



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

RECEIVED

MAR 31 1993

MAR 30 1993

TK 782683 1 A-00102306
KLAPEC TRUCKING COMPANY
P.O. BOX 1278
OIL CITY PA 16301

Public Utility Commission
SECRETARY'S BUREAU
Information Control Division

Your petition for an extension of time in which to file the 1992 Annual Report of the above-docketed carrier with the Pennsylvania Public Utility Commission is hereby granted.

The period for timely filing of the 1992 Annual Report is extended to April 30, 1993.

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

DOCKETED

APR 2 0 1993

Very truly yours,

Joseph M. Machulsky, Chief
Financial Document Section

JMM:dmm

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

Contact Persons: C. J. Ditchey (717) 783-5938
E. R. Hawk (717) 783-1763

DOCUMENT
FOLDER



Telephone: 814-676-1512 • NATIONAL TOLL FREE: 1-800-458-2225 • FAX: 814-676-8854
P.O. Box 1278 • Oil City, Pennsylvania 16301

RECEIVED
PENNA. PUBLIC UTILITY COMM.
MAR 30 1993
BUREAU OF TRANSPORTATION
FINANCIAL DOCUMENT SECTION

March 25, 1993

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

Dear Mr. Machulsky:

Due to the fact that our year-end accounting work has not yet been completed, we respectfully request a 30-day extension of time for filing our 1992 Annual PUC Report.

Your assistance in this matter is greatly appreciated.

DOCKETED
APR 20 1993

Sincerely,

KLAPEC TRUCKING COMPANY

Katherine A. Klapec
Katherine A. Klapec
Secretary/Treasurer

cel

Certified Mail No. P 442 659 310

DOCUMENT
FOLDER

SALLY A. DAVOREN
RECEIVED
ATTORNEY AT LAW

201 PILGRIMS BUILDING
508 ALLEGHENY RIVER BOULEVARD
OAKMONT, PA 15109
BUREAU OF
TRANSPORTATION
APR 5 2:25 PM '93

RECEIVED

APR 8 1993

SECRETARY'S OFFICE
Public Utility Commission

April 5, 1993

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of Klapec Trucking Company
Docket No. A-00102306, F.1, Am-K
File No. 436

Dear Mr. Alford:

Enclosed, for filing, is a protest to the above application, which is being filed on behalf of Dunlo Transfer Co. A copy of this protest has been served on the applicant's representative in accordance with the Commission's Rules of Practice. Thank you.

Respectfully submitted,

Sally A. Davoren

Sally A. Davoren
Attorney for
DUNLO TRANSFER CO.,
Protestant

Enclosure

cc: John A. Pillar, Esq. (w/enc.)
Dunlo Transfer Co.

PU436PTP.043



RECEIVED

APR -8 PM 2:25

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF
TRANSPORTATION

Application of)	
)	
KLAPEC TRUCKING COMPANY)	Docket No. A-00102306,
)	F.1, Am-K
)	
)	

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier named herein desires to protest the above application, and, in support thereof, states as follows:

1. The name, address and telephone number of protestant are set forth in Appendix A attached hereto.

2. The name, address and telephone number of protestant's attorney are:

Sally A. Davoren,
201 Pilgrams Building
508 Allegheny River Boulevard
Oakmont, PA 15139
(412) 826-1413

3. The authority of protestant which is in conflict with the above application is summarized in Appendix A, attached hereto. A true copy of protestant's authority in conflict with the authority sought by the applicant is attached hereto as Appendix B.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
APR 08 1993
ENTRY No. *JJ*

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

5. Protestant denies that the above applicant possesses the technical and financial ability to provide the proposed service, and that the applicant has a propensity to operate safely and legally.

6. Protestant avers that 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.

7. Protestant is currently providing service in the application area, and/or is willing and able to provide such service.

Respectfully submitted,



SALLY A. DAVOREN
Attorney for
DUNLO TRANSFER CO.,
Protestant

Due Date: April 12, 1993

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

APPENDIX A

The foregoing protest to the above application is filed on
behalf of:

Dunlo Transfer Co.
R.D. #7, Box 188
Johnstown, PA 15904
(814) 288-1450

Dunlo Transfer Co. has authority from the Commission, at
Docket No. A-00103322, to transport, as a Class C carrier, steel
and iron and steel products from points in the city of Johnstown,
Cambria County, and within five miles of the limits of said city,
to points within 200 miles of the said territory. Protestant Dunlo
also has authority to transport building, road and bridge
construction materials between points in the city of Johnstown,
Cambria County, and within 100 highway miles of the limits of said
city, with no haul to exceed twenty-five miles.

A summary of the authority of protestant Dunlo, which may
include other authority in conflict with that sought by the
applicant, is attached hereto as Appendix B.

DUNLO TRANSFER CO.

PUC AUTHORITY

Docket No. A-00103322

1. To transport, as a Class D carrier, building materials in bulk in dump trucks, sand and gravel between points in the counties of Cambria, Indiana, Westmoreland, Bedford and Blair, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.
2. To transport, as a Class D carrier, coal between points in the county of Cambria and within twenty-five (25) miles of the limits thereof, no haul to exceed a distance of twenty-five (25) miles from point of origin to point of destination.
3. To transport, as a Class D carrier, property, in bulk in dump trucks and dump trailers, for the Bethlehem Steel Company and the United States Steel Corporation between points in the city of Johnstown, Cambria County, and within twenty-five (25) miles of the limits of the said city.
4. To transport, as a Class D carrier, sand, in dump vehicles, from points in the borough of Ferndale, Cambria County, to the plant of Universal Atlas Cement Division of the United States Steel Corporation at Universal, Allegheny County, and vice versa.
5. To transport, as a Class D carrier, sand, in dump vehicles, from points in the Borough of Ferndale, Cambria County, to the plants of United States Steel Corporation in the Boroughs of Braddock and Rankin, Allegheny County.
6. To transport, as a Class D carrier, iron ore and manganese ore, in bulk in dump trucks, between points in the city of Johnstown, Cambria County, and within eight (8) miles of the limits of said city.
7. To transport, as a Class D carrier, excavated materials and road and building construction materials, such as are transported in dump trucks, between points not to exceed a distance of twenty (20) miles from point of origin to point of destination in the counties of Cambria, Westmoreland, Indiana and Somerset.
8. To transport, as a Class D carrier, steel from the city of Johnstown, Cambria County, to road and bridge construction jobs in the counties of Cambria, Westmoreland, Indiana and Somerset, in emergencies, where the contractor requires a small amount of steel to complete a job; provided, that all

APPENDIX B

emergency trips shall be reported to the Commission immediately after they are made.

9. To transport, as a Class D carrier, used mine equipment and heavy used machinery between points in the city of Johnstown, Cambria County and within ninety (90) miles by the usually traveled highways of the limits of said city to the north, within forty (40) miles by the usually traveled highways of the limits of said city to the east, within fifty (50) miles by the usually traveled highways of the limits of said city to the west, and between said city and the Pennsylvania-Maryland state line to the south.
10. To transport, as a Class D carrier, coal between points in the city of Johnstown, Cambria County, and within ten (10) miles by the usually traveled highways of the limits of said city.
11. To transport, as a Class C carrier, new mine equipment from points in the city of Johnstown, Cambria County to mines within twenty-five (25) miles by the usually traveled highways of the limits of said city.
12. To transport, as a Class C carrier, new mine equipment from points in the city of Johnstown, Cambria County, to mines beyond twenty-five (25) miles by usually traveled highways of the limits of said city and within one hundred (100) miles by the usually traveled highways of the limits of said city; provided, that the mines have no railroad sidings accessible to the mine openings;

with rights nos. 7 through 12 above subject to the following condition:

That no right, power or privilege is granted to transport property between points served by Alko Express Lines (now Motor Freight Express, Inc.) as of December 16, 1935, except where each individual piece of property transported weighs one (1) ton or in excess thereof.

