (20) trips in each calendar year, and that such trips shall be reported to the Commission when made.
15. To transport, as a Class D carrier, iron and steel articles, from the facilities of Electralloy Corporation at Oil City, Venango County, and Titusville Fabricators, Inc., at Titusville, Crawford County, to points in Pennsylvania.

16. To transport, as a Class D carrier, equipment, materials and supplies used in the manufacture of iron and steel articles, from points in Pennsylvania to the facilities of Electralloy Corporation at Oil City, Venango County.
17. To transport, as a Class D carrier, iron and steel articles, from the facilities of Bethlehem Steel Corporation at Steelton, Dauphin County, and Milton Steel Corporation at Milton, Northumberland County, to the facilities of Titusville Fabricators, Inc., at Titusville, Crawford County.
18. To transport, as a Class D carrier, scrap metals, in bulk, in dump vehicles, from points within an airline distance of twenty-five (25) statute miles of the limits of Oil City, Venango County, to the facilities of Pyromet Technology, Inc., in Mercer County, and vice versa.
19. To transport, as a Class D carrier, scrap steel, in bulk, in dump vehicles, from the facilities of Universal Cyclops Corporation at Titusville, Crawford County, to Ellwood City and Bridgeville.

with rights no. 15 through 19 above subject to the following condition:

No right, power or privilege is granted
to perform service in bulk, in tank vehicles.

20. To transport, as a Class D carrier, silica sand and chromite sand, in bulk, in pneumatic vehicles, from the plant site of Ore Reclamation, Inc., in the borough of Wheatland, Mercer County, to points in the counties of Mercer, Allegheny, Beaver, Lawrence, Venango, Erie, Westmoreland, Washington, Crawford, Butler, Warren, Armstrong, and Indiana.
21. To transport, as a Class D carrier, plastic pipe in straight lengths, fittings and accessories used in the installation thereof, and materials and supplies used in the manufacture thereof, (excluding commodities in bulk), from the plant site of Johns-Manville Corporation in the city of Franklin, Venango County, to points in Pennsylvania, and vice versa.
22. To transport, as a Class D carrier, untreated railroad ties, from the city of Oil City, Venango County, and points within an airline distance of twenty-five (25) statute miles of the limits of said city, to the plant site of Kerr-McGee Chemical Corporation, Forest Products Division, located in the borough of Avoco, Luzerne County;

with all of the above rights subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of 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 upon compliance with this order the rights granted the transferor J. Bernard Klapac at A-00082176 be cancelled but that the record remain open pending disposition of the applications at A-00082176, F. 1, Am-L and Am-M, seeking additional property authority.

BY THE COMMISSION,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: October 9, 1980

ORDER ENTERED: OCT 20 1980

OPERATING AUTHORITY

ITEM 1 (CONCLUDED)

‡ Δ FOLDER 1 AM-A

TO TRANSPORT, AS A CLASS D CARRIER, MACHINERY AND MACHINE PARTS, AND EQUIPMENT, MATERIALS AND SUPPLIES USED OR USEFUL IN THE MANUFACTURE, DISTRIBUTION OR INSTALLATION OF MACHINERY AND MACHINE PARTS, FROM THE FACILITIES OF POLISH AMERICAN MACHINERY CORPORATION IN THE CITY OF TITUSVILLE, CRAWFORD COUNTY, TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

GOVERNING PUBLICATIONS

ITEM 2

THIS TARIFF IS GOVERNED BY THE FOLLOWING TARIFFS, INCLUDING SUPPLEMENTS THERETO OR SUCCESSIVE ISSUES THEREOF:

(A) THE OFFICIAL TRANSPORTATION MAP OF PENNSYLVANIA, ISSUED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION.

(B) DETENTION RULES AS SHOWN IN FREIGHT PA, P.U.C. No. 2, ISSUED BY KLAPEC TRUCKING COMPANY.

RULES AND REGULATIONS

ITEM 5

DEFINITION OF "TON"

THE TERM "TON" AS USED HEREIN REFERS TO A SHORT TON OF 2,000 POUNDS.

ITEM 10

DETENTION OF VEHICLES - BULK SHIPMENTS AND SHIPMENTS REQUIRING SPECIAL HANDLING

WHEN THE LOADING OR UNLOADING OF SHIPMENTS AT OR ON THE PREMISES OF CONSIGNOR OR CONSIGNEE, OR AT A PLACE DESIGNATED BY CONSIGNOR OR CONSIGNEE FOR THE RECEIPT OR DELIVERY OF A SHIPMENT IS DELAYED BEYOND ONE HOUR, AND THE DELAY IS DUE TO NO DISABILITY FAULT OR NEGLIGENCE OF THE CARRIER, A CHARGE OF \$22.00 FOR EACH HOUR OR FRACTION THEREOF WILL BE MADE FOR ALL TIME IN EXCESS OF ONE HOUR REQUIRED TO LOAD OR UNLOAD EACH VEHICLE.

