

LAW OFFICES OF  
GRAF, KNUPP & ANDREWS, P. C.

ROBERT EWING KNUPP (1932-1976)  
CHRISTIAN V. GRAF  
ROBERT L. KNUPP  
FREDERICK W. ANDREWS  
ROBERT D. KODAK  
DAVID H. RADCLIFF  
WILLIAM J. FULTON

CAMERON MANSION  
407 NORTH FRONT STREET  
P. O. BOX P  
HARRISBURG, PA 17108

OF COUNSEL  
JOHN E. FULLERTON  
—  
717/238-7151  
717/236-9318  
—

WEST HANOVER TOWNSHIP OFFICE  
7171 ALLENTOWN BOULEVARD  
HARRISBURG, PA 17112  
717/657-2858

January 12, 1984  
File No: 702.4

RE: JAY FULKROAD & SONS, INC., A. 1053BS  
(Transfer from partnership)

**RECEIVED**

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

JAN 13 1984

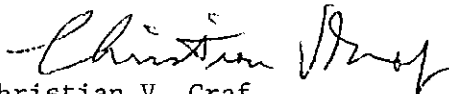
SECRETARY'S OFFICE  
Public Utility Commission

Dear Mr. Rich:

On behalf of Jay Fulkroad & Sons, Inc., I enclose herewith the original and two (2) copies of an application for the transfer to it of the partnership authority of Jay Fulkroad & Sons, Inc. at A.96648. Check in the amount of \$125 to cover the filing fee is also enclosed.

Copies are being mailed to applicant and to applicant's accountant.

Very truly yours,

  
Christian V. Graf

CVG:dlc

Enclosure

cc: Gerald O. Roush, Jr., C.P.A.  
5 Valley Street  
Lewistown, PA 17044

717-242-1757

**RECEIVED**

Jay Fulkroad & Sons, Inc.  
R. D. #2  
McAlisterville, PA 17049

David H. Radcliff, Esquire



JAN 13 1984

Non-Rail Transportation  
Public Utility Comm.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

RECEIVED

JAN 13 1984

APPLICATION FOR MOTOR CARRIER CERTIFICATE

SECRETARY'S OFFICE  
Public Utility Commission

In Re: Application of JAY FULKROAD & :  
SONS, INC., a Pennsylvania corporation, :  
for the approval of the transfer and :  
beginning of the exercise of the right :  
as a common carrier, at A. 96648, issued :  
to Jay L. Fulkroad, James L. Fulkroad :  
and Gerald E. Fulkroad, Copartners, :  
trading and doing business as Jay Fulkroad :  
and Sons, for the transportation of :  
property as described on Exhibit H attached :  
hereto and thereby made a part hereof. :

DOCUMENT  
FOLDER

APPLICATION DOCKET

A 105335 1984

DOCKETED  
APPLICATION DOCKET  
FEB 24 1984  
ENTRY No. DE

TO THE HONORABLE, PENNSYLVANIA PUBLIC UTILITY COMMISSION:

RECEIVED

JAN 13 1984

1. The name and address of Applicant are:

JAY FULKROAD & SONS, INC.  
R. D. #2  
McAlisterville, PA 17049  
*Juniata County*

Non-Rail Transportation  
Public Utility Comm.

2. The names and address of Applicant's attorneys are:

GRAF, KNUPP & ANDREWS, P.C.  
Christian V. Graf, Esquire  
David H. Radcliff, Esquire  
407 North Front Street  
Harrisburg, Pennsylvania 17101

APPL.             
COMPL.             
MVIC.             
CHECKED BY           

BEGINNING

3. Applicant designates Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, Pennsylvania 17101, as the person upon whom service of any notice, process or order of the Pennsylvania Public Utility Commission may be made for it.

4. Applicant is a Pennsylvania corporation, having been incorporated on October 11, 1977. A copy of the Articles of Incorporation and Certificate of Incorporation are attached as Exhibit A.

5. Transferee intends to operate the motor vehicle equipment in its public utility operation, a list of which is attached hereto, as Exhibit B.

6. The authority set forth on Exhibit H attached hereto is the authority which is sought to be transferred.

(a) All that is involved is the transfer of authority.

7. The consideration for this transaction is One (\$1.00) Dollar, which is a nominal consideration since all of the equipment, assets and liabilities used or useful in the trucking business have already been transferred to the corporation. See Exhibit C for the Transfer Agreement.