13. To transport, as a Class D carrier, building materials, excavated materials and road and building construction materials, such as are usually transported in dump trucks, between points in the city of Johnstown, Cambria County, and within fifty (50) miles by the usually traveled highways of the limits of said city, provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
14. To transport, as a Class B carrier, in trucks or truck and semi-trailer combinations, steel and steel products between points in the city of Johnstown, Cambria County, and within five (5) miles by the usually traveled highways of the limits of the said city.

15. To transport, as a Class B carrier, structural steel, including highway construction steel, such as reinforcing bars and steel mesh, between points in the city of Johnstown, Cambria County.
16. To transport, as a Class D carrier, structural steel, including highway construction steel, such as reinforcing bars and steel mesh, from points in the city of Johnstown, Cambria County, to points of construction within one hundred fifty (150) miles by the usually traveled highways of the limits of the said city.
17. To transport, as a Class D carrier, machinery and equipment and other heavy property requiring the service of flat trucks and/or winches between points in the city of Johnstown, Cambria County and with fifty (50) miles by the usually traveled highways of the limits of the said city.
18. To transport, as a Class D carrier, machinery and equipment and other heavy property requiring the service of flat trucks and/or winches from points in the city of Johnstown, Cambria County, and within fifty (50) miles by the usually traveled highways of the limits of the said city to points not served by railroads within one hundred (100) miles by the usually traveled highways of the limits of the said city.
19. To transport, as a Class D carrier, building, road and bridge construction materials between points in the city of Johnstown, Cambria County, and within one hundred (100) miles by the usually traveled highways of the limits of the said city, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

with rights nos. 13 through 19 immediately above to be subject to the following condition:

That the rights, powers and privileges herein granted shall not include transportation between points on the Class A routes of Alko Express Lines (now Motor Freight Express, Inc.) as of October 10, 1939, and the Replogle Transfer Company, except for the transportation of individual pieces of property weighing one (1) ton or more.

20. To transport, as a Class D carrier, used heavy machinery and contractors' equipment, such as power shovels, bulldozers, compressors, bins, cranes and tanks which due to size or weight require the use of tractor-trailer units with low bed trailers, or specially designed trailers, between points in the city of Johnstown, Cambria County, and with fifty (50) miles by the usually traveled highways of the limits of said city.

21. To transport, as a Class C carrier, used heavy machinery and contractors' equipment, such as power shovels, bulldozers, compressors, bins, cranes and tanks, which due to size or weight require the use of tractor-trailer units with low bed trailers, or specially designed trailers, from points in the city of Johnstown, Cambria County, and within fifty (50) miles by the usually traveled highways of the limits of said city to points within one hundred fifty (150) miles by the usually traveled highways of the limits of said city.
22. To transport, as a Class C carrier, steel and iron and steel products from points in the city of Johnstown, Cambria County, and within five (5) miles of the limits of said city to points within an airline distance of two hundred (200) miles of the said territory.
23. To transport, as a Class D carrier, coke between points in the city of Johnstown, Cambria County, and with ten (10) miles by the usually traveled highways of the limits of the said city.

Docket No. A-00103322, F.1, Am-A

To transport, as a Class D carrier, coal, in dump vehicles, for Berwind Corp., Reitz Coal Co. and Elton Coal Co., from the facilities of Reitz Coal Co. and Elton Coal Co., in the counties of Cambria and Somerset, to points in Pennsylvania.

Docket No. A-00103322, F.1, Am-B

To transport, as a Class D carrier, iron and steel; iron and steel articles and products; and equipment, machinery, materials and supplies used or useful in the manufacture, assembly, sale, and distribution of iron and steel and iron and steel articles and products, for United States Steel Corporation, from its plants and warehouses in Pennsylvania, to other points in Pennsylvania, and vice versa.

subject to the following conditions:

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

That no right, power or privilege is granted to transport refractories and refractory materials from points in the county of Clearfield.

That no right, power or privilege is granted to transport refractories and refractory materials from the facilities of A. P. Green Refractories Company in the city of Philadelphia, Philadelphia County, and the

borough of Tarentum and the township of Porter, Clarion County.

That no right, power or privilege is granted to transport refractories and refractory material from the facilities of Crescent Brick Company, Inc., in the borough of Falls Creek, Jefferson County, and the township of Plymouth, Montgomery County.

That no right, power or privilege is granted to transport refractories and refractory materials from points in the township of Porter, Huntingdon County, the township of Logan, Blair County, the township of Winslow, Jefferson County and the township of Heidelberg, Berks County.

That no right, power or privilege is granted to provide the transportation of firebrick and firebrick products from the facilities of J. H. France Refractories in the village of Clarence, Snow Shoe Township, Centre County.

Docket No. A-00103322, F.1, Am-C

1. To transport, as a Class D carrier, property, for American Drawn Steel Corporation, from its facilities located in the city of New Kensington, Westmoreland County, to points in Pennsylvania, and vice versa;

subject to the following conditions:

- (a) That no right, power or privilege is granted to transport shipments weighing less than 10,000 pounds to or from points within an airline distance of twenty-five (25) statute miles of the limits of the borough of Verona, Allegheny County; the term "shipment" being defined as a quantity of freight moving from one consignor to one consignee on the same vehicle on the same day.
 - (b) That no right, power or privilege is granted to transport commodities in bulk.
 - (c) That no right, power or privilege is granted to transport household goods in use.
 - (d) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment.
2. To transport, as a Class D carrier, property, for Johnstown Corp., between points in Pennsylvania;

subject to the following condition:

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

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

APPENDIX C

Proposed Restrictive Amendment

A Restrictive Amendment eliminating Paragraph (1) of the application, which seeks authority to provide service for First Miss Steel, Inc., would satisfy the interest of protestant Dunlo Transfer Co. in this proceeding.

Rex W. McQuaide

Attorney at Law



Rex W. McQuaide

Thomas W. Cartwright

1405 Eisenhower Blvd.
Richland Square I - Suite 200
Johnstown, Pennsylvania 15904
Telephone (814) 266-2070
Fax (814) 266-5108

April 7, 1993

Mr. John G. Alford, Secretary
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. Box 3265
Harrisburg, PA 17120

RECEIVED
APR 9 1993
SECRETARY'S OFFICE
Public Utility Commission

RE: Klapec Trucking Company
A-00102306, Folder 1, Am-K
Protest of W. C. McQuaide, Inc.
Protest for Permanent Authority
Specific Shipper

Dear Mr. Alford:

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

Very truly yours,

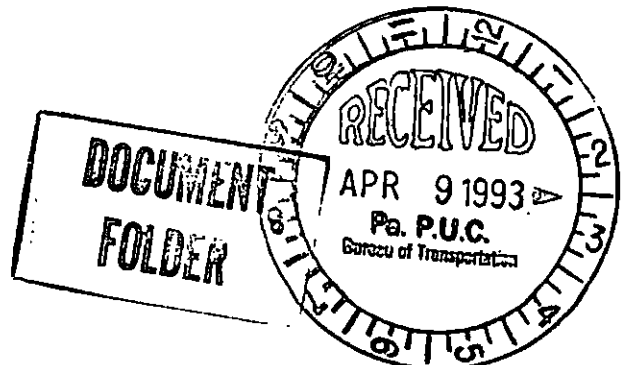
A handwritten signature in dark ink, appearing to read 'Rex W. McQuaide'.