ITEM 15

IMPRACTICABLE OPERATION

NOTHING IN THIS TARIFF SHALL REQUIRE CARRIER TO PICK-UP OR DELIVER FREIGHT AT ORIGIN OR DESTINATION TO WHICH ON ACCOUNT OF CONDITIONS OF PUBLIC OR PRIVATE ALLEYS, STREETS OR HIGHWAYS IT IS IMPRACTICABLE TO OPERATE CARRIER'S VEHICLE.

ITEM 20

MINIMUM CHARGE

ALL RATES, EXCEPT HOURLY RATES, ARE SUBJECT TO A MINIMUM CHARGE OF \$1.50 PER TON.

‡ - EFFECTIVE OCTOBER 7, 1981. ISSUED ON ONE DAY'S NOTICE, AUTHORITY OF PA CODE, TITLE 52, SECTION 23.42.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 5, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Klapec Trucking Company
for approval of the transfer to it of
all of the operating rights held by
J. Bernard Klapec at A-0J082176.

A-00102306
F. 1
Am-B

O R D E R

BY THE COMMISSION:

By application docketed August 3, 1982, Klapec Trucking Company, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to J. Bernard Klapec, under the certificate issued at A-00082176.

Applicant was granted all of the transferor's then existing rights under a previously filed application. This application transfers the balance of the transferor's rights which were pending before the Commission. The transferor will now be divested of all operating authority.

We find the applicant to be fit to be granted the operating authority sought herein and that approval of the application is necessary and proper for the continuation of service to the public:
THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by J. Bernard Klapec at A-00082176 be approved and that the report and order adopted October 9, 1980 at A-00102306 and the certificate issued pursuant thereto, as modified and amended, be further modified and amended to include the following rights:

1. To transport, as a Class D carrier, iron and steel, iron and steel articles, and supplies, materials and equipment used or useful in the manufacture and distribution of iron and steel and iron and steel articles, for Electralloy Corporation, between points in Pennsylvania.

2. To transport, as a Class D carrier, scrap steel, in bulk, in dump vehicles, from the facilities of Universal-Cyclops Specialty Steel Division, located in the city of Titusville, Crawford County, to points in the borough of Greenville, Mercer County, and vice versa;

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$1. being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital

stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of 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 upon compliance with this order, the rights granted the transferor J. Bernard Klapec at A-00082176 be cancelled and the record be marked closed.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 5, 1982

ORDER ENTERED: NOV 10 1982

ITEM 1 - AMENDMENT Δ

REFER TO OPERATING AUTHORITY SHOWN ON PAGES 1 THROUGH 4 OF TARIFF AND ADD THE FOLLOWING:

FOLDER 1 AM-C

TO TRANSPORT, AS A CLASS D CARRIER, IRON AND STEEL, IRON AND STEEL ARTICLES, AND MACHINERY AND MACHINERY PARTS, BETWEEN POINTS IN THE CITY OF OIL CITY, VENANGO COUNTY, AND WITHIN AN AIRLINE DISTANCE OF THIRTY (30) STATUTE MILES OF THE LIMITS OF SAID CITY, AND FROM POINTS IN SAID TERRITORY, TO POINTS IN PENNSYLVANIA, AND VICE VERSA;

SUBJECT TO THE FOLLOWING CONDITIONS:

(1) PROVIDED THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT PROPERTY IN BULK IN DUMP VEHICLES, BETWEEN POINTS WITHIN FIFTY (50) MILES OF THE LIMITS OF THE BOROUGH OF HOMESTEAD, ALLEGHENY COUNTY, AND FROM POINTS IN SAID TERRITORY TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

(2) PROVIDED THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT USED AND REBUILT EQUIPMENT THAT IS USED IN THE DEEP MINING OF COAL, FOR THE BARNES AND TUCKER COMPANY, FROM POINTS IN THE COUNTIES OF CAMBRIA AND INDIANA TO POINTS WITHIN AN AIRLINE DISTANCE OF SEVENTY-FIVE (75) STATUTE MILES OF THE LIMITS OF THE BOROUGH OF BARNESBORO, CAMBRIA COUNTY, AND VICE VERSA.

