

ORIGINAL

FRANKLIN A. WURMAN  
ATTORNEY AT LAW  
SUITE 700 LAND TITLE BUILDING  
PHILADELPHIA, PA. 19110  
—  
(215) 569-2509

December 1, 1983

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

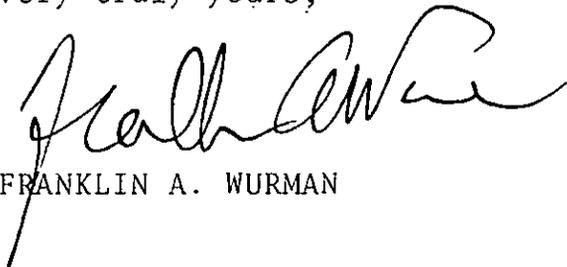
RE: Application of J.F. Lomma, Inc.  
Docket No: A-00105101

Gentlemen:

I enclose herewith a Notice of Protest of Campbell's Moving Company, Inc. in the above matter. As indicated in the Notice of Protest, a copy of this Notice has been directed to the applicant and to its attorney as set forth in the Pennsylvania Bulletin.

Would you kindly see that this Notice of Protest is duly filed in the above proceedings.

Very truly yours,



FRANKLIN A. WURMAN

FAW:ed  
Enc.  
cc: Pa. Public Utility Commission, Phila.  
James W. Patterson, Esq.  
J.F. Lomma, Inc.

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DEC 5 - 1983

SECRETARY'S OFFICE

Public Utility Commission  
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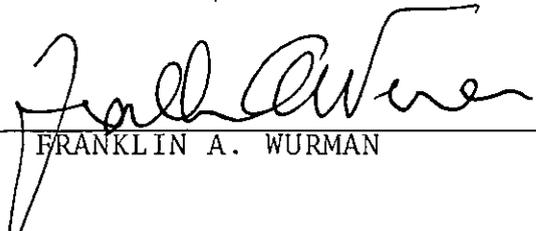
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application of J.F. Lomma, Inc.  
Folder A-00105101

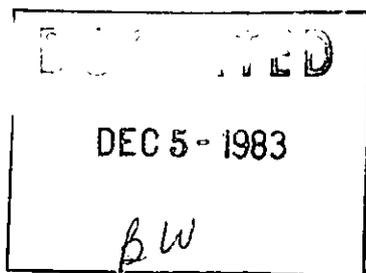
PROTEST OF CAMPBELL'S MOVING COMPANY, INC.

1. Applicant is J.F. Lomma, Inc., Folder A-00105101.
2. Protestant is Campbell's Moving Company, Inc.,  
Somerton and Trevoise Roads, Trevoise, Pa. 19047 (215) OR3-2700.
3. Protestant's attorney is Franklin A. Wurman, Esq.,  
Suite 700, Land Title Building, Philadelphia, Pennsylvania 19110,  
(215) 569-2509.
4. Protestant is authorized to provide service within  
the territorial area requested in applicant's application, and he  
believes that such application is not necessary or proper for  
the service, accommodation, convenience or safety of the public.  
Protestant further avers that the grant of such application would  
result in a service which is unnecessary and would be destructively  
competitive to Protestant's rights.
5. Protestant operates under the authority of rights  
granted in Certificate 91970, upon which authority this protest is  
predicated. A copy of such authority is attached hereto.
6. No restrictions to the application would protect the  
interest of Protestant.

I certify that a copy has, on this date, been mailed to  
the applicant and its attorney as shown in the Pennsylvania Bulletin  
dated November 26, 1983.

  
FRANKLIN A. WURMAN

Dated: 12-2-83



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DEC 5 - 1983  
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Public Utility Commission

CERTIFICATE NO. 91970

CAMPBELL'S MOVING COMPANY,  
INC. t/d/b/a  
BUCKS COUNTY MOVING AND  
STORAGE COMPANY AND  
LANSDALE MOVING AND  
STORAGE COMPANY

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY USUAL TO USE IN A HOUSEHOLD WHEN A PART OF SUCH HOUSEHOLD EQUIPMENT OR SUPPLY; FURNITURE, PICTURES, EQUIPMENT AND THE PROPERTY USUAL IN A STORE, OFFICE, MUSEUM, INSTITUTION, HOSPITAL OR OTHER ESTABLISHMENT WHEN A PART OF THE STOCK, EQUIPMENT OR SUPPLY OF SUCH STORE, OFFICE, MUSEUM, INSTITUTION, HOSPITAL OR OTHER ESTABLISHMENT; AND WORKS OF ART, FURNITURE, MUSICAL INSTRUMENTS, DISPLAYS, EXHIBITS, AND ARTICLES REQUIRING SPECIALIZED HANDLING AND EQUIPMENT USUALLY EMPLOYED IN MOVING HOUSEHOLD GOODS, BETWEEN POINTS IN THE CITY COUNTY OF PHILADELPHIA AND WITHIN AN AIRLINE DISTANCE OF TWENTY-FIVE (25) MILES OF THE PHILADELPHIA CITY HALL AND FROM POINTS IN THE SAID TERRITORY TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

**ORIGINAL**

**FERRARO & YOUNG**  
ATTORNEYS AT LAW

690 MAIN STREET  
BROCKWAY, PENNSYLVANIA 15824  
(814) 268-2202

306 W. MAHONING STREET  
PUNXSUTAWNEY, PENNSYLVANIA 15767  
(814) 938-8881

R. EDWARD FERRARO  
DAVID L. YOUNG

GREGORY M. KRUK  
JOHN F. ALCORN

December 2, 1983  
Punxsutawney, PA

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

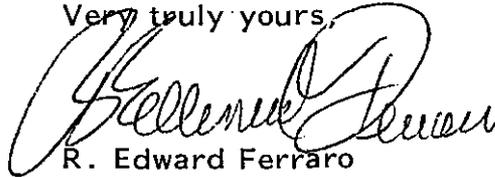
In re: Application of J. F. Lomma, Inc.  
A-00105101

Gentlemen:

Enclosed herewith is the original and two (2) copies of the Protest of Smith Hauling, Inc., to the above application. We also attach herewith duplicate copies of the rights of Smith Hauling, Inc.

A copy of this notice is being sent to James W. Patterson, Esq., 1800 Penn Mutual Towers, Philadelphia, PA (19106).

Very truly yours,



R. Edward Ferraro

REF:ams

Enclosures

cc: James W. Patterson, Esq.  
Smith Hauling, Inc.

**DOCUMENT  
FOLDER**

**FILE**

**RECEIVED**

DEC 5 - 1983  
SECRETARY'S OFFICE  
Public Utility Commission

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of  
J. F. LOMMA, INC.  
286 Central Avenue  
South Kearny, NJ 07032

APPLICATION DOCKET

A-00105101

PROTEST

The undersigned hereby protests the granting of a certificate of public convenience in the above application for the following reasons:

1. The granting of the certificate sought is neither necessary nor proper for the service, accommodation, convenience or safety of the public.
2. Protestant presently holds authority as set forth in the said application, and your protestant and other existing carriers now provide adequate, efficient and economic service, which satisfies the needs of the public and meets its requirements for transportation within the scope of the above application.
3. The equipment and other facilities of protestant and other authorized carriers are ample to meet all of the requirements of the shipping and receiving public in the territory involved in the above application.
4. The approval of the above application will be prejudicial to the protestant since it will authorize additional competition with the potential resulting loss of revenue.
5. Attached hereto is a copy of protestant's rights as set forth in Docket

No. A-96241, Folder 2, and A-96241, Folder 2, Am-A. A copy of the same is served on attorney for applicant.

**DOCKETED**  
APPLICATION DOCKET  
DEC 7 1983  
ENTRY No. *m.w*

Respectfully submitted: **FILE**

Ferraro & Young  
Attorneys at Law  
306 West Mahoning Street  
Punxsutawney, PA 15767  
(814) 938-8881

By: *R. Edward Ferraro*  
R. Edward Ferraro  
Attorney for Protestant

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DEC 5 - 1983  
SECRETARY'S OFFICE  
Public Utility Commission

**DOCUMENT  
FOLDER**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Public Meeting held January 18, 1977  
Harrisburg, PA. 17120

Commissioners Present:

Louis J. Carter, Chairman - Dissented  
James McGirr Kelly  
Robert K. Bloom  
Helen B. O'Bannon

Application Docket No. 96241, Folder 2 - Application of SMITH HAULING, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING SERVICE AS A MOTOR CARRIER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of SMITH HAULING, INC., a corporation of the Commonwealth of Pennsylvania, received March 15, 1974, to operate motor vehicles as a common carrier, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the applicant amended his application whereby some of the protests were withdrawn, the Commission finds and determines that approval of the application, limited to the following right:

To transport, as a Class D carrier, machinery which because of size or weight requires special handling or the use of special equipment, such as a winch truck or winch tractors, pole or extendible trailers, flatbed trailers or lowboy trailers or carry-alls, between points in that part of Pennsylvania west of the eastern boundaries of the counties of Potter, Clinton, Centre, Blair and Bedford:

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

FIRST: Provided that no right, power or privilege shall be granted to transport oil and gas field drilling machinery;

SECOND: Provided that no right, power or privilege shall be granted to transport full fashion knitting machines;

THIRD: Provided that no right, power or privilege be granted to perform transportation services to or from points in Pennsylvania within one hundred (100) miles by the usually traveled highways of the limits of the city of Pottsville;

FOURTH: Provided that no right, power or privilege be granted to perform transportation services between points in Beaver County;

FIFTH: Provided that no right, power or privilege be granted to perform transportation services from points in Beaver County to points outside Beaver County and from points outside Beaver County to points in Beaver County except for Beckwick Machinery Company, Highway Equipment Company, State Equipment Company, Bracken Construction Company, Slate Construction Company and Latrobe Construction Company;

SIXTH: 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, January 18, 1977, 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.