Rex W. McQuaide
Attorney at Law

RWM/kl

Enclosures

cc: Mr. William F. McQuaide
Klapec Trucking Company
John A. Pillar, Esquire



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION

A-00102306, Folder 1, Am-K. Klapac Trucking Company (P.O. Box 1278, Oil City, Venango County, Pa. 16301-5278), a corporation of the Commonwealth of Pennsylvania, inter alia--steel castings for Venango Metallurgical Products, from the facility of said shipper in the city of Oil City, Venango County, to points in Pennsylvania: so as to permit the transportation (1) iron and steel and iron and steel articles and materials used in the manufacture of iron and steel and iron and steel articles (excluding commodities in bulk) for First Miss Steel, Inc., between points in Pennsylvania; and, (2) paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, for IVEX Corporation, from its facilities located in the township of Pine, Mercer County, to points in Pennsylvania.

APPLICANT'S ATTORNEY:

John A. Pillar, Esquire
Suite 700
312 Boulevard of the Allies
Pittsburgh, Pa. 15222

PENNSYLVANIA BULLETIN REFERENCES:

March 20, 1993
Page 1416

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
APR 09 1993
ENTRY No.



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

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

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

W. C. McQuaide, Inc.
153 Macridge Avenue
Johnstown, Pennsylvania 15904

Telephone: A.C. (814) 269-6110

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

Rex W. McQuaide, Esquire
1405 Eisenhower Boulevard
Richland Square I, Suite 200
Johnstown, PA 15904

Telephone: A.C. (814) 266-2070

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

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

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

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

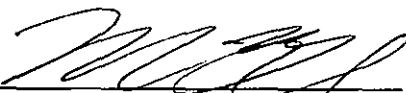
7. Protestant knows of no amendment which will satisfy its interest, but is willing to discuss the matter with Applicant or its representative.

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

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

AND IT WILL EVER PRAY.

W. C. MCQUAIDE, INC.

By: 
Rex W. McQuaide, Esquire
Attorney for Protestant

Dated: April 7, 1993

A. 84290

FOLDER 7, Am-RR

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

Subject to the following conditions:

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

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

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

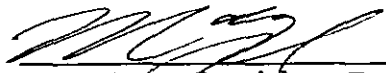
That no right, power or privilege is granted to transport commodities which because of size or weight require the use of special equipment.

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

EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, served a copy of the foregoing document upon Klapec Trucking Company, P.O. Box 1278, Oil City, Venango County, Pa. 16301-5278 and Applicant's Representative, John A. Pillar, Esquire, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222, by first class mail, postage prepaid and properly addressed.


Rex W. McQuaide, Esquire
Attorney for Protestant

Johnstown, Pennsylvania
April 7, 1993

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

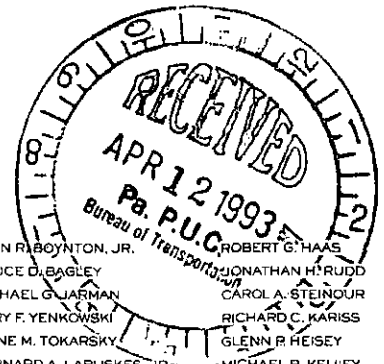
Fax (717) 236-2665

OF COUNSEL
GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

April 12, 1993

FRANCIS B. HAAS, JR. DAVID B. DISNEY
DONALD R. WAISEL H. LEE ROUSSEL
RICHARD R. LEFEVER BURTON H. SNYDER
CLYDE W. MCINTYRE JOHN S. OYLER
S. BERNE SMITH DELANO M. LANTZ
ROD J. PERA HARVEY FREEDENBERG
EDWARD W. ROTHMAN ERIC L. BROSSMAN
ROBERT A. MILLS ROBERT D. STETS
W. JEFFRY JAMOUNEAU TERRY R. BOSSERT
HERBERT R. NURICK DAVID M. KLEPPINGER
DAVID E. LEHMAN NEALS WEST
NORMAN I. WHITE FRANKLIN A. MILES, JR.
RICHARD W. STEVENSON MICHAEL A. DOCTROW
WILLIAM A. CHESNUTT STEPHEN A. MOORE
WILLIAM M. YOUNG, JR. DANA STEVENS SCADUTO
ROBERT M. CHERRY ELIZABETH A. DOUGHERTY

ALAN RABOYNTON, JR. ROBERT G. HAAS
BRUCE D. BAGLEY JONATHAN H. RUDD
MICHAEL G. JARMAN CAROL A. STEINOUR
GARY F. YENKOWSKI RICHARD C. KARISS
DIANE M. TOKARSKY GLENN R. HEISEY
BERNARD A. LABUSKES, JR. MICHAEL R. KELLEY
DAVID M. WATTS, JR. SHARON R. PAXTON
JAMES L. FRITZ JAMES P. DOUGHERTY
STEVEN J. WEINGARTEN ERIC N. ATHEY
LAWRENCE R. WIEDER SCOTT A. GOULD
GARY A. RITTER NANCY P. HORN
CATHERINE E. WALTERS JAMES P. DEANGELO
DONALD B. KAUFMAN JONATHAN C. BERRY
P. NICHOLAS GUARNESCHELLI BRETT D. DAVIS
MARGARET M. STUSKI KATHLEEN A. DUNST



John G. Alford, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-20
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

Re: Application of Klapec Trucking Company
PA PUC Docket No. A-00102306, F.1, Am-K
Protest on Behalf of Daily Express, Inc.

Dear Sir:

Enclosed for filing on behalf of Daily Express, Inc., please find an original and two (2) copies of a protest to the above-captioned application. Copies of the protest are being forwarded directly to the applicant and applicant's attorney as indicated on the attached Certificate of Service.

Please acknowledge receipt hereof by date stamping the copy of this letter of transmittal for return to my office.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By

William A. Chesnutt
Counsel for Protestant
Daily Express, Inc.

WAC/law

Enclosures

cc: John A. Pillar, Esquire (w/enclosures)
Klapec Trucking Co. (w/enclosures)
Robert F. Long, Daily (w/enclosures)
E. S. Moore, Jr. (w/enclosures)



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:
APPLICATION OF KLAPEC TRUCKING COMPANY
DOCKET NO. A-00102306, F.1, AM-K
PROTEST ON BEHALF OF DAILY EXPRESS, INC.

AND NOW COMES, Daily Express, Inc. and protests this application, notice of which appeared in the Pennsylvania Bulletin as shown in attached Appendix "A", representing as follows:

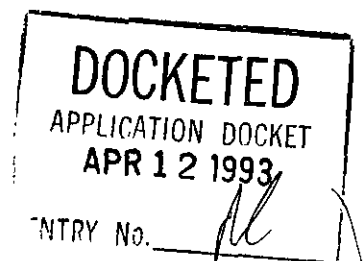
1. The name, business address and telephone number of the protestant are as follows:

Daily Express, Inc.
P. O. Box 39
Carlisle, PA 17013
(717) 243-5757

2. The name, business address and telephone number of the protestant's attorney are:

William A. Chesnutt, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, Pennsylvania 17108-1166
(717) 237-5252

3. Protestant holds authority issued by this Commission in conflict with that sought by applicant in this proceeding. Protestant transports a substantial amount of traffic between points in the application territory. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenues derived, or to be derived, therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval



of the instant application. Diversion of present and future traffic would have an adverse impact on protestant.