(3) PROVIDED THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT NEW, USED AND REBUILT MACHINERY, EQUIPMENT, SUPPLIES AND PARTS FOR GREENWICH COLLIERIES COMPANY, FROM THE PLANT SITE OF THE JOY MANUFACTURING COMPANY LOCATED IN THE CITY OF FRANKLIN, VENANGO COUNTY, AND FROM POINTS IN PENNSYLVANIA EAST OF THE EASTERN BOUNDARIES OF THE COUNTIES OF MCKEAN, CAMERON, CLEARFIELD, INDIANA AND BEDFORD, TO ITS MINES LOCATED IN THE COUNTIES OF INDIANA, CLEARFIELD AND CAMBRIA.

(4) PROVIDED THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT PROPERTY FOR CYCLOPS CORP. AND ITS DIVISIONS LOCATED AT PLANTS IN THE CITY OF TITUSVILLE, CRAWFORD COUNTY, THE CITY OF PITTSBURGH AND THE TOWNSHIP OF COLLIER, ALLEGHENY COUNTY, AND WEST ALIQUIPPA, BEAVER COUNTY.

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 Klapec Trucking Company, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport iron and steel, iron and steel articles, and supplies, materials and equipment used or useful in the manufacture and distribution of iron and steel and iron and steel articles, for Electralloy Corporation, between points in Pennsylvania: SO AS TO PERMIT the transportation of property for Witco Chemical Corporation, from points in the city of Bradford, McKean County, the borough of Petrolia, Butler County, the township of Conewango, Warren County, the borough of Plum, Allegheny County, and the township of Richland, Allegheny County, to points in the said city, boroughs and townships; and from points in said city, boroughs and townships, to other points in Pennsylvania, and vice versa.

A-00102306

F. 1

Am-D

John A. Pillar for the applicant.
Christian V. Graf for R. T. Merryman Trucking, Inc.
Ronald W. Malin for Crossett, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed February 22, 1984. Public notice of the application appeared in March 31, 1984 edition of the Pennsylvania Bulletin. R. T. Merryman Trucking, Inc. and Crossett, Inc. entered protests. The scope of authority was

subsequently limited to preclude transportation in bulk of refined petroleum products; fertilizer, sand and stone in an area 100 miles of Conemaugh, Somerset County; coal, solid fuels, lime, limestone, sand and clay in an area 60 miles of Curwensville, Clearfield County; and bulk property for R. T. Merryman Trucking, Inc. and Merryman Enterprises. As a result of these restrictions, protests were withdrawn. The application, as amended, now stands unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and one supporting shipper.

A statement of support on behalf of the applicant has been submitted by J. Bernard Klapac, president of Klapac Trucking Company, the applicant in the instant proceeding (Klapac or applicant). Mr. Klapac is thoroughly familiar with his company's operation and is authorized to testify on its behalf.

Klapac presently holds extensive intrastate operating authority for the transportation of various bulk and non-bulk materials throughout Pennsylvania and has interstate rights from eight northwestern Pennsylvania counties to points in the continental United States. Service has been provided in the past to Witco Chemical Corporation (Witco or shipper), under this interstate authority. Although some overlap of rights may result from the grant of the proposed transportation, service is limited to a sole shipper and minimal duplication may result. The applicant is aware that such duplication which may result from a grant of the application is not severable by sale or transfer.

Klapac maintains its terminal on a two-acre site at 673 North Seneca Street, Oil City, Venango County, Pennsylvania 16301. These facilities consist of a four-bay maintenance garage, two storage buildings and an office at which billing, dispatching and business functions are conducted. The applicant's staff consists of 25 drivers, three full-time mechanics and three office employees. Drivers maintain communications with terminal dispatching units by telephone, upon completion of delivery of a load. This reduces empty backhauls and offers greater flexibility to the carrier.

The applicant's fleet of equipment which it owns and operates consists of 18 tractors and 40 trailers which include flatbed, dump and pneumatic tank units, and drop-deck and lowboy trailers. In addition, Klapac owns and operates eight tri-axle straight trucks (three dump and five flatbed). Some of this equipment is presently used by Klapac in providing interstate service for Witco. Should the instant application be favorably considered, the applicant intends to purchase or lease van trailer equipment ideally suited for the transportation of packaged petroleum products.

To ensure safe operating conditions, all of the above equipment is subject to regular service and safety checks. Drivers are instructed to conduct visual checks of vehicles before and after each haul. All drivers are required to meet Federal requirements for safe operations.

Insurance coverage is maintained in accordance with amounts required by this Commission and the Interstate Commerce Commission. Safety meetings are periodically conducted and insurance brochures designed to promote safety are posted in the applicant's terminal. Klapec intends to continue its good safety record and to comply with all regulatory requirements.