BY THE COMMISSION,



C. J. McElwee  
Secretary

(SEAL)

ORDER ADOPTED: January 18, 1977

ORDER ENTERED: February 3, 1977

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held August 27, 1979

Commissioners Present:

W. Wilson Goode, Chairman  
Louis J. Carter

Application of Smith Hauling, Inc. for amendment to permit transportation of machinery, which because of its size or weight requires special handling or the use of special equipment, such as winch trucks or tractors, pole or extendable trailers, flatbed trailers, lowboy trailers or carryalls, between points in that part of Pennsylvania east of the eastern boundaries of Potter, Clinton, Centre, Blair and Bedford Counties.

A. 96241  
F. 2  
Am-A

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge Clements dated July 16, 1979; THEREFORE,

IT IS ORDERED:

1. That the application of Smith Hauling, Inc., as amended, is hereby approved and that the Certificate of Applicant be further amended to include the following right:

To transport, as a Class D carrier, machinery which because of its size or weight requires special handling, or the use of special equipment, such as a winch truck or winch tractors, pole or extendable trailers, flatbed trailers or lowboy trailers or carryalls, between points in that part of Pennsylvania East of the eastern boundaries of Potter, Clinton, Centre, Blair and Bedford Counties.

subject to the following restrictions:

A. No right, power or privilege is granted to provide transportation service on flatbed trailer between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

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DEC 5 - 1983  
SECRETARY'S OFFICE  
Public Utility Commission

B. No right, power or privilege is granted from points in the Borough of Muncy, Lycoming County, to that part of Pennsylvania, East of the eastern boundary of Potter, Clinton, Centre, Blair and Bedford Counties, or vice versa.

C. No right, power or privilege is granted to transport boilers, stacks, tanks, reclaimers, coolers, stokers, exchangers and condensers, and parts and components thereof to or from points in the Borough of Stroudsburg, Monroe County, and points within twenty-five (25) miles of the limits of said Borough.

2. The Applicant shall not operate or engage in any transportation under the above right until the Applicant has complied with the requirements of the Public Utility Law relevant to the filing and acceptance of a tariff establishing just and reasonable rates.

3. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

4. In the event the Applicant has not, on or before 60 days from Commission Approval of this Order, complied with the requirements set forth above, the application shall be dismissed without any further proceedings.

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: August 27, 1979

ORDER ENTERED: SEP 5 1979

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

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

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

OF COUNSEL  
JOHN E. FULLERTON

717/238-7151  
717/236-9318

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

December 7, 1983  
File No: 766.69

RE: F. J. LOMMA, INC., A.105101 -  
Protest of Lesoine Services, Inc.

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

DEC 8 - 1983

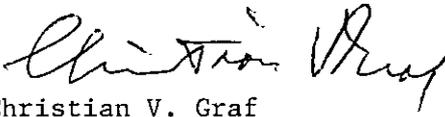
Non-Rail Transportation  
Public Utility Commission

Dear Mr. Rich:

On behalf of Lesoine Services, Inc., I enclose herewith the original and one copy of a protest to the above captioned application.

Copies have been mailed this date to applicant, to applicant's attorney and to protestant.

Very truly yours,



Christian V. Graf

CVG:dlc

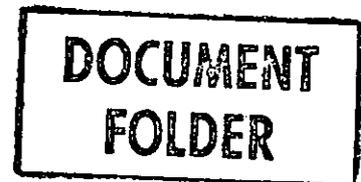
Enclosure

cc: F. J. Lomma, Inc.  
286 Central Avenue  
South Kearny, NJ 07032

James W. Patterson, Esquire  
1800 Penn Mutual Tower  
Philadelphia, PA 19106

Lesoine Services, Inc.  
1870 West Main Street  
Stroudsburg, PA 18360

David H. Radcliff, Esquire



FILE

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DEC 8 - 1983  
SECRETARY'S OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

In Re: A.00105101. F. J. LOMMA, INC. (286 Central Avenue, South Kearny, New Jersey 07032), a corporation of the State of New Jersey - property, which because of size or weight, requires the use of rigging, special handling, or special equipment between points in Pennsylvania.

Applicant's attorney: James W. Patterson, Esquire  
1800 Penn Mutual Towers  
Philadelphia, PA 19106

Pennsylvania Bulletin reference: November 26, 1983, page 3740.

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DEC 8 - 1983

Non-Rail Transport  
Public Utility Comm

PROTEST OF  
LESOINE SERVICES, INC.  
A.00101687

1. Protestant's name, address and telephone number are:

LESOINE SERVICES, INC.  
1870 West Main Street  
Stroudsburg, PA 18360

Telephone: A.C. 717, 421-6363

DOCUMENT  
FOLDER

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

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

Telephone: A.C. 717, 236-9318

DOCKETED  
APPLICATION DOCKET  
DEC 9 1983  
ENTRY No. *MW*

3. Protestant possesses authority at A.00101687, a complete copy of which is attached as Exhibit A. Thereunder on the base authority, paragraphs 2, 5, 6, 21, 25, 26, 27, 28, 29, 30, 31 and 34 are or may be affected and with respect to Folder 1, Am-A, all three paragraphs are or may be affected.

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

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SECRETARY'S OFFICE  
Public Utility Commission

5. Pursuant to Section 333(c) of the Public Utility Code, request is made upon applicant to furnish protestant with a list of the names and addresses and the company names and addresses of the witnesses to be presented.

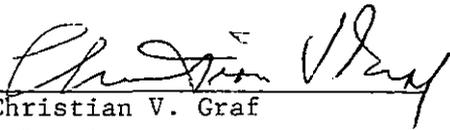
6. Protestant knows of no amendment at this time which will satisfy its interest but is, as always, willing to discuss the matter with applicant's attorney.

7. Since this is a new entrant, protestant challenges the fitness of the applicant.

8. Absent a reasonable amendment, protestant prays the instant application may be dismissed.

Respectfully submitted,

LESOINE SERVICES, INC.

By:   
Christian V. Graf  
Its Attorney

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held November 15, 1979

Commissioners Present:

W. Wilson Goode, Chairman  
Michael Johnson

Application of Lesoine Services, Inc., for  
approval of the transfer to it of all of  
the operating rights held by John R. Lesoine  
at A-00036400, Fs. 1, 2, 3, 4, 5 & 6.

A-00101687

O R D E R

BY THE COMMISSION:

By application docketed August 31, 1979, Lesoine Services, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to John R. Lesoine under the certificates issued at A-00036400, Fs. 1, 2, 3, 4, 5 & 6.

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

IT IS ORDERED: That the application for the transfer of rights held by John R. Lesoine at A-00036400, Fs. 1, 2, 3, 4, 5 & 6, be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, coal from breakers in the counties of Luzerne, Lackawanna and Schuylkill to coal dealers in the borough of East Stroudsburg, Monroe County, and within fifteen (15) miles, by the usually traveled highways, of the limits of said borough.
2. To transport, as a Class D carrier, cement pipe from the Stroudsburg Septic Tank Company plant at Stroudsburg, Monroe County, to other points in Pennsylvania.
3. To transport, as a Class D carrier, building materials, contractors' equipment, supplies and machinery, excavated materials and road and building construction materials such as are usually transported in dump trucks between points, not to exceed a distance of twenty-five (25) miles from point of origin to point of construction or disposal, in the counties of Monroe, Pike, Luzerne, Northampton, Lackawanna and Wayne.

4. To transport, as a Class D carrier, lawfully mined and lawfully prepared coal from points in the counties of Carbon, Luzerne, Lackawanna and Schuylkill to points in the counties of Monroe and Pike.
5. To transport, as a Class C carrier, property from the Stroudsburg Septic Tank Company plant at Stroudsburg, Monroe County, to other points in Pennsylvania.
6. To transport, as a Class D carrier, building materials, construction equipment, supplies and machinery between points in the counties of Monroe, Pike, Luzerne, Northampton, Lackawanna and Wayne, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
7. To transport, as a Class D carrier, fertilizer from points in the city of Philadelphia to farms in the county of Monroe.
8. To transport, as a Class D carrier, lumber between points in the county of Monroe, and from points in said county to points within one hundred twenty (120) miles by the usually traveled highways of the limits thereof, and vice versa.
9. To transport, as a Class D carrier, cement from points in the county of Lehigh to points in the county of Monroe, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
10. To transport, as a Class D carrier, concrete blocks from points in the counties of Lehigh and Carbon to points in the county of Monroe, provided no haul shall exceed a distance of fifty (50) miles from point of origin to point of destination.
11. To transport, as a Class D carrier, property for the Sunhill Products Company, from its plant in the village of Scotrun, Monroe County, to points in Pennsylvania, and vice versa.
12. To transport, as a Class D carrier, waste paper from points in Monroe County to points in the city of Scranton, Lackawanna County.