4. This Commission has issued various authorities to protestant under Docket No. A.0085189. An abstract of pertinent portions of the authorities issued under that docket, upon which Daily predicates this protest, is set forth in Appendix "B" attached hereto. Daily provides an adequate and satisfactory service under those authorities. The authority sought in this application is in substantial conflict with the authorities set forth in Appendix "B".

5. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public. Moreover, approval of this application would endanger and impair the operations of Daily in a manner and to an extent contrary to the public interest.

6. Restrictive amendment by applicant of the authority sought here to eliminate any and all conflict with authority now held by Daily and acceptance of such amendment by the Commission, would result in withdrawal of this protest.

7. This protest also relates to the fitness of the applicant.

WHEREFORE, Daily Express, Inc. respectfully prays that this application be dismissed.

DAILY EXPRESS, INC.

By: *McNees, Wallace & Nurick*
MCNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166

Dated: April 12, 1993

county of Schuylkill; subject to the following condition: that no right, power or privilege is granted to transport coal from the county of Schuylkill to State institutions located within the county of Schuylkill which are within an airline distance of 65 miles of the borough of Cleona, Lebanon County: *so as to permit* the transportation of stone for Compass Quarries, Inc., from its facilities in the township of Paradise, Lancaster County to points in Pennsylvania, provided that the transportation to points in the counties of Berks, Carbon and Schuylkill shall be limited to the use of pneumatic tank vehicles. *Attorney:* David H. Radcliff, 2216 Walnut Street, Harrisburg, Pa. 17103.

A-00095587, Folder 1, Am-D. B & D Transfer, Inc. (Box 133, Liberty, Tioga County, Pa. 16930), a corporation of the Commonwealth of Pennsylvania, inter alia—property from the borough of Liberty, Tioga County, and points within an airline distance of 20 statute miles of the limits thereof, to the city of Pittsburgh, Allegheny County, and points within an airline distance of 35 statute miles of the limits of said city, and vice versa; subject to the following conditions: that no right, power or privilege is granted to render local service in the territory served by Delmont Motor Express (of October 17, 1949) between Montoursville, Lycoming County, and the Pennsylvania-New York State line via Highway 14, Williamsport, Trout Run, Ralston Roaring Branch, Canton, Troy and Fassett, except for the True Temper Corporation located at Ralston; and that no right, power or privilege is granted to transport household goods, dangerous explosives, property of unusual value, property in bulk, property requiring special equipment, and property injurious or contaminating to other lading: *so as to permit* the transportation of property (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), between points in the city of Bradford, McKean County, and from said city to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00095587, F. 1, AM-D, seeking the following right: to transport property (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), for Dresser Manufacturing Division of Dresser Industries, Inc., from points in Pennsylvania to the facilities of said company in the City of Bradford, McKean County. *Attorney:* Herbert R. Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, Pa. 17108-1166.

A-00102306, Folder 1, Am-K. Klapeck Trucking Company (P. O. Box 1278, Oil City, Venango County, Pa. 16301-5278), a corporation of the Commonwealth of Pennsylvania, inter alia—steel castings for Venango Metallurgical Products, from the facility of said shipper in the city of Oil City, Venango County, to points in Pennsylvania: *so as to permit* the transportation (1) iron and steel and iron and steel articles and materials used in the manufacture of iron and steel and iron and steel articles (excluding commodities in bulk) for First Miss Steel, Inc., between points in Pennsylvania; and, (2) paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, for IVEX Corporation, from its facilities located in the township of Pine, Mercer County, to points in Pennsylvania. *Attorney:* John A. Pillar, Suite 700, 312 Boulevard of the Allies, Pittsburgh, Pa. 15222.

A-00103064, Folder 1, Am-D. Timberline Transport, Inc. (P. O. Box 42, Tarentum, Allegheny County, Pa. 15084), a corporation of the Commonwealth of Pennsylvania, inter alia—property for NPS Metal Service, between points in Pennsylvania; subject to the following condi-

tion: that no right, power or privilege is granted to transport property in bulk: *so as to permit* the transportation of property (except in bulk), for Alon Processing, Inc.; Magnum Metals & Minerals Corporation; Wulfrath Refractories, Inc.; Pengate Handling Systems, Inc. and Quality Wood Treating Co., Inc., between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00103885, Folder 2, Am-A (Corrected). Bolus Freight Systems, Inc. (700 North Keyser Avenue, Scranton, Lackawanna County, Pa. 18508), a corporation of the Commonwealth of Pennsylvania, inter alia—property for Topps Chewing Gum, Inc., between points in the counties of Lackawanna and Luzerne: *so as to permit* the transportation of property (except commodities in bulk) for StarKist Foods, Inc., from its facilities in the township of South Centre, Columbia County, to points in Pennsylvania, and vice versa. *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, Pa. 18512-2614.

A-00107119, Folder 1, Am-B. Marc A. Sallack, Inc. (R. R. 1, Box 473, Punxsutawney, Jefferson County, Pa. 15767), a corporation of the Commonwealth of Pennsylvania, inter alia—coal, for Old Home Manor, Inc., from points in the county of Indiana, to points in the county of Warren; *so as to permit* the transportation of property, in bulk, in dump vehicles, for: Griffith Quarrying, Inc.; Glenn O. Hawbaker, Inc.; Yenzi Coal; Doverspike Brothers Coal; Valier Coal Yard; Green Valley Coal; IVE Coal Sales; Rawlee Fuels, Inc.; P & N Coal; and North Star Aggregates, Inc., between points in the counties of Clearfield, Centre, Clinton, Cameron, Potter, McKean, Warren, Elk, Forest, Jefferson, Clarion, Armstrong, Indiana and Cambria. *Attorney:* William E. Hager, III, 352 Broad Street, New Bethlehem, Pa. 16242.

A-00107316, Folder 1, Am-F. Albert A. Prechtl, t/d/b/a Eagle Express (1300 Brussels Street, St. Marys, Elk County, Pa. 15857), inter alia—property (except in bulk) for GTE Products Corporation between points in the city of DuBois, Clearfield County, and from points in said city to points in Pennsylvania, and vice versa: *so as to permit* the transportation of property for Osram Sylvania, Inc., between points in Pennsylvania. Application for temporary authority has been filed at A-00107316, F. 1, Am-F seeking the following authority: the transportation of lighting products for Osram Sylvania, Inc. from the City of Dubois, Clearfield County to the Township of Upper Macungie, Lehigh County. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219.

A-00109478, Folder 1, Am-F. Carlisle Carrier Corp. (1513 East Commerce Drive, P. O. Box 637, Carlisle, Cumberland County, Pa. 17013), a corporation of the Commonwealth of Pennsylvania, inter alia—property, for The Dial Corporation, between the facilities owned, leased or utilized by said company, and from said facilities, to points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport commodities in bulk: *so as to permit* the transportation of property (excluding household goods in use and commodities in bulk), for Masland Industries, between points in Pennsylvania. *Attorney:* David H. Radcliff, 2216 Walnut Street, Harrisburg, Pa. 17103.

A-00109496, Folder 1, Am-A. William H. Oester, t/d/b/a Oester Trucking (R. D. 1, P. O. Box 142A, Salisbury, Somerset County, Pa. 15558), inter alia—automotive chemicals, including lubricants, solvents and cleaners, for Berkebile Oil Company, Inc., from its facilities in

DAILY EXPRESS, INC.
OPERATING AUTHORITY

ITEM 9(New)

Folder 3, Am-J

To transport as a Class D carrier, by motor vehicle, property (excluding commodities in bulk and household goods in use) between points in Pennsylvania.