8. Neither Transferor nor Transferee is in control of, controlled by or affiliated with any other motor, water, rail, express or other carrier.

9. Applicant proposes to begin furnishing service immediately upon receipt of a Certificate of Public Convenience evidencing its right to do so.

10. The following exhibits are attached hereto and thereby made a part hereof:

- EXHIBIT A - Transferee's Articles of Incorporation and Certificate of Incorporation.
- EXHIBIT B - Transferee's List of Equipment.
- EXHIBIT C - Transfer Agreement.
- EXHIBIT D - Statement as to Unpaid Business Debts of Transferor and How They Will Be Satisfied.
- EXHIBIT E - Statement of Gross Intrastate Operating Revenues of Transferor for Each of the Past Three Years.
- EXHIBIT F - To Explain the Reasonableness of Consideration.
- EXHIBIT G - List of Stockholders, Officers and Directors of Transferee.
- EXHIBIT H - Authority To Be Transferred.

11. All general assessments made by your Honorable Commission against Transferor have been paid, and to the extent that they have not been paid, Transferor will assume responsibility therefor.

WHEREFORE, Transferor and Transferee pray your Honorable Commission to issue a Certificate of Public Convenience under the provisions of the Pennsylvania Public Utility Law, evidencing its approval of the right of the

Transferor to transfer and the Transferee to begin to exercise the right to operate motor vehicles for the transportation of property, as described on Exhibit H hereto.

ATTEST:

JAY FULKROAD & SONS, INC.

James L. Fulkroad  
Secretary  
(CORPORATE SEAL)

By: Gerald Fulkroad  
President  
TRANSFEREE

JAY FULKROAD AND SONS

By: Jay L. Fulkroad (SEAL)  
Jay L. Fulkroad

James L. Fulkroad (SEAL)  
James L. Fulkroad

Gerald E. Fulkroad (SEAL)  
Gerald E. Fulkroad

Partners

TRANSFEROR

COMMONWEALTH OF PENNSYLVANIA)  
: SS:  
COUNTY OF JUNIATA )

Personally appeared before me, a Notary Public in and for the Commonwealth and County aforesaid, Jay L. Fulkroad, James L. Fulkroad and Gerald E. Fulkroad, who, being duly sworn according to law, depose and say that they are Co-partners trading and doing business as Jay Fulkroad and Sons, the within-named Transferor; are authorized to and do make this affidavit for and on its behalf; and that the facts set forth in the foregoing Application are true and correct to the best of their knowledge, information and belief.

Jay L. Fulkroad  
Jay L. Fulkroad

James L. Fulkroad  
James L. Fulkroad

Gerald E. Fulkroad  
Gerald E. Fulkroad

Sworn to and subscribed before me  
this 30th day of December 1983.

Karen Luehrood  
Notary Public

My Commission Expires: July 11, 1987

(SEAL)

COMMONWEALTH OF PENNSYLVANIA )  
: SS:  
COUNTY OF JUNIATA )

Personally appeared before me, a Notary Public in and for the Commonwealth and County aforesaid, Ronald Fulbrook, who, being duly sworn according to law, deposes and says that he is President of Jay Fulbrook & Sons, Inc., the within-named Transferee; is authorized to and does make this affidavit for and on its behalf; and that the facts set forth in the foregoing Application are true and correct to the best of his knowledge, information and belief.

Ronald Fulbrook

Sworn to and subscribed before me  
this 30th day of December 1983.

Karen Fulbrook  
Notary Public

My Commission Expires: July 11, 1987

(SEAL)

# Commonwealth of Pennsylvania



## Department of State

603708

### To All to Whom These Presents Shall Come, Greeting:

**Whereas**, Under the provisions of the Business Corporation Law, approved the 5th day of May, Anno Domini one thousand nine hundred and thirty-three, P. L. 364, as amended, the Department of State is authorized and required to issue a

#### CERTIFICATE OF INCORPORATION

evidencing the incorporation of a business corporation organized under the terms of that law, and

**Whereas**, The stipulations and conditions of that law have been fully complied with by the persons desiring to incorporate as

JAY FULKROAD & SONS, INC.