In the service proposed herein, the carrier intends to transport packaged petroleum products. In addition, crude petroleum products would be transported in bulk in tractor pneumatic tank trailers. Klapec stands ready to offer service 24 hours a day, seven days a week, in truckload, less-than-truckload or multiple-delivery-type service. The applicant also has the capability of stationing trailer equipment at Witco's facilities for ready loading and unloading. In short, Klapec stands ready to offer the shipper any transportation service option it or its customers may require.

An unaudited balance sheet submitted by the applicant for the year ending December 31, 1983, reveals total current assets of \$435,910 and total assets of \$970,714; total current liabilities are \$34,476 and total liabilities are \$433,012. Net income for this period amounted to \$106,339.

Klapec anticipates that institution of operations pursuant to the instant application will increase equipment utilization and result in an overall increase in efficiency. All the shipper's facilities are within 85 miles of the applicant's terminal and Witco's main sites in McKean and Butler Counties are located less than 50 miles from Klapec's terminal. The applicant intends to coordinate and integrate the proposed service with its interstate authority in order to reduce empty backhauls. Klapec believes this will promote improved service to the shipper and its other customers and result in more balanced operations.

George L. Keller has been employed by Witco Chemical Corporation, the shipper herein, since 1956 and presently serves as its central regional traffic manager. He is responsible for all of the shipper's transportation needs in the area encompassed in the instant application and is authorized to testify in support of Klapec.

Witco refines, manufactures and distributes petroleum and petroleum products. Its office and main refinery are domiciled at 77 North Kendall Avenue, Bradford, Pennsylvania 16701. Two other refineries are located in North Warren, Warren County and Petrolia, Butler County, and another facility is in Richland Township, Allegheny County. In addition, Witco has two independent packagers in Plum Borough, Allegheny County and Conewango Township, Warren County.

The shipper requires outbound transportation of such commodities as motor oil, wax, grease, white oil, petroleum, sulfonate and other types of petroleum and petroleum products, shipped in drums, packages, pails and cartons. Twenty-five daily shipments are presently sent from Witco's Bradford site; 15 from Petrolia; eight from Richland Township and four from an independent packaging facility in Plum Borough. In addition, about three weekly shipments leave the packaging facility in Conewango Township. Outbound traffic is destined for distribution and jobber sites throughout the Commonwealth. Representative destination points are cited as Butler, Greensburg, Harrisburg, Erie, Johnstown, Lancaster, Philadelphia, Reading, Glenshaw, Lititz, Scranton and York. Daily inbound shipments of grease in drums and weekly shipments of petroleum oil are also required by Witco. In addition, inbound commodities such as salt, motors and packaging materials are received by the shipper at its various sites about five times monthly from suppliers in Pennsylvania at representative points of origin such as Philadelphia, Reading, Erie and Pittsburgh. Shipments of bulk crude petroleum arrive from well sites located in McKean, Warren and Venango Counties, and are transported in tractor tank-trailer equipment. Packaged petroleum is handled primarily by van trailers and truckload quantities in multi-delivery service. Intra-plant transportation between grease plants, refineries and packaging sites is also a necessity. The shipper estimates that five percent of its total shipping needs will be handled by Klapec should the proposed authority be granted.

The shipper believes that the applicant has demonstrated its ability to meet its requirements through past interstate service for Witco. Klapec's facilities are conveniently located in close proximity to the shipper and can thus be responsive to its needs. Approval of the authority herein sought will enable Witco to meet peak demand periods which existing carriers cannot normally handle.

DISCUSSION AND FINDINGS

Klapec Trucking Company has extensive common carrier authority primarily in western Pennsylvania for a variety of commodities. The applicant now seeks expansion of its rights so that it may serve Witco Chemical Corporation in the transportation of property between Witco's various refining, manufacturing and packaging sites in McKean, Butler, Warren and Allegheny Counties, and from these points to other destinations in Pennsylvania and vice versa. The entering of two protests prompted the applicant to limit the authority proposed in this proceeding with restrictive amendments one of which excluded the transportation of bulk refined petroleum in tank vehicles. This should not affect the proposed operation since service will be required for commodities in drums, packages, pails and cartons and only crude petroleum from well sites will be transported in bulk. The applicant is further restricted from transporting property for R. T. Merryman Trucking, Inc. and Merryman Enterprises, and specified commodities within radial areas of Conemaugh, Somerset County; and Curwensville, Clearfield County.

Klapec has long experience in the trucking industry and was first certificated by this Commission as a sole proprietor on January 26, 1956. The business was subsequently transferred into a corporate entity, certificated on March 12, 1981. The applicant will require no additional equipment or capital outlay incidental to the proposed operation. While its fiscal position is sound, the increased level of vehicle utilization will affect its fiscal standing favorably. Klapec has established its fitness to handle the additional transportation requested herein.