Subject to the following conditions:

That no right, power or privilege is granted:

- (1) to perform transportation in closed van trailer equipment;
- (2) to perform transportation to or from the facilities of Bethlehem Steel Corporation in the County of Cambria;
- (3) to perform transportation to or from the facilities of Patterson Kelly Company, Inc. in the County of Monroe;
- (4) to perform transportation to or from the facilities of Sharon Steel Corporation at or near the City of Farrell, in the County of Mercer;
- (5) to transport property which because of size or weight requires the use of rigging and special equipment, from railhead to railhead or from railhead to points of installation between points in Pennsylvania;
- (6) to perform transportation to or from the facilities of Sprout-Waldron, Division of Koppers Company, Inc., in the Borough of Muncy, in the County of Lycoming;
- (7) to transport limestone or limestone products from the facilities of J. E. Baker Co. in the Township of West Manchester, in the County of York;
- (8) to transport wood or wood products to or from the facilities of Velda U.S., Inc. in the Township of Wayne, County of Clinton; or
- (9) to transport plate steel from the facilities of Lukens Steel Company, Division of Lukens, Inc., in the Township of Upper Merion, in the County of Montgomery, and in the City of Coatesville, in the County of Chester, to points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

For explanation of abbreviations and reference marks see concluding page of tariff.

ISSUED: February 20, 1984

‡ EFFECTIVE: February 23, 1984

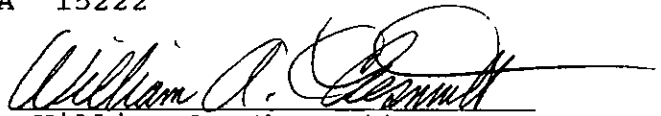
‡ Filed on one day's notice. PA Code Title 52, Section 2342.

ISSUED BY: Jack Owen, Director, Rates and Tariffs, P.O.Box 39, Carlisle, PA 17013

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest on Behalf of Daily Express, Inc. was served by first-class mail, postage prepaid, on applicant's attorney as follows:

John A. Pillar, Esquire
312 Boulevard of the Allies
Suite 700
Pittsburgh, PA 15222



William A. Chesnutt
MCNEES, WALLACE & NURICK
P. O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
(717) 237-5252

Dated this 12th day of April, 1993, at Harrisburg, Pennsylvania.

AWS

MCNEES, WALLACE & NURICK

ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

REC'D

APR 19 1993

SECF.
Public Util., ...

WILLIAM A. CHESNUTT

DIRECT DIAL: (717) 237-5252

April 16, 1993

John A. Pillar, Esquire
Suite 700
~~312 Boulevard of the Allies~~
Pittsburgh, PA 15222

Re: Application of Klapac Trucking Company
PA PUC Docket No. A-00102306, F.1, Am-K
Our File: 01800-0556

Dear Mr. Pillar:

NOTICE

Pursuant to Section 333(c) of the Public Utility Code, 66 Pa.C.S. 333(c), we hereby request that you send us the names of the witnesses you expect to call in this case, the companies that they represent, and the subject matter of their expected testimony including any specifics regarding Daily Express, Inc. We further request that you give us this information prior to two weeks before the commencement of any hearing in this proceeding.

Please treat this request as one of a continuing nature and provide us with any additions, or other modifications.

MCNEES, WALLACE & NURICK

By



William A. Chesnutt
Counsel for Protestant
Daily Express, Inc.

WAC/law

cc: John G. Alford, Secretary, PUC
Robert F. Long
E. S. Moore, Jr.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
May 20, 1993

In Re: A-00102306, F0001, Am-K

(See attached list)

Application of Klapac Trucking Company

For amendment so as to permit the transportation (1) iron and steel and iron and steel articles and materials used in the manufacture of iron and steel and iron and steel articles (excluding commodities in bulk) for First Miss Steel, Inc., between points in Pennsylvania; and, (2) paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, for IVEX Corporation, from its facilities located in the township of Pine, Mercer County, to points in Pennsylvania.

NOTICE

The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, an initial hearing is hereby scheduled for Tuesday, July 6, 1993 at 10:00 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

The presiding officer in this proceeding is Administrative Law Judge John H. Corbett, Jr. Judge Corbett can be contacted at 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222; telephone (412) 565-3550.

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 Corbett
John Frazier - PIO
Norma Lewis
Susan Licon
Beth Plantz
Docket Room

DOCKETED
MAY 25 1993

DOCUMENT
FOLDER

ODA

John A. Pillar, Esquire
Pillar & Mulroy
Suite 700
312 Boulevard of The Allies
Pittsburgh, PA 15222

Sally Davoren, Esquire
201 Pilgrims Building
508 Allegheny River Boulevard
Oakmont, PA 15139

Rex W. McQuaide, Esquire
1405 Eisenhower Boulevard
Richland Square, Suite 200
Johnstown, PA 15904

William A. Chesnutt, Esquire
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
SUITE 700

312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300
FAX: (412) 471-6068

ORIGINAL

JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH

June 30, 1993

Of Counsel:
ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

Re: Klapec Trucking Company
Docket No. A-00102306, F.1, Am-K
File No. 689-18

Hon. John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

JUL 2 1993
SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Alford:

We enclose for filing the original and two copies of a restrictive amendment in connection with the above docketed proceeding. This amended is intended to satisfy the interest of Daily Express, Inc., a protestant. We understand that counsel for Daily Express will advise the Commission as to the disposition of the protest of Daily Express, Inc.

Very truly yours,


JOHN A. PILLAR

sw

Enclosures

cc: Hon. John H. Corbett, Jr. (w/encl.)
Herbert R. Nurick, Esq. (w/encl.)
Sally A. Davoren, Esq. (w/encl.)
Rex W. McQuaide, Esq. (w/encl.)
Klapec Trucking Company (w/encl.)

ADA
LDA

DOCUMENT
FOLDER

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
KLAPEC TRUCKING COMPANY

JUL 2 1993

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

SECRETARY'S OFFICE
Public Utility Commission

RESTRICTIVE AMENDMENT

AND NOW COMES Klapec Trucking Company and hereby restrictively amends the above application so as to read as follows:

To transport (1) iron and steel and iron and steel articles and material used in the manufacture of iron and steel and iron and steel articles (excluding commodities in bulk) for First Miss Steel, Inc., between points in Pennsylvania; and (2) paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, for IVEX Corporation, from its facilities located in the Township of Pine, Mercer County, to points in Pennsylvania;

subject to the following restriction:

PROVIDED that no right, power or privilege is granted to transport commodities which, because of size or weight, require special equipment, except for hot ingots moving to or from the facilities of First Miss Steel, Inc. located in the Borough of Hollsopple, Somerset County.

PILLAR AND MULROY, P.C.

DOCKETED

JUL 22 1993

By: 

JOHN A. PILLAR
Attorney for
KLAPEC TRUCKING COMPANY

Dated: June 30, 1993

DOCUMENT
FOLDER

ORIGINAL

SALLY A. DAVOREN

ATTORNEY AT LAW

201 PILGRIMS BUILDING
508 ALLEGHENY RIVER BOULEVARD
OAKMONT, PA 15139

(412) 826-1413

July 6, 1993

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of Klapec Trucking Company
Docket No. A-00102306, F.1, Am-K
File No. 436

Dear Mr. Alford:

I represent Dunlo Transfer Co., a protestant to the above application. This is to inform you that, upon further consideration, this carrier has decided to withdraw its protest to the application, and I am doing so by this letter.