13. To transport, as a Class D carrier, waste paper from points in the city of Wilkes-Barre, Luzerne County, to points in the borough of Downingtown, Chester County.
14. To transport, as a Class D carrier, household goods, works of art, fixtures, office furnishings, plant equipment and furnishings in use, or to be set up for use, between points in the county of Monroe, and the said commodities from points in the county of Monroe to other points in Pennsylvania, and vice versa.
15. To transport, as a Class D carrier, household goods and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, furniture, fixtures, equipment and property of offices, stores, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and articles including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, between points in the city of Easton, Northampton County, and from points in said city to points in Pennsylvania, and vice versa.
16. To transport, as a Class D carrier, property for the Packaging Corporation of America from points in the village of Minisink Hills, Monroe County, to points in Pennsylvania, and vice versa.
17. To transport, as a Class D carrier, malt beverages for the East Stroudsburg Beverage Company from the city of Wilkes-Barre, Luzerne County, to its place of business in the borough of East Stroudsburg, Monroe County, and the return of empty containers.
18. To transport, as a Class D carrier, malt beverages for the Twin-County Distributors from the Stegmaier Brewing Company in the city of Wilkes-Barre, Luzerne County, to the place of business of Twin-County Distributors in the borough of East Stroudsburg, Monroe County, and the return of empty containers.
19. To transport, as a Class D carrier, malt beverages for the Pocono Bottling Works from the city of Philadelphia, Philadelphia County, to its place of business in the borough of East Stroudsburg, Monroe County, and the return of empty containers.

20. To transport, as a Class D carrier, malt beverages from the borough of Latrobe, Westmoreland County, to points in the borough of East Stroudsburg, Monroe County, and the return of empty barrels or cases.
21. To transport, as a Class D carrier, wrecked or disabled vehicles, including trailers, between points in the borough of Stroudsburg, Monroe County, and within an airline distance of thirty-five (35) statute miles of the limits of the said borough, and from points in said territory to other points in Pennsylvania and vice versa.
22. To transport, as a Class D carrier, building materials, such as bricks, cement, lumber and building construction equipment between points in the borough of Stroudsburg, Monroe County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.
23. To transport, as a Class C carrier, vinegar for the Kistler Vinegar Works Company from the borough of Stroudsburg, Monroe County, to points in Pennsylvania within one hundred (100) miles by the usually traveled highways of the limits of the said borough.
24. To transport, as a Class D carrier, brick, cement, lumber and building construction equipment for the East Stroudsburg Lumber Company, Frisbie Lumber Company and R. C. Cramer Lumber Company between building sites and/or warehouses from points in the borough of Stroudsburg, Monroe County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to points within fifty (50) miles by the usually traveled highways of the limits of the said borough, and vice versa.
25. To transport, as a Class D carrier, boilers and stacks for the International Boiler Works from points in the borough of Stroudsburg, Monroe County, to points within one hundred (100) miles by the usually traveled highways of the limits thereof.
26. To transport, as a Class D carrier, heavy machinery requiring special equipment, rigging or handling between points in the borough of Stroudsburg, Monroe County, and within ten (10) miles by the usually traveled highways of the limits thereof.

27. To transport, as a Class D carrier, heavy machinery requiring special equipment, rigging or handling from points in the borough of Stroudsburg, Monroe County, and points within ten (10) miles by the usually traveled highways of the limits thereof to points within one hundred (100) miles by the usually traveled highways of the limits of the said borough, and vice versa.
28. To transport, as a Class D carrier, boilers and stacks for the International Boiler Works from the borough of East Stroudsburg, Monroe County, to points in Pennsylvania.
29. To transport, as a Class D carrier, property used in the manufacture of boilers and stacks for the International Boiler Works from points in Pennsylvania, excluding the city of Philadelphia, to the borough of East Stroudsburg, Monroe County, with the right to return rejected boilers and stacks for the said company from points in Pennsylvania to East Stroudsburg.
30. To transport, as a Class D carrier, property used in the manufacture of tanks, reclaimers and coolers for the Patterson Kelly Company, Inc., from points in Pennsylvania, excluding the city of Philadelphia, to the borough of East Stroudsburg, Monroe County.
31. To transport, as a Class C carrier, stokers which require special equipment for handling such as winches and rigging for the McClave Company from the city of Allentown, Lehigh County, to other points in Pennsylvania.
32. To transport, as a Class D carrier, building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the counties of Lackawanna and Monroe.
33. To transport, as a Class D carrier, scrap iron and other scrap metals between points in the borough of Stroudsburg, Monroe County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough and from points in the said borough and territory to points in Pennsylvania, and vice versa;

with right no. 33 above subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport scrap iron and other scrap metals to or from points in the township of Decatur, Mifflin County.

SECOND: That no right, power or privilege is granted to transport scrap iron and other scrap metals to or from the borough of Spring City, Chester County, and points within an airline distance of ten (10) statute miles of the limits of said borough and to or from the city of Allentown, Lehigh County, and points within an airline distance of five (5) statute miles of the limits of said city, except in dump vehicles.

34. To transport, as a Class D carrier, water heaters, septic tanks, coolers, exchangers, condensers, reclaimers and tanks between points in the borough of Stroudsburg, Monroe County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough and from points in said borough and territory to points in Pennsylvania, and vice versa;

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

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to

comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

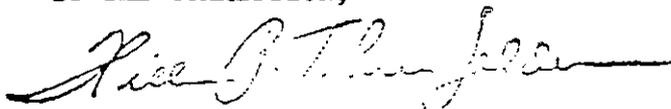
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 202(e) of the Public Utility Law of May 28, 1937, P.L. 1053, as amended by Act No. 215 of October 7, 1976.

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

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor John R. Lesoine at A-00036400, Fs. 1, 2, 3, 4, 5 & 6, be cancelled and the records be marked closed.

BY THE COMMISSION,



William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: November 15, 1979

ORDER ENTERED: DEC 5 1979

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held October 14, 1983

Commissioners Present:

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

Application of Lesoine Services, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property used in the manufacture of tanks, reclaimers and coolers for the Patterson-Kelly Company, Inc., from points in Pennsylvania, excluding the city of Philadelphia, to the borough of East Stroudsburg, Monroe County: SO AS TO PERMIT the transportation of property (except household goods in use and commodities in bulk) from the facilities of Pocono Fabricators, Division of Patterson-Kelly Company, Inc., and Patterson-Kelly, Inc., Division of Harsco Corp., located in the county of Monroe, to points in Pennsylvania, and vice versa; property (except household goods in use and commodities in bulk) from the facilities of Sage Overhaul Services, Inc., located in the county of Northampton, to points in Pennsylvania, and vice versa; and property (except household goods in use and commodities in bulk) from the facilities of Westinghouse Electric Corporation, located in the county of Luzerne, to points in Pennsylvania, and vice versa.

A-00101687  
F. 1  
Am-A

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Graf, Knupp & Andrews, by Christian V. Graf for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on April 7, 1983 and published in the Pennsylvania Bulletin of May 14, 1983. There are no protests and the record is now certified to the Commission without oral hearing. Verified statements were submitted by the applicant and four supporting shippers.

John R. Lesoine, in the capacity of principal stockholder, a director and president of Lesoine Services, Inc. (Lesoine or applicant), has submitted a verified statement in this proceeding. The company is domiciled at 1870 West Main Street, Stroudsburg, Monroe County, and currently holds considerable operating authority from this Commission. There will be a slight duplication of authority if this application is approved.

Lesoine's Stroudsburg terminal consists of an office, a yard for the storage of equipment and a shop and garage for both minor and major repair work. Communications are conducted by telephone and it will accept calls from customers on a collect basis. No additional terminals would be necessary in order to provide the service proposed herein.

The applicant operates two dump straight trucks, four heavy-duty tractors and 21 trailers, consisting of eight flatbeds, five lowboys, one closed van, one modified flatbed, one beam trailer, two dump trailers, one tilt trailer, one pole trailer, and one moving van. All of the equipment is regularly inspected and kept in safe operating condition. All of the drivers are familiar with the prescribed safety regulations and many of them are also experienced riggers. Insurance is maintained in amounts exceeding those required by this Commission.

A copy of the applicant's 1982 annual report indicates that it had current assets of \$25,084, total assets of \$64,396 with current liabilities of \$2,832 and total liabilities of \$50,175, leaving stockholders' equity of \$14,221. An income statement reveals that from operating revenues of \$113,721, it incurred operating expenses of \$115,926, resulting in an operating loss of \$2,205.

E. C. Jakell is president of Sage Overhaul Services, Inc. (or shipper), and has submitted a verified statement in support of the application. The company is domiciled at R.D. 1, Bangor, Northampton County, where it manufactures and rebuilds airport ground equipment such as conveyors, aircraft tractors, lavatory service trucks, potable water trucks, aerators, jet starters, de-icers, bag carts, freight and mail carts, aircraft maintenance stands, aircraft container loaders and container trailers.