The supporting shipper has demonstrated a need for intra-plant, outbound and inbound service for commodities related to all phases of the petroleum industry. Klapec is presently rendering interstate service for the shipper and its terminal facility is located in close proximity to the shipper's sites. We believe, based on the record before us, that the applicant should have the opportunity to integrate its current service with intrastate transportation and provide the shipper with the transportation desired.

We find:

1. That the applicant is fit, willing and able to provide the proposed service, as amended.
2. That the applicant has demonstrated a need exists for the proposed service, as amended.
3. That approval of the application, as amended, is an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued on March 12, 1981, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property for Witco Chemical Corporation, from points in the city of Bradford, McKean County, the borough of Petrolia, Butler County, the township of Conewango, Warren County, and the borough of Plum and the township of Richland, Allegheny County, to points in the said city, boroughs and townships; and from points in said city, boroughs and townships, to other points in Pennsylvania, and vice versa;

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport refined petroleum products, in bulk in tank vehicles.


- (2) That no right, power or privilege is granted to transport fertilizer, sand and stone between points within an airline distance of one-hundred (100) statute miles of the limits of the township of Conemaugh, Somerset County.
- (3) That no right, power or privilege is granted to transport coal, solid fuels, limestone, lime, sand and clay between points within an airline distance of sixty (60) statute miles of the limits of the borough of Curwensville, Clearfield County.
- (4) That no right, power or privilege is granted to transport property in bulk for R. T. Merryman Trucking, Inc. and Merryman Enterprises.

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 requirements of the Pennsylvania Public Utility Code and 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 service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,


Jetry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 27, 1984

ORDER ENTERED: SEP 7 1984

TRACTORS

Unit No.	Year	Make	Serial No.	GVW	License No.
18	1973	Mack	FS785LST14877	73,280	CY98172
20	1973	Mack	FS785LST14879	73,280	Cy98173
38	1972	Mack	R685ST20256	80,000	41534CB
40	1977	Mack	R686ST12360	80,000	41533CB
57	1972	Peterbilt	47531P	80,000	AA19338
69	1977	Mack	R686ST17668	80,000	AA23664
70	1978	Mack	R686ST18399	80,000	AA23665
73	1978	Mack	R686ST21647	80,000	AA23666
78	1979	GMC	T49CJ9V619356	80,000	AA19339
80	1978	Peterbilt	95960N	80,000	AA23667
81	1980	Freightliner	CA213HP168159	80,000	AA23668
84	1980	Freightliner	CA213HL184720	80,000	AA23669
85	1980	Freightliner	CA213HL184723	80,000	AA23670
86	1980	Mack	RWS788LST52263	80,000	AA23671
87	1980	Mack	RWS788LST52264	80,000	AA23672
88	1980	Mack	RWS788LST52265	80,000	AA23673
96	1984	Mack	1M1AR07Y1EM002359	80,000	AA34848
97	1984	Mack	1M2V215Y7EM001999	80,000	AA39331
98	1984	Mack	1M2V215Y3EM001997	80,000	AA39332
99	1984	Mack	1M2V215Y5EM001998	80,000	AA39333
100	1984	Mack	1M2V215Y8EM002000	80,000	AA39330
101	1985	Freightliner	1FUPYSYB1EH248820	80,000	AA39909
102	1985	Freightliner	1FUPYSYB3EH248821	80,000	AA39910
103	1985	Freightliner	1FUPYSYB5EH248822	80,000	AA39911
104	1985	Freightliner	1FUPYSYB7EH248823	80,000	AA39912
105	1985	Freightliner	1FUPYSYB9EH248824	80,000	AA39913
106	1985	Mack	1M1AR07Y4FM005712	80,000	AA43123
107	1985	Mack	1M1AR07Y6FM005713	80,000	AA43124
108	1985	Mack	1M1AR07Y8FM005714	80,000	AA43125
109	1985	Mack	1M1AR07YXFM005715	80,000	AA43126
110	1985	Mack	1M1AR07Y1FM005716	80,000	AA43127
111	1985	Mack	1M1AR07FM005722	80,000	AA43128
112	1985	Mack	1M1AR07Y9FM005723	80,000	AA43129

TRACTORS (contd.)