**Therefore, Know Ye**, That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, create, erect, and incorporate the incorporators of and the subscribers to the shares of the proposed corporation named above, their associates and successors, and also those who may thereafter become subscribers or holders of the shares of such corporation, into a body politic and corporate in deed and in law by the name chosen hereinbefore specified, which shall exist perpetually and shall be invested with and have and enjoy all the powers, privileges, and franchises incident to a business corporation and be subject to all the duties, requirements, and restrictions specified and enjoined in and by the Business Corporation Law and all other applicable laws of this Commonwealth.

**Given** under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 11th day of October in the year of our Lord one thousand nine hundred and seventy-seven and of the Commonwealth the two hundred and second

*Barton A. Fields*

ACTING Secretary of the Commonwealth  
EXHIBIT A

as

Filing Fee: \$75

Articles of  
Incorporation—  
Domestic Business Corporation

3-1-77:47 1388

(Line for numbering)

603708

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU

Filed this 11th day of  
October, 1977

Commonwealth of Pennsylvania  
Department of State

*Barton A. Fields*

ACTING  
Secretary of the Commonwealth

(Box for Certification)

as

In compliance with the requirements of section 204 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1204) the undersigned, desiring to be incorporated as a business corporation, hereby certifies (certify) that:

1. The name of the corporation is:

JAY FULKROAD & SONS, INC.

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

Pennsylvania Legislative Route No. 34007, R. D. 1

(NUMBER)

(STREET)

McAlisterville

(CITY)

Pennsylvania

17049

(ZIP CODE)

3. The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

The Corporation shall have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1933, P.L. 364, as amended, without limiting the generality of the foregoing, the corporation shall have the power to engage in demolition, excavating and general contracting business and all related enterprises.

4. The term for which the corporation is to exist is:

Perpetual

5. The aggregate number of shares which the corporation shall have authority to issue is:

The authorized Capital Stock of the corporation is Five Hundred Thousand and 0/100 (\$500,000.00) Dollars divided in five hundred thousand (500,000) common shares each having a par value of One and 00/100 (\$1.00) Dollar per share.

DSCB:BCL—204 (Rev. 8-72)-2

6. The name(s) and post office address(es) of each incorporator(s) and the number and class of shares subscribed by such incorporator(s) is (are):

NAME

ADDRESS  
(Including street and number, if any)

NUMBER AND CLASS OF SHARES

J. L. Fulkroad Star Route, McAlisterville, Pa. 17049 100,000 sh. common

James L. Fulkroad, Sr. RD#2, Mifflintown, Pa. 17059 100,000 sh. common

Gerald E. Fulkroad, Sr. Main Street, McAlisterville, Pa. 17049 100,000 sh. common

IN TESTIMONY WHEREOF, the Incorporator(s) has (have) signed and sealed these Articles of Incorporation this 26th day of August, 1977.

J. L. Fulkroad (SEAL)

James L. Fulkroad, Sr. (SEAL)  
Gerald E. Fulkroad, Sr. (SEAL)

#### INSTRUCTIONS FOR COMPLETION OF FORM:

- A. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 35 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- B. One or more corporations or natural persons of full age may incorporate a business corporation.
- C. Optional provisions required or authorized by law may be added as Paragraphs 7, 8, 9 . . . etc.
- D. The following shall accompany this form:
  - (1) Three copies of Form DSCB:BCL—206 (Registry Statement Domestic or Foreign Business Corporation).
  - (2) Any necessary copies of Form DSCB:17.2 (Consent to Appropriation of Name) or Form DSCB:17.3 (Consent to Use of Similar Name).
  - (3) Any necessary governmental approvals.
- E. BCL §205 (15 Pa. S. §1205) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be delivered to the Department, but should be filed with the minutes of the corporation.