Outbound shipments are made from the Northampton County plant on a daily basis which range up to 5,000 pounds in the aggregate per week. All commercial airports are points of destination. All airports are also points of origin for equipment that is shipped into the Northampton County plant for rebuilding purposes. Other inbound items are received from other sources consisting of commodities such as machine parts, iron and steel articles, aluminum, etc. Scranton, Wilkes-Barre, Allentown, Bethlehem, Reading, Philadelphia, Harrisburg, State College, Johnstown and DuBois, are examples of sources of the inbound materials.

The shipper needs equipment such as flatbeds, detachable lowboys, extendible flats and drop-deck trailers. It currently has problems in getting sufficient equipment of the proper type from the carriers now available. The applicant has provided excellent interstate service and has the necessary equipment. The shipper desires the applicant's services throughout Pennsylvania and supports the application accordingly.

James B. Moody is the plant manager of the Wilkes-Barre, Luzerne County, plant of Westinghouse Electric Corporation and states that he is authorized to submit evidence on its behalf in this proceeding. The Wilkes-Barre plant is responsible for the repair and rebuilding of electrical equipment such as motors, generators and transformers.

Deliveries from the Wilkes-Barre plant are made to every principal point in Pennsylvania which has industrial facilities, in addition to inter-plant movements to Sharon, Glassport, Johnstown and Philadelphia. Inbound shipments of wire, steel, paint, etc., are received from any steel mill or producer of copper wire in the state.

The company needs the availability of lowboy trailers and rigging from locations which do not have cranes, which is generally furnished only by heavy haulers. It has used the applicant on interstate traffic and some intrastate traffic and has been well satisfied. Lesoine has the equipment, experience, and the capability of providing responsive service while other carriers cannot always respond to the demands.

Patricia A. Kelly is the order administrator for Pocono Fabricators, Division of Patterson-Kelly Company, Inc., and sets forth in a supporting verified statement that she is authorized to enter evidence on its behalf in this application. The company ships masonry cement and paint and oil from its facility located in East Stroudsburg, Monroe County. Shipments are made on a less-than-truckload and truckload basis (on pallets), ranging from 3,000 to 41,000 pounds per shipment.

Shipments are made at the rate of approximately 25 to 30 shipments a year to points such as Reading, Laflin, Pittsburgh and Philadelphia. Inbound supplies, packaging materials and pallets, are received from Philadelphia and Pittsburgh and, in the case of pallets, could come from any pallet maker in the state.

Various carriers are used but it is not possible to get the necessary flatbed trailers when required. The additional service proposed here would be welcome and the shipper will use it if it becomes available.

James E. Harn is the traffic manager for Patterson-Kelly Company, Division of Harsco Corporation, located in East Stroudsburg, Monroe County, and has submitted a supporting affidavit in this matter. The company is a manufacturer of water heaters, condensers, coolers, heat exchangers and blending machinery.

The applicant is now authorized to handle some of the company's products. The main purpose of its support here is to broaden the commodity description to be certain that the applicant can handle all items and thereby provide a total service. The company's Pennsylvania outbound shipments range between two and six per month, weighing from 5,000 to 48,000 pounds each. The inbound shipments consist of steel and machine parts. Points of delivery vary but, over the years, it has shipped to many, many points in the state.

Not all of the carriers presently serving the shipper have the proper type of equipment such as lowboys, drop-decks, extendibles and flatbeds. Most of the traffic requires a set time and hour for deliveries, dictated by the needs of the installers at the job sites. Heavy hauling equipment and flatbeds are a necessity. The applicant has provided reliable service in the past and the shipper supports it for the broader service proposed here.

#### DISCUSSION AND FINDINGS

By this application, Lesoine Services, Inc., seeks authority to transport property property from the facilities of four specifically named shippers in Monroe, Northampton and Luzerne Counties, to points in Pennsylvania and vice versa. The application is unopposed.

Each of the four shippers have very ably supported the applicant and we are convinced that they have a genuine need for statewide service, to and from their respective plants. They have also shown that individually, they handle a wide variety of commodities that will support a grant of "property" authority.

We are also satisfied that the applicant is well qualified to render the broader authority for each shipper as proposed. The record indicates that it has provided service for each of them, either in interstate commerce or within Pennsylvania under its existing authority, which certainly has created an understanding of the requirements. Its financial condition appears sound and it has the specialized equipment needed by each shipper.

We find:

1. That the applicant has shown that a need for the service as proposed does exist.

2. That the applicant is fit, ready, willing and able to properly render the proposed service.

3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on May 12, 1980, be amended to include the following rights:

1. To transport, as a Class D carrier, property, from the facilities of Pocono Fabricators, Division of Patterson-Kelly Company, Inc., and Patterson-Kelly Company, Inc., Division of Harsco Corp., from points in the county of Monroe to points in Pennsylvania, and vice versa;
2. To transport, as a Class D carrier, property, from the facilities of Sage Overhaul Services, Inc., in the county of Northampton, to points in Pennsylvania, and vice versa;
3. To transport, as a Class D carrier, property, from the facilities of Westinghouse Electric Corporation, in the county of Luzerne, to points in Pennsylvania, and vice versa;

all of the above rights are subject to the following condition:

No right, power or privilege is granted to transport household goods in use and commodities in bulk.

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

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently

granted to the applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: October 14, 1983

ORDER ENTERED: **OCT 25 1983**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: APPLICATION OF

J. F. Lomma, Inc.  
Central Avenue  
South Kearny, New Jersey 07032

APPLICATION DOCKET

A-00105101

RECEIVED

DEC 8 1983

PROTEST

SECRETARY'S OFFICE  
Public Utility Commission

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

In accordance with 52 PA. Code 53.381, protest of the above application is hereby made on behalf of

A. Duie Pyle, Inc.

P.O. Box 564  
West Chester, Pa. 19380

A.100089

on the following grounds:

(1) That the service proposed will be competitive with and detrimental to the existing authorized service of the above named motor carrier.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accomodation, convenience or safety of the public.

A copy of the pertinent operating authority of the above named carrier is appended hereto. Also appended hereto is a restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier above named.

I hereby certify that a copy of the Notice of Protest has, on this date, been served upon applicant and its counsel by mailing a copy of same to the address set forth in the Pennsylvania Bulletin dated November 26, 1983.

By Henry L. Wahls  
Henry L. Wahls

A. DUIE PYLE INC.  
P.O. Box 564  
West Chester, Pa. 19380

cc: James W. Patterson, Esquire  
1800 Penn Mutual Towers  
Philadelphia, Pa. 19106

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 9 1983  
ENTRY No. mw

RECEIVED

DEC 9 - 1983

Non-Rail Transportation  
Public Utility Commission

A. DUIE PYLE, INC.

Adverse Impact

A. Duie Pyle, Inc., provides an active, daily service pursuant to Pennsylvania Public Utility Commission authority which duplicates, in part, the authority sought by the instant application. In addition, A. Duie Pyle, Inc. is constantly soliciting additional traffic within the application territory.

The protestant presently derives approximately \$1,000,000 annually in revenue from traffic handled within the scope of this application. A grant of the authority requested would tend to divert both traffic and revenue from A. Duie Pyle, Inc., thereby adversely affecting protestant's overall operation.

DESCRIPTION OF CERTIFICATED RIGHTS

(c)

Folder 1, Am-E

To transport, as a Class D Carrier, property, except household goods in use and commodities in bulk, between points in the counties of Lackawanna, Luzerne, Monroe, Carbon, Schuylkill, Lehigh, Northampton, Dauphin, Lebanon, Berks, Bucks, Cumberland, York, Lancaster, Chester, Montgomery, Philadelphia, Franklin, Adams and Delaware.

Restriction

No right, power or privilege is granted to transport:

1. From the facilities of AMP, Inc. in the counties of Adams, Chester, Cumberland, Dauphin, Franklin, Lancaster, Schuylkill and York;
2. From the facilities of Hershey Foods Corporation in the counties of Dauphin, Lebanon, Lancaster and Cumberland;
3. Limestone and limestone products from the facilities of J.E. Baker Co. in York County;
4. Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses from points in Penn Township, York County; and,
5. From the facilities of Patterson-Kelly, Inc. and International Boilerworks in Monroe County.

(C) Indicates addition

Effective date March 10, 1983 as specified under authority of Pa. Code, Title 52, Section 23,42.

Certificate - A100089

Freight Pa. P.U.C. No.15  
Cancels Freight PA P.U.C. No.1

A. DUIE PYLE, INC.

DIRECTORY OF OPERATING AUTHORITY

between points in

PENNSYLVANIA

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This tariff applies only when, and to the extent, its application is authorized in tariffs made subject hereto by specific reference to the Freight Pa. P.U.C. number shown above.