Dunlo Transfer Co. wishes to remain a party of record for the purpose of receiving any correspondence, pleadings filed or Orders issued in connection with the case. I am sending a copy of this letter to John A. Pillar, the applicant's representative, so that he will serve any subsequent restrictive amendments or other pleadings filed in connection with the case on me. I have already informed Mr. Pillar and Administrative Law Judge John H. Corbett, Jr., the Administrative Law Judge assigned to the case, that the protest of Dunlo Transfer Co. is being withdrawn, and I will not, therefore, be attending the hearing on the above application scheduled for today. Thank you.

Sincerely,

Sally Davoren

Sally A. Davoren

DOCUMENT
FOLDER

cc: Hon. John H. Corbett, Jr.,
Administrative Law Judge
John A. Pillar, Esq.
Dunlo Transfer Co.

JA436CRP.073

DOCKETED

JUL 26 1993

RECEIVED
JUL 8 1993
SECRETARY'S OFFICE
Public Utility Commission

DOCKET NO. A-00102306, F0001, Am-K
 CASE NAME Application of Klapec
Trucking Co.
 HEARING LOCATION Pittsburgh
 HEARING DATE July 6, 1993
 ALJ Corbett

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
 Testimony taken YES NO
 Hearing concluded YES NO
 Further hearing needed YES NO
 Estimated add'l days 1

RECORD CLOSED YES NO
 Briefs to be filed YES NO
 BENCH DECISION YES NO

REMARKS:

RECEIVED
 JUL 07 1993
 Office of A. L. J.
 Public Utility Commission

RECEIVED
 Date 05 JUL 14 AM 11:25
 Date 05 JUL 14 AM 11:25
 P. U. C.
 INFO. CONTROL DIV.

JUL 13 1993

DOCUMENT
 FOLDER

DOCKETED
 JUL 26 1993

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
 PLEASE PRINT CLEARLY
 INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Rex W McQuaide Telephone No. (814) 266-2070	1405 Eisenhower Blvd City Johnstown State PA Zip 15904			W.C. McQuaide, Inc (Protestant)
John A. Pellan Telephone No. (814) 471-3300	312 Blvd. of the Allies Suite 700 City Pittsburgh State Pa Zip 15222			Klapec Trucking, Inc.
Telephone No. ()	City	State	Zip	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

May Ellen Wolf
 Reporter

HOLBERT ASSOCIATES

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	
Telephone No.()				
	City	State	Zip	

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 15, 1993

In Re: A-00102306, F0001, Am-K

(See letter of 5/20/93)

Application of Klapec Trucking Company

For amendment so as to permit the transportation (1) iron and steel and iron and steel articles and materials used in the manufacture of iron and steel and iron and steel articles (excluding commodities in bulk) for First Miss Steel, Inc., between points in Pennsylvania; and, (2) paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, for IVEX Corporation, from its facilities located in the township of Pine, Mercer County, to points in Pennsylvania.

NOTICE

This is to inform you that a further hearing on the above captioned case will be held Friday, July 30, 1993 at 10:00 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.

cc: Judge Corbett
John Frazier - PIO
Norma Lewis
Susan Licon
Beth Plantz
Docket Room

DOCKETED

AUG 2 1993

**DOCUMENT
FOLDER**

LDA

RECEIVED
93 JUL 19 AM 10:12
PA. P. U. C.
INFO. CONTROL DIV.

DOCKET NO. A-00102306, F0001, Am-K
CASE NAME Application of Klapec
Trucking Co.
HEARING LOCATION Pittsburgh
HEARING DATE July 30, 1993
ALJ Corbett.

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
Testimony taken YES NO
Hearing concluded YES NO
Further hearing needed YES NO

Estimated add'l days _____

RECORD CLOSED YES NO 8-30-93
Date _____

Briefs to be filed YES NO _____
Date _____

BENCH DECISION YES NO

REMARKS: Restrictive amendment satisfied interests
of last remaining protestant. Initial Decision to
follow.

AUG 16 1993

RECEIVED
AUG 02 1993
Office of A. L. J.
Public Utility Commission

DOCUMENT
FOLDER

RECEIVED
AUG 30 1993
11:10:45
RECEIVED

By: E. L. PLANTZ/OALJ

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
<u>John S. Gillan</u> Telephone No. <u>(412) 471-3300</u>	<u>312 Blvd of the Allies</u> <u>Suite 701</u> City <u>Pittsburgh</u> State <u>Pa</u> Zip <u>15222</u>	<u>Klapec Trucking</u> <u>Company</u>
<u>Rex W. McQuaide</u> Telephone No. <u>(814) 266-2070</u>	<u>1405 Eisenhower Blvd</u> City <u>JOHNSTOWN</u> State <u>PA</u> Zip <u>15904</u>	<u>W C McQuaide, FAC</u> <u>protestant</u>
Telephone No. ()	City State Zip	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

David J. Farnette
Reporter

M LDA

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip
Telephone No. ()		City	State	Zip

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
SUITE 700

312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300
FAX: (412) 471-6068

JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH

July 30, 1993

Of Counsel:
ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

Re: Klapec Trucking Company
Docket No. A-00102306, F.1, Am-K
File No. 689-18

**DOCUMENT
FOLDER
RECEIVED**

AUG 2 1993

SEC. AFRY'S OFFICE
Public Utility Commission

Hon. John H. Corbett, Jr.
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

Dear Judge Corbett:

Enclosed herewith is the further restrictive amendment which was entered on the record at the hearing on July 30, 1993, in the above docketed proceeding.

As per our agreement with Rex McQuaide, Esq., I understand that he will withdraw the protest of W. C. McQuaide, Inc. to the application, as amended.

I expect that we will also receive a letter shortly from Mr. Chesnutt withdrawing the protest of Daily Express, Inc. on the basis of the amendment we previously submitted on June 30, 1993.

Since the record in this case is now closed and all evidence has been submitted, we will await your initial decision.

Very truly yours,

JOHN A. PILLAR

sw

Enclosure

cc: Hon. John G. Alford (w/encl.)
Bud Huntingdon (w/encl.)
Rex W. McQuaide, Esq. (w/encl.)
Sally A. Davoren, Esq. (w/encl.)
William A. Chesnutt, Esq. (w/encl.)
Klapec Trucking Company (w/encl.)

WDA

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
KLAPEC TRUCKING COMPANY

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

RECEIVED

AUG 2 1993

SECRETARY'S OFFICE
Public Utility Commission

FURTHER RESTRICTIVE AMENDMENT

KLAPEC TRUCKING COMPANY, by its attorneys, Pillar and Mulroy, P.C., now comes and further amends its application in the above docketed proceeding by the addition of the following restrictions to the restrictive amendment previously filed with the Commission dated June 30, 1993. The further restrictive amendment is as follows:

PROVIDED that no right, power or privilege is granted to provide service from the Borough of Holsopple, Somerset County, to the City of Johnstown, Cambria County, and those townships and boroughs contiguous to said city, and vice versa;

PROVIDED FURTHER, that no right, power or privilege is granted to provide service from the Borough of Holsopple, Somerset County, to the facilities of Phoenix Pipe & Tube, located in Phoenixville, Chester County, and vice versa; and

PROVIDED FURTHER, that no right, power or privilege is granted to provide service for First Miss Steel, Inc. in van trailers.

Dated at Pittsburgh, PA, this 30th day of July, 1993.

PILLAR AND MULROY, P.C.

DOCUMENT
FOLDER

By: John A. Pillar
JOHN A. PILLAR
Attorney for
KLAPEC TRUCKING COMPANY,
Applicant

DOCKETED

AUG 20 1993

L-DA

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE (717) 232-8000

Fax (717) 236-2665

OF COUNSEL
GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
SAMUEL A. SCHRECKENGAUST, JR.