UNIT NO.	YEAR	MAKE	SERIAL NO.	GVW	LICENSE #
113	1985	Mack	1M1AR07Y0FM005724	80,000	AA43130
114	1985	Mack	1M1AR07Y2FM005725	80,000	AA43131
115	1985	Mack	1M1AR07Y4FM005726	80,000	AA43132
116	1985	Mack	1M1AR07Y3FM005717	80,000	AA44792
117	1985	Mack	1M1AR07Y5FM005718	80,000	AA44793
118	1985	Mack	1M1AR07Y7FM005719	80,000	AA44794
119	1985	Mack	1M1AR07Y3FM005720	80,000	AA44795
120	1985	Mack	1M1AR07Y5FM005721	80,000	AA44796

TRUCKS

44	1977	Brockway	K761LL92360	73,280	41532CB
71	1978	Mack	RD686S4239	73,280	CR47077
72	1978	Mack	RD686S4645	73,280	CR47079
74	1971	Mack	DM685S7746	73,280	CR76015
76	1979	Mack	DM685S39109	73,280	CR76014
77	1979	Mack	DM685S39881	73,280	CX36266
83	1979	Mack	DM686S5777	73,280	CW11823
91	1979	Mack	DM686S6159	73,280	CW68692

TRAILERS

UNIT NO.	YEAR	MAKE	MODEL	SERIAL NO.	LICENSE NO.
101	1974	Thiele	Dump	19066	TJ98958
102	1966	Fruehauf	Sand Tank	UNF230904	TJ98953
104	1972	East	Dump	DS032458	TJ98954
105	1975	Clark	Flat	R746952	TJ98957
107	1974	Hill	Dump	ADT2891	TJ98955
108	1966	Butler	Sand Truck	3876BPSM	TJ98952
109	1976	Trailmobile	Flat	P30307	TJ98956
110	1977	Fruehauf	Flat	FWY217849	AA23674
111	1979	Fontaine	Flat	31425	AA23675
203		Gilmore	Dump	2153	TG23283
211	1972	Rodgers	Lo-boy	13828	TL87914
215	1978	Fontaine	Flat	28913	Tg23281
216	1978	Dorsey	Flat	138103	AA23676
217	1978	Fruehauf	Flat	FWZ312986	AA23677
218	1978	Fruehauf	Dump	FWZ287012	TG23277
219	1979	Dorsey	Flat	145149	AA19332
220	1978	Fruehauf	Flat	FWE312957	AA19333
221	1979	Gilmore	Dump	3371	TE68765
222	1979	Dorsey	Flat	146208	AA19334
223	1979	Dorsey	Flat	146209	AA19335
225	1980	Transcraft	Flat	TC15703	AA33667
226	1969	City	Dump	A414 8 11	TJ80294
228	1980	Fontaine	Dropdeck	32331	AA37679
229	1981	Dorsey	Flat-Aluminum	15305	AA19336
230	1981	Dorsey	Flat-Aluminum	15306	AA19337
231	1981	Messenger	Dump Aluminum	81111001-02	Tg61198
232	1981	Messenger	Dump Aluminum	8101003-04	TG61199
233	1981	Fontaine	Double Drop	30999	TH74172
235	1983	General	Lo-boy	112HGS245DT350046	TJ98959
237	1979	Fruehauf	Flat	FWV476601	AA33000
238	1979	Fruehauf	Flat	FWV476602	AA33001
239	1984	Fontaine	Flat- 45'	1A1-1452C-8-E1538368	AA38343

TRAILERS (contd.)

UNIT NO.	YEAR	MAKE	MODEL	SERIAL NO.	LICENSE NO.
240	1984	Fontaine	Flat- 45'	1A1-1452C-X-E1538369	AA38344
241	1984	Fontaine	Flat- 45'	1A1-1452C-6-E1538370	AA38345
242	1984	Fontaine	Flat- 45'	1A1-1452C-8-E1538371	AA38346
243	1984	Fontaine	Flat- Stretch		AA38820
244	1985	Dorsey	Flat- 45'	1DTP10W23FP018570	AA40072
245	1985	Dorsey	Flat- 45'	1DTP16W23FP018572	AA40073
246	1985	Dorsey	Flat- 45'	1DTP16W25FP018573	AA40074
247	1984	Fruehauf	Van- 48'	1H2V04828EBO14606	AA43911
248	1984	Fruehauf	Van- 48'	1H2V0482XEBO14607	AA43912
249	1985	Vulcan	Flat- stretch	1LZF45209F1000097	TL95102
250	1985	Strick	Van	1S12E9487FD268960	TJ82233
251	1985	Dorsey	Flat- 45'	1DTP16W24FP020914	AA44782
252	1985	Dorsey	Flat- 45'	1DTP16W26FP020915	AA44783
253	1985	Dorsey	Flat- 45'	1DTP16W28FP020916	AA44784
254	1985	Dorsey	Flat- 45'	1DTP16W2XFP020917	AA44785
255	1985	Dorsey	Flat- 45'	1DTP16W21FP020918	AA44786
256	1985	Dorsey	Flat - 45'	1DTP16W23FP020919	AA44787
257	1985	Dorsey	Flat- 45'	1DTP16W2XFP020920	AA44788
258	1985	Dorsey	Flat - 45'	1DTP16W21FP020921	AA44789
259	1985	Dorsey	Flat- 45'	1DTP16W23FP020922	AA44790
260	1985	Dorsey	Flat- 45'	1DTP16W25FP020923	AA44791
261	1985	Great Dane	Flat- 45'	1GRDM9026FM100901	
262	1985	Great Dane	Flat 45'	1GRDM9028FM100902	AA45748
263	1985	Great Dane	Flat- 45'	1GRDM902XFM100903	AA45749
264	1985	Great Dane	Flat- 48'	1GRDM9623FM100801	TJ98957
265	1985	Great Dane	Flat- 48'	1GRDM9625FM100802	TJ72808
266	1985	Great Dane	Flat stretch	1GRDM9021FM104001	TM65120