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ISSUED: March 9, 1983

EFFECTIVE: April 9, 1983

"(Except as otherwise provided)"

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ISSUED BY

A. DUIE PYLE, INC.

200 Garfield Avenue

West Chester, Pennsylvania 19380

SUGGESTED RESTRICTIVE AMENDMENT

Exclude the use of closed vans and  
No right, power or privilege is granted to  
transport iron and steel and iron and steel  
articles and products from the property of Lukens  
Steel Co., located in the city of Coatesville,  
Chester County, and the Township of Plymouth,  
Montgomery County or Allegheny Ludlum, Westwood,  
Chester County

IN RE: APPLICATION OF

APPLICATION DOCKET

J. F. Lomma, Inc.

No. A-00105101

RECEIVED

DEC 12 1983

RECEIVED

Non-Rail Transport  
Public Utility Commission

DEC 12 1983

SECRETARY'S OFFICE  
Public Utility Commission

DOCKETED  
APPLICATION DOCKET  
DEC 13 1983

ENTRY No. <sup>mw</sup> TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

In accordance with 52 Pa. Code 3.381, protest of the above application is hereby made on behalf of the below-named motor carrier:

|                           |                                    |            |
|---------------------------|------------------------------------|------------|
| CARRIER                   | ADDRESS                            | DOCKET NO. |
| McCormick Dray Line, Inc. | R.D.#4--Box 51B<br>Muncy, PA 17756 | A.72948    |

on the following grounds:

(1) That the service proposed will be competitive with and detrimental to the existing authorized service of the above-named motor carrier. Adverse impact upon the above-named motor carrier is set forth in Appendix 1 hereto.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accommodation, convenience or safety of the public.

A copy of the pertinent operating authority of the above-named motor carrier is attached hereto as Appendix 2. Also attached hereto, as Appendix 3, is a suggested restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier above-named. If no amendment is attached, no amendment is acceptable to satisfy protestant's interest.

PURSUANT TO SECTION 333(c) OF THE PUBLIC UTILITY CODE (66 PA. C.S. 333(c)), WE HEREBY REQUEST A LIST OF THE WITNESSES EXPECTED TO TESTIFY IN THE ABOVE-ENTITLED PROCEEDING, TOGETHER WITH THE SUBJECT MATTER OF THEIR ANTICIPATED TESTIMONY.

I hereby certify that a copy of this Notice of Protest has, on this date, been served upon applicant and/or its counsel (if any) by mailing a copy of same to the address(es) set forth in the Pennsylvania Bulletin dated 11-26-83.

DOCUMENT  
FOLDER

FILE

BY:

*Jay H. McCormick*  
\_\_\_\_\_  
JAY H. MCCORMICK  
President

McCormick Dray Line, Inc.  
R. D.#4 -- Box 51B  
Muncy, PA 17756

cc: James W. Patterson, Esq.

DATE: 12-9-83

McCormick Dray Line, Inc.  
Adverse Impact

McCormick Dray Line, Inc. provides an active, daily service pursuant to Pennsylvania Public Utility Commission authority which duplicates, in part, the authority sought by the instant application. A copy of said authority is attached to this Protest as Appendix 2.

In addition to the service presently provided, this protestant is continually soliciting additional shippers within the application territory.

McCormick Dray Line, Inc., is presently deriving substantial revenues from service provided within the scope of this application. Approval of the authority requested will have an adverse impact upon this protestant by tending to divert traffic and revenue from McCormick Dray Line, Inc.

McCORMICK DRAY LINE, INC.

**RECEIVED**

DEC 12 1983

SECRETARY'S OFFICE  
Public Utility Commission

SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE

APPENDIX 2

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

## McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDER 2

(1) TO TRANSPORT, AS A CLASS D CARRIER, FOREST PRODUCTS AND FARM PRODUCTS, BETWEEN POINTS IN THE VILLAGE OF ALLENWOOD, UNION COUNTY, AND WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID VILLAGE, EXCLUDING POINTS SERVED BY RAILROADS.

(2) TO TRANSPORT, AS A CLASS D CARRIER, FOREST PRODUCTS AND FARM PRODUCTS, FROM POINTS IN THE VILLAGE OF ALLENWOOD, UNION COUNTY, AND WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID VILLAGE, TO POINTS IN PENNSYLVANIA AND VICE VERSA, EXCLUDING POINTS SERVED BY RAILROADS.

(3) TO TRANSPORT, AS A CLASS D CARRIER, FARM MACHINERY AND FARM SUPPLIES, INCLUDING LIVESTOCK, BETWEEN POINTS IN THE VILLAGE OF ALLENWOOD, UNION COUNTY, AND WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID VILLAGE, PROVIDED SUCH TRANSPORTATION SHALL EITHER ORIGINATE OR TERMINATE AT A FARM.

(4) TO TRANSPORT, AS A CLASS D CARRIER, FARM MACHINERY AND FARM SUPPLIES, INCLUDING LIVESTOCK, FROM POINTS IN THE VILLAGE OF ALLENWOOD, UNION COUNTY, AND WITHIN TWENTY-FIVE (25) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID VILLAGE TO POINTS IN PENNSYLVANIA, AND VICE VERSA, PROVIDED SUCH TRANSPORTATION SHALL EITHER ORIGINATE OR TERMINATE AT A FARM.

(5) TO TRANSPORT, AS A CLASS D CARRIER, HOUSEHOLD GOODS IN USE, BETWEEN POINTS IN THE VILLAGE OF ALLENWOOD, UNION COUNTY, AND WITHIN TEN (10) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID VILLAGE.

(6) TO TRANSPORT, AS A CLASS D CARRIER, HOUSEHOLD GOODS IN USE FROM POINTS IN THE VILLAGE OF ALLENWOOD, UNION COUNTY, AND WITHIN TEN (10) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID VILLAGE, TO POINTS IN PENNSYLVANIA, AND VICE VERSA, EXCLUDING THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, AND THE BOROUGH OF MILTON, NORTHUMBERLAND COUNTY, AND POINTS WITHIN THREE (3) MILES OF THE LIMITS OF SAID CITY AND SAID BOROUGH.

(7) TO TRANSPORT, AS A CLASS D CARRIER, TILE AND BRICK FROM THE PLANT OF THE MILL HALL BRICK COMPANY IN THE BOROUGH OF MILL HALL, CLINTON COUNTY, TO POINTS IN PENNSYLVANIA NOT SERVED BY RAILROADS.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

## McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDER 2 (CONTINUED)

(8) TO TRANSPORT, AS A CLASS D CARRIER, ROAD BUILDING MACHINERY AND CONTRACTORS' EQUIPMENT AND BUILDING CONSTRUCTION MATERIAL SUCH AS ARE USUALLY TRANSPORTED IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTIES OF NORTHUMBERLAND, UNION AND LYCOMING, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF CONSTRUCTION OR DISPOSAL, EXCEPT THE TRANSPORTATION OF AMESITE, WHICH SHALL NOT EXCEED A DISTANCE OF FIFTY MILES FROM POINT OF ORIGIN TO POINT OF CONSTRUCTION OR DISPOSAL.

(9) TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY BETWEEN POINTS IN THE CITY OF LOCK HAVEN, CLINTON COUNTY, AND WITHIN TEN (10) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID CITY.

(10) TO TRANSPORT, AS A CLASS D CARRIER, SILK PRODUCTS BLOOMSBURG SILK MILLS OF BLOOMSBURG, PENNSYLVANIA, TO AND MILLS OF THAT COMPANY LOCATED AT LOCK HAVEN, CLINTON COUNTY, DURVEA, LUZERNE COUNTY; AND REYNOLDSVILLE, JEFFERSON COUNTY.

(11) CANCELLED.

(12) TO TRANSPORT, AS A CLASS D CARRIER, BRICK, FIREBRICK, TILE, CLAY, FIRE CLAY, CLAY PRODUCTS AND MACHINERY AND SUPPLIES FOR THE GENERAL REFRACTORIES COMPANY BETWEEN ITS PLANTS IN PENNSYLVANIA

(13) TO TRANSPORT, AS A CLASS D CARRIER, BRICK, FIRE BRICK, TILE, CLAY, FIRE CLAY, AND CLAY PRODUCTS FOR THE GENERAL REFRACTORIES COMPANY FROM ITS PLANTS AT BEECH CREEK, CLINTON COUNTY, AND ORVISTON, CENTRE COUNTY, TO OTHER POINTS IN PENNSYLVANIA.

(14) TO TRANSPORT, AS A CLASS D CARRIER, BRICK, FIRE BRICK, TILE, CLAY, FIRE CLAY, AND CLAY PRODUCTS FOR THE NORTH AMERICAN REFRACTORIES COMPANY FROM ITS PLANT AT LOCK HAVEN, CLINTON COUNTY, TO POINTS IN PENNSYLVANIA.

## SUBJECT TO THE FOLLOWING CONDITIONS:

FIRST: THAT, AS APPLICABLE TO RIGHTS (9) AND (10), NO TRANSPORTATION SHALL BE RENDERED BETWEEN ANY TWO POINTS SERVED BY THE PENNSYLVANIA RAILROAD WITH THE EXCEPTION OF HOUSEHOLD GOODS, IN USE, THE DISTRIBUTION OF MEAT FOR WILSON AND COMPANY AND ARMOUR AND COMPANY; AND DELIVERY SERVICE FOR THE MONTGOMERY WARD & COMPANY STORE AT LOCK HAVEN.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

FOLDER 2 (CONCLUDED)

SUBJECT TO THE FOLLOWING CONDITIONS: (CONCLUDED)

SECOND: THAT, AS APPLICABLE TO RIGHTS (9) AND (10) AT NO TIME SHALL GOODS OF MORE THAN TWO SHIPPERS BE CARRIED ON THE SAME TRUCK EXCEPTING IN THE CITY OF LOCK HAVEN, AND WITHIN TEN (MILES OF THE SAID CITY LIMITS.