# JAY FULKROAD & SONS, Inc.

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R.D. 2, McAlisterville, Pa. 17049  
Phone 717-463-3522

January 9, 1984

1.1971 Trailco	7764
2.1960 Fruehauf	23860
3.1972 Brown	27303
4.1974 Brown	30749
5.1974 Brown	30746
6.1978 Smitco	841
1972 Raven	72593
1970 General	DB701
1973 General	B7328

TRANSFER AGREEMENT

THIS TRANSFER AGREEMENT, made this 29th day of March 1983, by and between JAY L. FULKROAD, JAMES L. FULKROAD and GERALD E. FULKROAD, Co-partners, t/d/b/a JAY FULKROAD AND SONS, of McAlisterville, Pennsylvania, hereinafter referred to as "Transferor",

AND

JAY FULKROAD & SONS, INC. of McAlisterville, Pennsylvania, hereinafter referred to as "Transferee",

WITNESSETH THAT:

WHEREAS, TRANSFEROR, having previously transferred to TRANSFEREE all of its assets and liabilities, now desires to transfer to TRANSFEREE for a nominal consideration its operating authority at A. 96648; and

WHEREAS, TRANSFEREE is desirous of acquiring said authority,

NOW, THEREFORE, the Parties hereto do hereby agree as follows:

1. TRANSFEROR agrees:

A. To transfer to TRANSFEREE its authority at A. 96648 for a consideration of One (\$1.00) Dollar in hand paid, receipt whereof is hereby acknowledged, and in further consideration the TRANSFEREE shall pay the fees and expenses incident to the transfer.

2. TRANSFEREE agrees:

To purchase the authority of TRANSFEROR for One (\$1.00) Dollar and to pay all expenses incident to the transfer.

3. Both Parties agree:

A. It is their intention to be legally bound by this Agreement which shall also be binding upon and inure to the benefit of their respective heirs, executors, administrators, successors and assigns.

B. They have executed this Agreement in due legal form, having full authority so to do.

IN WITNESS WHEREOF, TRANSFEROR has caused this Agreement to be signed and sealed by its partners and TRANSFEREE has caused the Agreement to be signed by its President, attested by its Secretary and affixed its corporate seal; all on the day and year first above written.

JAY FULKROAD & SONS, INC.

ATTEST:

James L. Fulkroad  
Secretary

(CORPORATE SEAL)

By: Gerald Fulkroad  
President

TRANSFEREE

JAY FULKROAD AND SONS

By: Jay L. Fulkroad (SEAL)  
Jay L. Fulkroad

James L. Fulkroad (SEAL)  
James L. Fulkroad

Gerald E. Fulkroad (SEAL)  
Gerald E. Fulkroad

Partners

TRANSFEROR

STATEMENT AS TO UNPAID BUSINESS DEBTS  
OF  
TRANSFEROR AND HOW THEY WILL BE SATISFIED

Transferor has no unpaid business debts, having previously transferred its assets and liabilities to Transferee.

STATEMENT OF GROSS INTRASTATE OPERATING REVENUES  
OF  
TRANSFEROR FOR EACH OF THE PAST THREE YEARS

<u>Year</u>	<u>Amount</u>
1980	\$52,094.00
1981	\$44,858.00
1982	\$44,100.00

TO EXPLAIN THE REASONABLENESS OF CONSIDERATION

The consideration of \$1.00 for the operating authority is considered reasonable due to the fact that the gross intrastate operating revenues for the year of 1982 amounted to only \$44,100.00 and the commodity which is involved is wooden pallets which is not a high rated commodity.

All of the equipment has already been transferred to the corporation and there are no unpaid business debts of the Transferor.

LIST OF STOCKHOLDERS, OFFICERS  
AND DIRECTORS OF TRANSFEREE

Stockholders

J. L. Fulkroad      Star Route, McAlisterville, PA 17049  
James Fulkroad      R. D. #2, Mifflintown, PA 17059  
Gerald Fulkroad      Main Street, McAlisterville, PA 17049

Directors

J. L. Fulkroad  
James Fulkroad  
Gerald Fulkroad

Officers

Gerald Fulkroad, President  
James Fulkroad, Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Application Docket No. 96648

Application of JAY L. FULKROAD, JAMES L. FULKROAD AND  
GERALD E. FULKROAD, Copartners, trading and doing  
business as JAY FULKROAD AND SONS

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of JAY L. FULKROAD, JAMES L. FULKROAD AND GERALD E. FULKROAD, Copartners, trading and doing business as JAY FULKROAD AND SONS, dated May 3, 1971, to operate motor vehicles as a common carrier, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of the application, limited to the following right:

To transport, as a Class D carrier, wooden pallets between points in the counties of Juniata and Mifflin and from points in the said counties to points in Pennsylvania, and vice versa.

and subject to the following conditions, is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate, to be subsequently issued.

SECOND: 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 Revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, 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.