KLAPEC TRUCKING COMPANY
 BALANCE SHEET
 December 31, 1985 and 1984

	<u>1985</u>	<u>1984</u>
<u>ASSETS</u>		
Current Assets:		
Cash	\$ 13,341	\$ 1,630
Accounts receivable	494,553	479,563
Unexpired insurance	26,083	19,223
Expense advances	5,189	6,024
Total Current Assets	<u>539,166</u>	<u>506,440</u>
Equipment:		
Trucks, trailers and service vehicles	3,305,103	1,960,820
Other equipment	200,161	174,053
Office furniture and equipment	34,278	30,569
	<u>3,539,542</u>	<u>2,165,442</u>
Less accumulated depreciation	<u>1,647,966</u>	<u>1,160,903</u>
Total Equipment	<u>1,891,576</u>	<u>1,004,539</u>
Other Assets:		
Operating rights	12,896	12,896
Organization cost	219	438
Total Other Assets	<u>13,115</u>	<u>13,334</u>
	<u>\$2,443,857</u>	<u>\$1,524,313</u>
 <u>LIABILITIES AND SHAREHOLDERS' EQUITY</u>		
Current Liabilities:		
Notes payable	\$ 97,000	\$ 15,000
Accounts payable	103,882	68,116
Accrued fuel and use taxes	11,680	11,207
Accrued corporate taxes	22,317	9,906
Accrued payroll	19,124	8,843
Accrued and withheld payroll taxes	9,594	6,385
Current portion of long-term debt	256,248	116,664
Total Current Liabilities	<u>519,845</u>	<u>236,121</u>
Long-term debt	667,920	204,448
Other liabilities:		
Advances from related enterprises	276,263	275,540
Deferred income taxes	78,240	70,515
Total Liabilities	<u>1,542,268</u>	<u>786,624</u>
Shareholders' Equity:		
Common stock, par value \$100; authorized 5,000 shares; issued 1,400 shares	140,000	140,000
Preferred stock, 8% non-cumulative, par value \$100; authorized 5,000 shares; issued 1,500 shares (preference on liquidation at par value)	150,000	150,000
Capital in excess of par value	137,349	137,349
Retained earnings	474,240	310,340
Total Shareholders' Equity	<u>901,589</u>	<u>737,689</u>
	<u>\$2,443,857</u>	<u>\$1,524,313</u>

The accompanying notes and accountants' compilation report should be read with this statement.

KLAPEC TRUCKING COMPANY
 STATEMENT OF INCOME AND RETAINED EARNINGS
Years Ended December 31, 1985 and 1984

	<u>1985</u>	<u>1984</u>
Revenues:		
Freight and other operating revenues	\$4,201,769	\$3,087,839
Other	<u>70,892</u>	<u>32,717</u>
	<u>4,272,661</u>	<u>3,120,556</u>
Costs and Expenses:		
Operating costs	3,168,450	2,304,508
General and administrative	418,050	309,738
Depreciation and amortization	409,870	244,819
Interest	<u>86,026</u>	<u>34,634</u>
	<u>4,082,396</u>	<u>2,893,699</u>
Income before Income Taxes	190,265	226,857
Provision for Income Taxes	<u>26,365</u>	<u>26,870</u>
Net Income	163,900	199,987
Retained Earnings, Beginning	<u>310,340</u>	<u>110,353</u>
Retained Earnings, Ending	<u>\$ 474,240</u>	<u>\$ 310,340</u>

The accompanying notes and accountants' compilation report should be read with this statement.