FOLDER 2 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, CONTRACTORS' MACHINERY, EQUIPMENT, MATERIALS AND SUPPLIES FOR THE McCORMICK CONTRACTING COMPANY, LOCK HAVEN, CLINTON COUNTY, BETWEEN POINTS IN THE COUNTIES OF CLINTON, CENTRE, POTTER, TIOGA AND LYCOMING AND FROM POINTS IN THE SAID COUNTIES TO POINTS IN PENNSYLVANIA, AND VICE VERSA; EXCLUDING THE RIGHT TO TRANSPORT COMMODITIES IN BULK IN TANK OR HOPPER-TYPE VEHICLES.

FOLDER 2 Am-B

TO TRANSPORT, AS A CLASS D CARRIER, SCRAP PAPER, FROM POINTS IN PENNSYLVANIA TO POINTS IN THE TOWNSHIP OF WHITE DEER, UNION COUNTY.

FOLDER 2 Am-C (NEW)

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY, BETWEEN POINTS IN THE BOROUGH OF AVIS, CLINTON COUNTY, AND WITHIN AN AIRLINE DISTANCE OF FIVE (5) STATUTE MILES OF THE LIMITS THEREOF, AND FROM POINTS IN SAID BOROUGH AND TERRITORY TO POINTS IN PENNSYLVANIA, AND VICE VERSA;

SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT COMMODITIES IN BULK, IN TANK VEHICLES.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDER SERVICE TO OR FROM THE CITY OF PITTSBURGH AND WITHIN AN AIRLINE DISTANCE OF FIFTEEN (15) STATUTE MILES OF THE LIMITS OF SAID CITY.

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO RENDER SERVICE FROM THE FACILITIES OF WOOLRICH, INC., IN THE VILLAGE OF WOOLRICH, PINE CREEK TOWNSHIP, CLINTON COUNTY, TO POINTS WITHIN THE PRESENTLY CERTIFICATED AUTHORITY OF FOLLMER TRUCKING COMPANY OR VICE VERSA.

FOR FOLDER 3 PREVIOUSLY PUBLISHED ON THIS PAGE AND NOT BROUGHT FORWARD, SEE PAGE 24-A.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE ITEM 500 OF THIS TARIFF.

ISSUED: JULY 20, 1979

EFFECTIVE: JULY 21, 1979

ISSUED ON ONE DAY'S NOTICE, AUTHORITY OF TITLE 52, SECTION 23.42 OF THE PENNSYLVANIA CODE.

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
Avis, PA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

FOLDER 3

TO TRANSPORT, AS A CLASS B CARRIER, PROPERTY BETWEEN POINTS  
THE BOROUGH OF JERSEY SHORE, LYCOMING COUNTY.

TO TRANSPORT, AS A CLASS D CARRIER, MANUFACTURED IRON AND  
STEEL PRODUCTS FROM THE JERSEY SHORE STEEL COMPANY IN THE VILLAGE  
OF AVIS, CLINTON COUNTY, TO POINTS IN PENNSYLVANIA, EXCLUDING THE  
BOROUGH OF STATE COLLEGE, CENTRE COUNTY, AND THE CITY OF WILLIAM  
SPORT, LYCOMING COUNTY, AND INTERMEDIATE POINTS, PROVIDED SUCH  
TRANSPORTATION SHALL BE LIMITED AND RESTRICTED TO LOADS OF NOT  
LESS THAN 10,000 POUNDS PER LOAD.

TO TRANSPORT, AS A CLASS D CARRIER, COAL FOR THE TRAYER COAL  
COMPANY FROM MINES WITHIN FIFTEEN (15) MILES BY THE USUALLY TRAVELED  
HIGHWAYS OF THE LIMITS OF THE BOROUGH OF SNOW SHOE, CENTRE  
COUNTY, THE VILLAGE OF ALLPORT, CLEARFIELD COUNTY, AND THE VILLAGE  
OF ARISTES, COLUMBIA COUNTY, TO THE CITY OF WILLIAMSPORT.

TO TRANSPORT, AS A CLASS D CARRIER, SAND FOR THE TRAYER COAL  
COMPANY FROM THE BOROUGH OF MONTOURSVILLE, LYCOMING COUNTY, TO  
MINES LOCATED WITHIN FIFTEEN (15) MILES BY THE USUALLY TRAVELED  
HIGHWAYS OF THE LIMITS OF THE VILLAGE OF ARISTES.

TO TRANSPORT, AS A CLASS D CARRIER, FERTILIZER FOR THE YORK  
CHEMICAL WORKS, FROM THEIR PLANT IN THE CITY OF YORK, YORK COUNTY,  
TO FARMS WITHIN FIFTEEN (15) MILES BY THE USUALLY TRAVELED HIGH-  
WAYS OF THE LIMITS OF THE BOROUGH OF SALLADASBURG, LYCOMING COUNTY  
AND THE VILLAGE OF MACKEVILLE, CLINTON COUNTY.

FOLDER 3 WAS PREVIOUSLY PUBLISHED ON ORIGINAL PAGE 24.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE ITEM  
500 OF THIS TARIFF.

ISSUED: JULY 20, 1979 EFFECTIVE: JULY 21, 1979  
ISSUED ON ONE DAY'S NOTICE, AUTHORITY OF TITLE 52, SECTION 23.42  
OF THE PENNSYLVANIA CODE.

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
Avis, PA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN  
AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDER 4 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, WIRE AND CABLE AND MATERIALS PROCESSED OR MANUFACTURED BY ALCAN CABLE CORPORATION FROM ITS PLANT IN THE BOROUGH OF JERSEY SHORE, LYCOMING COUNTY, TO POINTS WEST OF A LINE DRAWN NORTH OF JERSEY SHORE TO THE NEW YORK PENNSYLVANIA STATE LINE AND SOUTH THROUGH JERSEY SHORE TO THE PENNSYLVANIA - MARYLAND STATE LINE, WITH THE RIGHT TO TRANSPORT RETURN TRIPS REFUSED OR DAMAGED SHIPMENTS, MATERIALS AND SUPPLIES RETURNED FOR REPAIR OR USED IN THE MANUFACTURE OR PROCESSING OF WIRE AND CABLE TO AND BY ALCAN CABLE CORPORATION AT JERSEY SHORE

## FOLDER 4 Am-B

TO TRANSPORT, AS A CLASS D CARRIER, WIRE AND CABLE AND MATERIALS PROCESSED OR MANUFACTURED BY THE ALCAN CABLE CORPORATION FROM ITS PLANT IN THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, TO POINT WEST OF A LINE DRAWN NORTH OF JERSEY SHORE TO THE PENNSYLVANIA-NEW YORK STATE LINE AND SOUTH THROUGH JERSEY SHORE TO THE PENNSYLVANIA - MARYLAND STATE LINE, WITH THE RIGHT TO TRANSPORT ON RETURN TRIPS REFUSED OR DAMAGED SHIPMENTS, MATERIALS AND SUPPLIES RETURNED FOR REPAIR OR USED IN THE MANUFACTURE OR PROCESSING OF WIRE AND CABLE TO AND BY ALCAN CABLE CORPORATION AT WILLIAMSPORT.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT ANY ITEM WHICH, BECAUSE OF SIZE OR WEIGHT, REQUIRES SPECIAL HANDLING OR THE USE OF SPECIAL EQUIPMENT SUCH AS WINCH TRUCKS OR TRACTORS, POLE TRAILERS, EXTENDIBLE TRAILERS OR CARRYALLS.

## FOLDER 5

TO TRANSPORT, AS A CLASS D CARRIER, IRON AND STEEL, IRON AND STEEL ARTICLES AND PRODUCTS AND SUCH MATERIALS AND SUPPLIES AND EQUIPMENT USED OR USEFUL IN THE PRODUCTION, ASSEMBLY AND DISTRIBUTION OF IRON AND STEEL AND IRON AND STEEL ARTICLES AND PRODUCTS FROM THE PROPERTY OF UNITED STATES STEEL COMPANY LOCATED IN FALLS TOWNSHIP, BUCKS COUNTY, TO POINTS IN THE COUNTIES OF CENTRE, SNYDER, UNION, NORTHUMBERLAND, MONTOUR, SULLIVAN, LYCOMING, CLINTON, CAMERON, POTTER, TICGA, BRADFORD, COLUMBIA AND LUZERNE AND VICE VERSA.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT LIQUIDS IN BULK IN TANK VEHICLES.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDERS 6 AND 6 AM-A

TO TRANSPORT, PROPERTY, AS A CLASS B CARRIER, BETWEEN POINT IN THE BOROUGH OF MUNCY, LYCOMING COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID BOROUGH.

TO TRANSPORT, PROPERTY, AS A CLASS C CARRIER, FROM POINTS IN SAID TERRITORY TO OTHER POINTS IN PENNSYLVANIA WITHIN FIFTEEN (15) MILES, BY THE USUALLY TRAVELED HIGHWAYS OF THE LIMITS OF SAID BOROUGH.

TO TRANSPORT, HOUSEHOLD GOODS, IN USE, AS A CLASS D CARRIER BETWEEN POINTS IN THE SAID BOROUGH AND WITHIN EIGHT (8) MILES, BY THE USUALLY TRAVELED HIGHWAYS, OF THE LIMITS OF SAID BOROUGH.