August 2, 1993

FRANCIS B. HAAS, JR.
DONALD R. WASEL
RICHARD R. LEFEVER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFRY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
WILLIAM M. YOUNG, JR.
ROBERT M. CHERRY

DAVID B. DISNEY
H. LEE ROUSSEL
BURTON H. SNYDER
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT
DAVID M. KLEPPINGER
NEAL S. WEST
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
STEPHEN A. MOORE
DANA STEVENS SCADUTO
ELIZABETH A. DOUGHERTY

ALAN R. BOYNTON, JR.
BRUCE D. BAGLEY
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKY
BERNARD A. LABUSKES, JR.
DAVID M. WATTS, JR.
JAMES L. FRITZ
STEVEN J. WEINGARTEN
LAWRENCE R. WIEDER
GARY A. RITTER
CATHERINE E. WALTERS
DONALD B. KAUFMAN
P. NICHOLAS GUARNESCHELLI
MARGARET M. STUSKI

ROBERT G. HAAS
JONATHAN H. RUDD
CAROL A. STEINOUR
RICHARD C. KARISS
GLENN P. HEISEY
MICHAEL R. KELLEY
SHARON R. PAXTON
JAMES P. DOUGHERTY
ERIC N. ATHEY
SCOTT A. GOULD
NANCY P. HORN
JAMES P. DeANGELO
JONATHAN C. BERRY
BRETT D. DAVIS
KATHLEEN A. DUNST

Hon. John H. Corbett, Jr.
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

Re: Daily Express, Inc.
Pro. Klapac Trucking Co.
Docket No. A-00102306, F.1, Am-K
File No. 1800-556

Dear Judge Corbett:

Our client Daily Express, Inc. filed a timely protest to this application. In correspondence I addressed to counsel for applicant on June 28, 1993, I indicated my client's satisfaction with an amendment proffered to me by counsel for applicant under date of June 17, 1993. Unfortunately, because of some miscommunication, the documentation of that Restrictive Amendment, and the withdrawal of protest by our client, Daily Express, Inc., was not completed by the time hearing was held before you on July 6, 1993.

Since then the matter has been clarified, and based on the amendment submitted to me under date of June 30, 1993, by counsel for Applicant, a copy of which is enclosed herewith, I am authorized to, and hereby do, withdraw the protest of Daily Express, Inc. This withdrawal is conditioned upon the issuance of a final order in this matter which incorporates and preserves restriction against transportation of commodities which because of size or weight require special equipment other than with respect to "hot ingots moving to or from the facilities of First Miss Steel, Inc. located in the borough of Hollsopple, Somerset County."

DOCKETED

AUG 23 1993

DOCUMENT
FOLDER

LDA

RECEIVED

AUG 4 1993

SECRETARY'S OFFICE
Public Utility Commission

Hon. John H. Corbett, Jr.
August 2, 1993
Page 2

Submission of this letter withdrawing the protest of Daily Express, Inc. conforms to the third paragraph of the letter addressed to you under date of July 30, 1993, from John A. Pillar, Esquire, counsel for Applicant Klapec Trucking Company.

Respectfully submitted,

By: _____
WILLIAM A. CHESNUTT
Counsel for
Daily Express, Inc.
Protestant

WAC:wjk

Enclosure

cc: Rex W. McQuaide, Esquire
Sally A. Davoren, Esquire
John A. Pillar, Esquire
✓Hon. John G. Alford, Secretary
Pennsylvania PUC

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
KLAPEC TRUCKING COMPANY

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

FURTHER RESTRICTIVE AMENDMENT

KLAPEC TRUCKING COMPANY, by its attorneys, Pillar and Mulroy, P.C., now comes and further amends its application in the above docketed proceeding by the addition of the following restrictions to the restrictive amendment previously filed with the Commission dated June 30, 1993. The further restrictive amendment is as follows:

PROVIDED that no right, power or privilege is granted to provide service from the Borough of Holsopple, Somerset County, to the City of Johnstown, Cambria County, and those townships and boroughs contiguous to said city, and vice versa;

PROVIDED FURTHER, that no right, power or privilege is granted to provide service from the Borough of Holsopple, Somerset County, to the facilities of Phoenix Pipe & Tube, located in Phoenixville, Chester County, and vice versa; and

PROVIDED FURTHER, that no right, power or privilege is granted to provide service for First Miss Steel, Inc. in van trailers.

Dated at Pittsburgh, PA, this 30th day of July, 1993.

PILLAR AND MULROY, P.C.

By: 

JOHN A. PILLAR
Attorney for
KLAPEC TRUCKING COMPANY,
Applicant

ORIGINAL

RECEIVED

PILLAR AND MULROY, P.C.

ATTORNEYS-AT-LAW
SUITE 700

312 BOULEVARD OF THE ALLIES
PITTSBURGH, PA 15222-1916

TELEPHONE (412) 471-3300
FAX: (412) 471-6068

AUG 9 1993

SECRETARY'S OFFICE
Public Utility Commission

JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH

August 4, 1993

Of Counsel:
ANTHONY A. SEETHALER, JR.
MARIA M. VERARDI

Re: Klapec Trucking Company
Docket No. A-00102306, F.1, Am-K
File No. 689-18

Hon. John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dear Mr. Alford:

We represent Klapec Trucking Company, the applicant in the above docketed proceeding.

We are submitting herewith a **Corrected Restrictive Amendment** on behalf of the applicant in the above docketed proceeding. The applicant had previously submitted a Restrictive Amendment, dated June 30, 1993, which resulted in the withdrawal of the protest of Daily Express, Inc. A Further Restrictive Amendment, dated July 30, 1993, was submitted, which will satisfy the interest of W. C. McQuaide, Inc., a protestant. The protest of Dunlo Transfer Co. had previously been withdrawn.

The purpose for the **Corrected Restrictive Amendment** is to properly identify the location of the facilities of First Miss Steel, Inc. as being in the Township of Quemahoning, Somerset County, and not in the Borough of Holsopple, Somerset County, as previously believed. Apparently, Holsopple is a Borough in Somerset which is the mailing address of First Miss Steel, Inc., but the plant facilities are physically located in Quemahoning Township.

I have circulated the **Corrected Restrictive Amendment** to all parties of record. The protest of Dunlo Transfer Co. was withdrawn voluntarily and not on the basis of any amendment. However, I would request that counsel for Daily Express, Inc. and W. C. McQuaide, Inc. notify the Commission, in writing, that the **Corrected Restrictive Amendment** is satisfactory to them and that

LDA

DOCUMENT
FOLDER

Hon. John G. Alford
Page Two
August 4, 1993

the protests of Daily Express, Inc. and W. C. McQuaide, Inc. are withdrawn.

A hearing in connection with this matter has been held before Administrative Law Judge John Corbett, and a copy of the **Corrected Restrictive Amendment** has been forwarded to him.

Very truly yours,


JOHN A. PILLAR

SW

Enclosures

cc: Hon. John H. Corbett, Jr. (w/encl.)
William A. Chesnutt, Esq. (w/encl.)
Rex W. McQuaide, Esq. (w/encl.)
Sally A. Davoren, Esq. (w/encl.)
Klapec Trucking Co. (w/encl.)
First Miss Steel, Inc. (w/encl.)