VERIFIED STATEMENT OF CARL CLARK
ON BEHALF OF DIAMOND - BATHURST, INC.,
FORMERLY KNOWN AS DIAMOND CONTAINER GENERAL

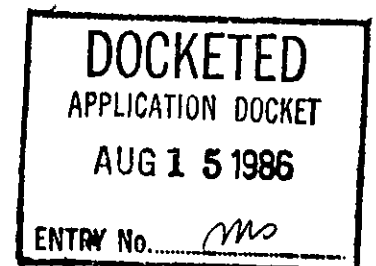
I. Legal Name and Domicile of Supporting Party

For the purposes of this application, Diamond - Bathurst, Inc. operates a facility located at One Morrow Avenue, Knox, Clarion County, PA 16232.

At the time that this application was filed, the name of this facility was known as Diamond Container General, a wholly owned subsidiary of Diamond Bathurst, Inc. In July 1986 a corporate reorganization took place pursuant to which the name of our Diamond Container subsidiary was changed to Diamond-Bathurst, Inc. No change in operations, operating personnel or our desire to support this application was effected by that change.

II. Identity and Qualifications of Testifying Witness

My name is CARL CLARK, and I am the Outbound Traffic Manager for Diamond-Bathurst, Inc. As such, I have responsibility for the outbound transportation requirements at our Knox facility. While inbound transportation requirements are generally handled by the Purchasing Department at our Knox plant, I am also familiar with our inbound transportation requirements. I am authorized to submit this statement in support of the Application of Klapac Trucking Co. before the Pennsylvania Public Utility commission.



III. General Description of Supporting Party

Diamond-Bathurst is engaged in the manufacture of a variety of glass containers and related products. We would also like to have the service of Klapec Trucking available for the inbound transportation of corrugated shipping materials, pallets and cullet as a back up to present private carriage transportation of those products by our supplier.

IV. Volume and Frequency of Intended Use

Diamond-Bathurst makes approximately four hundred sixty to four hundred seventy outbound shipments per month from our Knox, Clarion County facility. Approximately 40% of these shipments are destined to points located within the Commonwealth of Pennsylvania. In addition, at Knox we receive daily shipments of corrugated shipping materials and approximately ten shipments per day of cullet. Finally, we receive approximately four shipments of pallets per month at our Knox facility. We would find it beneficial to have the service of Klapec Trucking Company available to assist us in meeting these transportation needs.

V. Origins and Destinations

All outbound traffic would originate at our Knox, Clarion County facility. In the past, we have shipped our glass containers and related materials and supplies to such points as Fleetwood, Berks County; New Castle, Lawrence County; Wilkes-Barre, Luzerne County; Fogelsville, Lehigh County; and Aspers and Orrtanna both in Adams County. In addition, we

solicit new customer accounts and other potential destination points for shipments of our products for which motor carrier service may be required may exist within the Commonwealth.

Inbound shipments of cartons and corrugated materials originate from producers located in Bradford, McKean County and Erie, Erie County. In addition, we receive cullet from producers located in Clarion, Clarion County, Greensburg, Westmoreland County and Paxinos, Northumberland County. The inbound origin point for our pallets shipments is St. Mary's, Elk County. In addition, other possible sources for these products exist in the Commonwealth.

VI. Type of Service Required

Outbound shipments are made in truck load quantities in van-trailer equipment. In addition, we may have an occasional need for a multiple delivery service on outbound shipments. We require motor carrier service sixteen hours per day, five days per week.

Inbound shipments of corrugated materials and cullet are received in truck-load quantities and are generally transported in van-trailer equipment. Pallets may be received on flatbed trailer equipment and are also received in truck load quantities.

VII. Similar Applications Supported

In addition to the instant application, Diamond is also supporting applications by Warren C. Sauers Co. and Venezia Trucking Co., to provide motor carrier service to our Knox facility. However, the sheer volume of traffic from our

Knox facility makes it imperative that we have several motor carriers available to meet our intrastate transportation requirements.

VIII. Other Pertinent Information

Diamond - Bathurst supports the application of Klapec Trucking Co. because we feel it is important to have a local carrier available with statewide authority to meet our inbound and outbound intrastate transportation requirements. The close proximity of Klapec's terminal facility to our manufacturing facility would enable them to provide prompt service to our company when it is required. We would request the Pennsylvania Public Utility Commission to grant the application of Klapec Trucking Co. in its entirety.



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

August 20, ~~186~~
1986

IN REPLY PLEASE
REFER TO OUR FILE

Kevin W. Walsh
Attorney at Law
Suite 1900
Two Penn Center Plaza
Philadelphia, PA 19102

In re: A-00102306, F. 1, Am-F

Application of Klapac Trucking Co.

Dear Mr. Walsh:

We have received the verified statements filed in the above referenced proceeding.

The record will be reviewed and will be put before the Commission for its decision. You will be notified of the Commission's action.

Very truly yours,

By Richard H. White
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