NOW, to wit, August 9, 1971, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty 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.

ATTEST: *Will Peter* *George Bloom*  
Secretary Chairman

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

# PENNSYLVANIA PUBLIC UTILITY COMMISSION



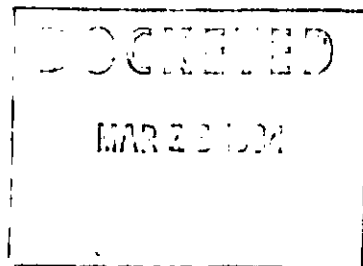
## RECEIPT

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

Christian V. Graf  
407 N. Front St.  
Harrisburg, PA 17101

Date March 5, 1984

CR 108154A



For filing petition in re application of Jay Fulkroad &  
Son, Inc.  
A-00105335.....\$125.00

Revenue account 01780-17001-102 (ck)

ck 21170 \$125.00 Currency \_\_\_\_\_

Utility account 50:26

C. Joseph Meisinger  
For Department of Revenue

March 9, 1984

IN REPLY PLEASE  
REFER TO OUR FILE

Christian V. Graf  
Attorney at Law  
407 North Front Street  
Harrisburg, PA 17101

A-00105335 - Application of Jay Fulkroad & Sons, Inc.

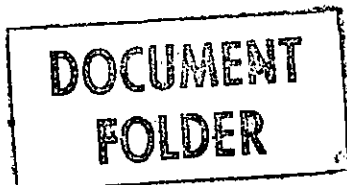
Dear Sir:

Acknowledgement is made of an application filed by you on behalf of Jay Fulkroad & Sons, Inc. for the rights of Jay L. Fulkroad, James L. Fulkroad and Gerald E. Fulkroad, Copartners, t/d/b/a Jay Fulkroad and Sons.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before April 2, 1984. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that Jay L. Fulkroad, James L. Fulkroad and Gerald E. Fulkroad, Copartners, t/d/b/a Jay Fulkroad and Sons will continue to render the service covered by their certificate and comply with all the rules of the Commission, including the carrying of continuous insurance, until final disposition is made of the application by the Commission. We wish to emphasize the above as failure to comply with these requirements, will result in the dismissal of the application.

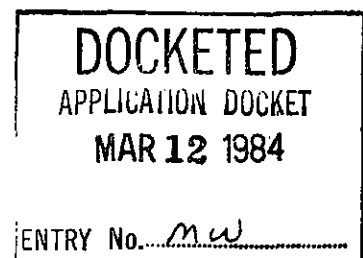
You are further advised that the above application will be published in the Pennsylvania Bulletin of March 10, 1984.



Very truly yours,

Barbara Honegger  
Supervisor - Application Section  
Bureau of Non-Rail Transportation

BH:RP:nm  
cc: Applicant  
R.D. 2  
McAlisterville, PA 17049



A-00105335 JAY FULKROAD & SONS, INC. (R.D. #2, McAlisterville, Juniata County, Pennsylvania 17049), a corporation of the Commonwealth of Pennsylvania - wooden pallets between points in the counties of Juniata and Mifflin and from points in the said counties to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00096648 to Jay L. Fulkroad, James L. Fulkroad and Gerald E. Fulkroad, Copartners, t/d/b/a Jay Fulkroad and Sons, subject to the same limitations and conditions. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE \_\_\_\_\_

SERVICE \_\_\_\_\_

MAR 10 1984

BUREAU OF NON-RAIL TRANSPORTATION  
COMMON CARRIER

FEBRUARY

1984

A-00105335

Application of Jay Fulkroad & Sons, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, wooden pallets between points in the counties of Juniata and Mifflin and from points in the said counties to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00096648 to Jay L. Fulkroad, James L. Fulkroad and Gerald E. Fulkroad, Copartners, t/d/b/a Jay Fulkroad and Sons, subject to the same limitations and conditions.

DE:nm  
2-27-84

Application received: 1-13-84  
Application docketed: 2-24-84  
Monitor: Chairman Taliaferro

DOCUMENT  
FOLDER

<b>DOCKETED</b>
APPLICATION DOCKET
<b>MAR 12 1984</b>
ENTRY No. <u>mw</u>

Protests due on No Hearings \_\_\_\_\_

APR 2 1984

Protests due on Hearings - (5 days prior to date of hearing)

Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.