RECEIVED

AUG 9 1993

SECRETARY'S OFFICE
Public Utility Commission

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of
KLAPEC TRUCKING COMPANY

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

CORRECTED RESTRICTIVE AMENDMENT

KLAPEC TRUCKING COMPANY, by its attorneys, Pillar and Mulroy, P.C., now comes and respectfully submits this **Corrected Restrictive Amendment** in the above docketed proceeding, in lieu of the Restrictive Amendment dated June 30, 1993, and the Further Restrictive Amendment dated July 30, 1993, which is necessary by virtue of the fact that the location of the facilities of First Miss Steel, Inc. is actually in the Township of Quemahoning, Somerset County, and not the Borough of Holsopple, Somerset County, as stated in the original Restrictive Amendment and the Further Restrictive Amendment. The purpose of this Corrected Restrictive Amendment is not to change the restrictions to the application agreed to by the parties in any way, other than to correctly locate the facilities of First Miss Steel, Inc., which was inadvertently stated incorrectly in the original Restrictive Amendment and in the Further Restrictive Amendment referred to above.

The application, as amended correctly, should now read as follows:

To transport, as a common carrier,

(1) iron and steel and iron and steel articles and materials used in the manufacture of iron and steel and iron and steel articles (excluding commodities in bulk), for First Miss Steel, Inc., between points in Pennsylvania; subject to the following restrictions:

PROVIDED that no right, power or privilege is granted to transport commodities which, because of size or weight, require special equipment, except for hot ingots moving to or from the facilities of First Miss Steel, Inc. located in the Township of Quemahoning, Somerset County;

DOCKETED
AUG 24 1993

**DOCUMENT
FOLDER**

DOCKETED
AUG

PROVIDED FURTHER that no right, power or privilege is granted to provide service from the Township of Quemahoning, Somerset County, to the City of Johnstown, Cambria County, and those townships and boroughs contiguous to said city, and vice versa;

PROVIDED FURTHER that no right, power or privilege is granted to provide service from the Township of Quemahoning, Somerset County, to the facilities of Phoenix Pipe & Tube, located in Phoenixville, Chester County, and vice versa; and

PROVIDED FURTHER that no right, power or privilege is granted to provide service for First Miss Steel, Inc. in van trailers.

(2) paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, for IVEX Corporation, from its facilities located in the Township of Pine, Mercer County, to points in Pennsylvania.

Dated at Pittsburgh, PA, this 4th day of August, 1993.

PILLAR AND MULROY, P.C.

By: John A. Pillar
JOHN A. PILLAR
Attorney for
KLAPEC TRUCKING COMPANY,
Applicant

Rex W. McQuaide

Attorney at Law



Rex W. McQuaide

Thomas W. Cartwright

1405 Eisenhower Blvd.
Richland Square I - Suite 200
Johnstown, Pennsylvania 15904
Telephone (814) 266-2070
Fax (814) 266-5108

ORIGINAL

August 9, 1993

RECEIVED

AUG 13 1993

Mr. John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

RE: APPLICATION OF KLAPEC TRUCKING COMPANY
Docket No. A-00102306, Folder 1, Am-K

Dear Mr. Alford:

I have received a corrected restrictive amendment submitted by John A. Pillars' letter of August 4, 1993, and in consideration of and in reliance of this particular corrected restrictive amendment, a copy of which is attached hereto, do now withdraw the Protest of W.C. McQuaide, Inc., to the above-captioned application.

I do desire to remain a party of record for the receipt of all orders which may be issued.

Very truly yours,

Rex W. McQuaide
Attorney at Law

DOCUMENT
FOLDER

RWM/kl
Enclosures

cc: Mr. William F. McQuaide
John A. Pillar, Esquire
Klapec Trucking Company

DOCKETED
AUG 25 1993

LDA

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONFIDENTIAL

Application of
KLAPEC TRUCKING COMPANY

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

RECEIVED

AUG 13 1993

SECRETARY'S OFFICE
Public Utility Commission

CORRECTED RESTRICTIVE AMENDMENT

KLAPEC TRUCKING COMPANY, by its attorneys, Pillar and Mulroy, P.C., now comes and respectfully submits this **Corrected Restrictive Amendment** in the above docketed proceeding, in lieu of the Restrictive Amendment dated June 30, 1993, and the Further Restrictive Amendment dated July 30, 1993, which is necessary by virtue of the fact that the location of the facilities of First Miss Steel, Inc. is actually in the Township of Quemahoning, Somerset County, and not the Borough of Holsopple, Somerset County, as stated in the original Restrictive Amendment and the Further Restrictive Amendment. The purpose of this Corrected Restrictive Amendment is not to change the restrictions to the application agreed to by the parties in any way, other than to correctly locate the facilities of First Miss Steel, Inc., which was inadvertently stated incorrectly in the original Restrictive Amendment and in the Further Restrictive Amendment referred to above.

The application, as amended correctly, should now read as follows:

To transport, as a common carrier,

(1) iron and steel and iron and steel articles and materials used in the manufacture of iron and steel and iron and steel articles (excluding commodities in bulk), for First Miss Steel, Inc., between points in Pennsylvania; subject to the following restrictions:

PROVIDED that no right, power or privilege is granted to transport commodities which, because of size or weight, require special equipment, except for hot ingots moving to or from the facilities of First Miss Steel, Inc. located in the Township of Quemahoning, Somerset County;

PROVIDED FURTHER that no right, power or privilege is granted to provide service from the Township of Quemahoning, Somerset County, to the City of Johnstown, Cambria County, and those townships and boroughs contiguous to said city, and vice versa;

PROVIDED FURTHER that no right, power or privilege is granted to provide service from the Township of Quemahoning, Somerset County, to the facilities of Phoenix Pipe & Tube, located in Phoenixville, Chester County, and vice versa; and

PROVIDED FURTHER that no right, power or privilege is granted to provide service for First Miss Steel, Inc. in van trailers.

(2) paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, for IVEX Corporation, from its facilities located in the Township of Pine, Mercer County, to points in Pennsylvania.

Dated at Pittsburgh, PA, this 4th day of August, 1993.

PILLAR AND MULROY, P.C.

By: John A. Pillar
JOHN A. PILLAR
Attorney for
KLAPEC TRUCKING COMPANY,
Applicant

MCNEES, WALLACE & NURICK

ATTORNEYS AT LAW

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

FAX (717) 236-2665

WILLIAM A. CHESNUTT

DIRECT DIAL: (717) 237-5252

August 20, 1993

Honorable John H. Corbett, Jr.
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

RECEIVED

AUG 23 1993

SECRETARY'S OFFICE
Public Utility Commission

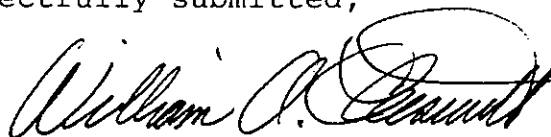
Re: Daily Express, Inc.
Pro. Klapec Trucking Co.
Docket No. A-00102306, F.1, Am-K
File No. 1800-556

Dear Judge Corbett:

I am in receipt of the letter dated August 17, 1993 addressed to you from counsel for applicant, John A. Pillar, Esquire. I have reviewed the **CORRECTED RESTRICTIVE AMENDMENT**, submitted by Mr. Pillar on behalf of applicant, and after that review, I reaffirm the withdrawal of opposition by my client Daily Express, Inc. to this matter. I previously indicated to you in a letter dated August 2, 1993, the basis on which that withdrawal was premised. The correction to the restrictive amendment does not alter that premise.

Respectfully submitted,

By:



William A. Chesnutt
Counsel for Protestant
Daily Express, Inc.

LDA

WAC/law

cc: John A. Pillar, Esquire
John G. Alford, Secretary, PUC

DOCUMENT
FOLDER

DOCKETER

AUG 30 1993