TO TRANSPORT, HOUSEHOLD GOODS IN USE, AS A CLASS D CARRIER, FROM POINTS IN SAID TERRITORY TO OTHER POINTS IN PENNSYLVANIA AND VICE VERSA.

TO TRANSPORT, BUILDING CONSTRUCTION MATERIALS SUCH AS USUALLY TRANSPORTED IN DUMP TRUCKS AS A CLASS D CARRIER, BETWEEN POINTS, NOT TO EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION, IN THE COUNTIES OF LYCOMING, SULLIVAN, NORTHUMBERLAND, COLUMBIA, MONTOUR AND UNION.

TO TRANSPORT, AS A CLASS D CARRIER, AMESITE FOR THE STATE AMESITE COMPANY FROM ITS PLANT AT LIME BLUFF NEAR BOROUGH OF MUNCY, LYCOMING COUNTY, TO OTHER POINTS IN PENNSYLVANIA WITHIN NINETY (90) MILES, BY THE USUALLY TRAVELED HIGHWAYS OF SAID PLANT.

TO TRANSPORT, AS A CLASS D CARRIER, AMESITE AND QUARRY PRODUCTS FOR LYCOMING SILICA SAND COMPANY BETWEEN ITS PLANTS AND QUARRIES IN THE VILLAGE OF LIME BLUFF, LYCOMING COUNTY.

TO TRANSPORT, AS A CLASS D CARRIER, AMESITE AND QUARRY PRODUCTS FOR LYCOMING SILICA SAND COMPANY FROM ITS PLANTS AND QUARRIES IN THE VILLAGE OF LIME BLUFF, LYCOMING COUNTY, TO POINTS IN THE COUNTIES OF LYCOMING, UNION, NORTHUMBERLAND, MONTOUR, COLUMBIA, SULLIVAN, WYOMING, BRADFORD AND TIOGA.

TO TRANSPORT, AS A CLASS D CARRIER, AMESITE AND QUARRY PRODUCTS FOR LYCOMING SILICA SAND COMPANY FROM RAILROAD SIDINGS, TERMINALS AND DEPOTS IN THE COUNTIES OF BRADFORD, TIOGA, SULLIVAN AND WYOMING TO OTHER POINTS IN THE SAID COUNTIES.

TO TRANSPORT, AS A CLASS D CARRIER, SAND, GRAVEL AND QUARRY PRODUCTS FROM QUARRIES AND PRODUCTION PLANTS IN THE COUNTIES OF LYCOMING, UNION, CLINTON, COLUMBIA AND MONTOUR TO POINTS OF CONSTRUCTION IN THE COUNTIES OF TIOGA, BRADFORD, POTTER AND SULLIVAN WITHIN NINETY (90) MILES, BY THE USUALLY TRAVELED HIGHWAYS, OF THE POINT OF ORIGIN.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDERS 6 AND 6 Am-A (CONCLUDED)

To transport, as a CLASS D CARRIER, AMESITE AND SIMILAR COAL TAR SURFACING MATERIALS, FROM POINTS IN THE COUNTIES OF MONTOUR, LYCOMING, CLINTON AND UNION TO POINTS OF CONSTRUCTION IN THE COUNTIES OF TIOGA, BRADFORD, POTTER AND SULLIVAN WITHIN NINETY (90) MILES BY THE USUALLY TRAVELED HIGHWAYS, OF THE POINT OF ORIGIN.

To transport, as a CLASS D CARRIER, COAL FROM MINES IN THE COUNTY OF SULLIVAN AND IN THE VILLAGE OF ENGLISH CENTER, LYCOMING COUNTY, TO POINTS IN THE BOROUGH OF MUNCY, LYCOMING COUNTY, AND WITHIN TWENTY-FIVE (25) MILES, BY THE USUALLY TRAVELED HIGHWAYS TO THE LIMITS OF THE SAID BOROUGH.

To transport, as a CLASS D CARRIER, MINE TIMBER AND LUMBER FROM POINTS IN THE TOWNSHIPS OF SHREWSBURY, LAPORTE AND DAVIDSON SULLIVAN COUNTY, TO MINES IN THE TOWNSHIP OF HANOVER, LUZERNE COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID TOWNSHIP EXCLUDING INTERMEDIATE POINTS.

To transport, as a CLASS D CARRIER, COAL FROM MINES IN THE TOWNSHIP OF HANOVER, LUZERNE COUNTY, AND WITHIN THREE (3) MILES TO THE LIMITS OF SAID TOWNSHIP AND MINES IN THE BOROUGH OF FORKSVILLE SULLIVAN COUNTY, AND WITHIN THREE (3) MILES OF THE LIMITS OF SAID BOROUGH TO POINTS IN THE TOWNSHIPS OF SHREWSBURY, LAPORTE AND DAVIDSON, SULLIVAN COUNTY, AND THE CITY OF WILLIAMSPORT, AND THE BOROUGH OF HUGHESVILLE, LYCOMING COUNTY, AND THE BOROUGH OF EAGLE MERE, SULLIVAN COUNTY, AND POINTS WITHIN THREE (3) MILES OF THE LIMITS OF SAID BOROUGH AND CITY.

To transport, as a CLASS D CARRIER, BUILDING CONSTRUCTION MATERIALS SUCH AS ARE USUALLY TRANSPORTED IN DUMP TRUCKS, BETWEEN POINTS, NOT TO EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION IN THE COUNTIES OF SULLIVAN, LYCOMING, COLUMBIA AND LUZERNE.

To transport, as a CLASS D CARRIER, AGRICULTURAL PRODUCTS AND SUPPLIES BETWEEN POINTS NOT TO EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION IN THE COUNTIES OF SULLIVAN, LYCOMING, COLUMBIA AND LUZERNE.

To transport, as a CLASS D CARRIER, BOTTLED GAS FROM POINTS IN THE CITY OF BRADFORD, MCKEAN COUNTY, AND WITHIN A RADIUS OF 5 MILES THEREOF TO POINTS IN THE BOROUGH OF HUGHESVILLE, LYCOMING COUNTY, WITH THE RIGHT TO TRANSPORT EMPTY CONTAINERS ON RETURN TRIPS.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
Avis, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

FOLDER 6 Am-B

TO TRANSPORT, AS A CLASS D CARRIER, WIRE ROPE PRODUCTS AND MATERIALS, MACHINERY AND EQUIPMENT USED IN THE MANUFACTURE OF WIRE ROPE FOR BRIDON AMERICAN CORP., J & L WIRE ROPE DIVISION, FROM ITS PLANT IN THE BOROUGH OF MUNCY, LYCOMING COUNTY, TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

\* Δ FOLDER 6 Am-C

1. TO TRANSPORT, AS A CLASS D CARRIER, WIRE AND CHAIN, WIRE CHAIN AND FIBER ROPE, AND WIRE, CHAIN, FIBER AND SYNTHETIC SLING AND WEBBINGS AND SLING AND WEBBING ASSEMBLIES, FROM THE FACILITIES OF BRIDON-AMERICAN CORPORATION IN THE BOROUGH OF MUNCY, LYCOMING COUNTY, THE TOWNSHIP AND BOROUGH OF EXETER, LUZERNE COUNTY TOWNSHIP OF HANOVER, LUZERNE COUNTY, TO POINTS IN PENNSYLVANIA.

2. TO TRANSPORT, AS A CLASS D CARRIER, MATERIALS AND EQUIPMENT USED IN THE MANUFACTURE, HANDLING AND PACKAGING OF WIRE AND WIRE, CHAIN AND FIBER ROPE, AND WIRE, CHAIN, FIBER AND SYNTHETIC SLINGS AND WEBBINGS AND SLING AND WEBBING ASSEMBLIES, FROM POINTS IN PENNSYLVANIA TO THE FACILITIES OF BRIDON-AMERICAN CORPORATION IN THE BOROUGH OF MUNCY, LYCOMING COUNTY, THE TOWNSHIP AND BOROUGH OF EXETER, LUZERNE COUNTY, AND THE TOWNSHIP OF HANOVER, LUZERNE COUNTY.

RIGHT 2 SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT COMMODITIES IN BULK.

RIGHTS 1 AND 2 SUBJECT TO THE FOLLOWING CONDITIONS:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT TO OR FROM THE COUNTIES OF ADAMS, DAUPHIN, FRANKLIN, LEBANON AND YORK.

NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO PROVIDE SERVICE TO OR FROM THE FACILITIES OF BETHLEHEM STEEL CORPORATION IN THE COUNTY OF CAMBRIA.

AUTHORITY AT FOLDERS 7, 8, 9 AND 9 AM-A PREVIOUSLY PUBLISHED ON THIS PAGE AND NOT BROUGHT FORWARD, IS PUBLISHED ON PAGE 28-A.

\* - EFFECTIVE JUNE 8, 1977. ISSUED ON ONE DAY'S NOTICE, AUTHORITY UNDER TARIFF RULE 2(C) OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

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

ISSUED: JUNE 7, 1977

EFFECTIVE: JULY 11, 1977

(EXCEPT AS OTHERWISE INDICATED)

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

MCCORMICK DRAY LINE, INC.

SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

Δ FOLDER 6 Am-D

TO TRANSPORT, AS A CLASS D CARRIER, WIRE AND CHAIN, WIRE, CHAIN AND FIBER ROPE, AND WIRE, CHAIN, FIBER AND SYNTHETIC SLING AND WEBBINGS AND SLING AND WEBBING ASSEMBLIES, FROM THE FACILITIES OF BRIDON-AMERICAN CORPORATION IN THE BOROUGH OF KINGSTON, LUZERNE COUNTY, TO POINTS IN PENNSYLVANIA.

TO TRANSPORT, AS A CLASS D CARRIER, MATERIALS AND SUPPLIES USED IN THE MANUFACTURE, HANDLING AND PACKING OF WIRE AND CHAIN, WIRE, CHAIN AND FIBER ROPE, AND WIRE, CHAIN, FIBER AND SYNTHETIC SLINGS AND WEBBINGS, AND SLING AND WEBBING ASSEMBLIES, FROM POINTS IN PENNSYLVANIA TO THE FACILITIES OF BRIDON-AMERICAN CORPORATION IN THE BOROUGH OF KINGSTON, LUZERNE COUNTY.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO PROVIDE SERVICE TO OR FROM THE FACILITIES OF BETHLEHEM STEEL CORPORATION IN CAMBRIA COUNTY.

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

ISSUED: NOVEMBER 9, 1978

EFFECTIVE: DECEMBER 9, 1978

ISSUED BY: JAY H. MCCORMICK, PRESIDENT  
Avis, PA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

FOLDER 7

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY, EXCLUDING COMMODITIES IN BULK IN TANK VEHICLES, FROM THE RESEARCH AND DEVELOPMENT CENTER OF THE CURTISS-WRIGHT CORPORATION, KNOWN AS QUEHANTON, LOCATED APPROXIMATELY NINE (9) MILES NORTH OF THE VILLAGE OF KARTHAUS, CLEARFIELD COUNTY, TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

FOLDER 8

TO TRANSPORT, AS A CLASS D CARRIER, PROPERTY FROM POINTS IN THE COUNTIES OF BEAVER AND ALLEGHENY TO THE PLANT OF MUNCY VALLEY INDUSTRIES, INC., IN MUNCY VALLEY, DAVIDSON TOWNSHIP, SULLIVAN COUNTY, AND VICE VERSA.

SUBJECT TO THE FOLLOWING CONDITION:

THAT NO RIGHT, POWER OR PRIVILEGE IS GRANTED TO TRANSPORT PROPERTY REQUIRING THE USE OF CARRYALLS, WINCH TRACTORS, WINCH TRUCKS OR POLE TRAILERS.

FOLDER 9

TO TRANSPORT, AS A CLASS D CARRIER, NEW UNCRATED FURNITURE FROM THE CITY OF WILLIAMSPORT AND THE BOROUGH OF HUGHESVILLE, LYCOMING COUNTY, TO POINTS IN PENNSYLVANIA, AND THE RETURN OF REFUSED OR DAMAGED SHIPMENTS, EXCLUDING TRANSPORTATION TO POINTS ON THE CERTIFICATED ROUTE OF HALL'S MOTOR TRANSIT COMPANY (FORMERLY HELD BY M. A. CLARK) BETWEEN WILLIAMSPORT AND STATE COLLEGE.

FOLDER 9 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, NEW UNCRATED FURNITURE FROM THE BOROUGH OF MUNCY, LYCOMING COUNTY, TO POINTS IN PENNSYLVANIA, AND THE RETURN OF REFUSED OR REJECTED SHIPMENTS; EXCLUDING TRANSPORTATION FROM MUNCY TO THE CITY OF PITTSBURGH, ALLEGHENY COUNTY, AND POINTS WITHIN 15 MILES OF THE LIMITS OF THE SAID CITY AND POINTS ALONG HIGHWAY ROUTES 22 AND 220 FROM MUNCY TO PITTSBURGH AND VICE VERSA.

AUTHORITY ON THIS PAGE WAS PREVIOUSLY PUBLISHED ON ORIGINAL  
PAGE 28-A.

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

ISSUED: JUNE 26, 1978

EFFECTIVE: AUGUST 1, 1978

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
Avis, PA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN  
AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

## McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDERS 10 AND 10 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, CRUSHED STONE, SAND AND GRAVEL FOR LYCOMING SILICA SAND COMPANY BETWEEN POINTS IN THE COUNTY OF LYCOMING.

TO TRANSPORT, AS A CLASS D CARRIER, CRUSHED STONE, SAND AND GRAVEL FOR LYCOMING SILICA SAND COMPANY FROM POINTS IN THE COUNTY OF LYCOMING TO POINTS IN THE COUNTIES OF COLUMBIA, NORTHUMBERLAND, MONTOUR, SULLIVAN, BRADFORD, UNION AND WYOMING.

TO TRANSPORT, AS A CLASS D CARRIER, CRUSHED STONE, SAND AND GRAVEL BETWEEN POINTS IN THE COUNTIES OF COLUMBIA, NORTHUMBERLAND, MONTOUR, SULLIVAN, BRADFORD, UNION AND WYOMING; PROVIDED, THAT THE STONE IS SHIPPED BY RAIL FROM LYCOMING SILICA SAND COMPANY IN LYCOMING COUNTY.

TO TRANSPORT, AS A CLASS D CARRIER, MACHINERY, EQUIPMENT PARTS, FOR REPAIRS ONLY, FROM POINTS IN THE COUNTY OF LYCOMING TO OTHER POINTS IN PENNSYLVANIA AND VICE VERSA.

TO TRANSPORT, AS A CLASS D CARRIER, MACHINERY, EQUIPMENT PARTS THEREOF TO REPLACE DAMAGED MACHINERY, EQUIPMENT AND PARTS FROM POINTS IN PENNSYLVANIA TO POINTS IN THE COUNTY OF LYCOMING.

TO TRANSPORT, AS A CLASS D CARRIER, GROUND AGRICULTURAL LIMESTONE AND GROUND STONE PRODUCTS FOR KEYSTONE FILLER AND MANUFACTURING COMPANY FROM THE BOROUGH OF MUNCY, LYCOMING COUNTY, TO POINTS IN THE COUNTIES OF MONTOUR, COLUMBIA, NORTHUMBERLAND, SULLIVAN, BRADFORD, WYOMING, LUZERNE, LACKAWANNA, SUSQUEHANNA, UNION, SNYDER AND LYCOMING.

TO TRANSPORT, AS A CLASS D CARRIER, HEATED AMESITE FOR THE INTERSTATE AMESITE COMPANY FROM ITS PLANTS LOCATED AT LIME BLUFF, LYCOMING COUNTY, AND GROVANIA, MONTOUR COUNTY, TO ROAD LOCATIONS IN PENNSYLVANIA WITHIN NINETY (90) MILES BY THE USUALLY TRAVELED HIGHWAYS OF THE SAID PLANTS.

TO TRANSPORT, AS A CLASS D CARRIER, AMESITE FROM THE PLANT OF THE INTERSTATE AMESITE COMPANY AT SALONA, CLINTON COUNTY, TO POINTS IN THE COUNTIES OF CAMERON, CENTRE, CLINTON, TIOPA, LYCOMING, UNION AND POTTER.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

## McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDERS 10 AND 10 AM-A (CONCLUDED)

TO TRANSPORT, AS A CLASS D CARRIER, SAND AND GRAVEL FROM J. A. ECK AND SONS AND LYCOMING SILICA SAND COMPANY IN LESS THAN CARLOAD SHIPMENTS FROM THE BOROUGH OF MONTOURSVILLE, LYCOMING COUNTY, TO POINTS IN THE COUNTIES OF LYCOMING, CLINTON, SNYDER, UNION, NORTHUMBERLAND, MONTOUR, COLUMBIA, WYOMING, SULLIVAN, BRADFORD AND TIOGA.

TO TRANSPORT, AS A CLASS D CARRIER, LIMESTONE FROM LYCOMING SILICA SAND COMPANY, AT LIMESTONEVILLE, MONTOUR COUNTY, TO POINTS IN THE COUNTIES OF CENTRE, LUZERNE, LYCOMING, CLINTON, SNYDER, UNION, NORTHUMBERLAND, MONTOUR, COLUMBIA, WYOMING, SULLIVAN, BRADFORD AND TIOGA.

## FOLDER 10 AM-C

TO TRANSPORT, AS A CLASS D CARRIER, IRON AND STEEL ARTICLES FOR MET-FAB, INC., FROM THE PLANT SITE AND/OR WAREHOUSE OF MET-FAB, INC., IN THE TOWNSHIP OF LOYALSOCK, LYCOMING COUNTY, AND POINTS WITHIN FIVE (5) MILES OF THE LIMITS OF SAID TOWNSHIP TO POINTS IN PENNSYLVANIA, AND VICE VERSA; EXCLUDING TRANSPORTATION (1) TO OR FROM THE CITY OF PITTSBURGH, ALLEGHENY COUNTY, AND POINTS WITHIN AN AIRLINE DISTANCE OF FIFTEEN (15) MILES OF THE LIMITS OF SAID CITY, (2) TO OR FROM THE CITY OF ALTOONA, BLAIR COUNTY, AND (3) TO OR FROM THE PLANTS OF BETHLEHEM STEEL CORPORATION IN THE COUNTY OF CAMBRIA.

## FOLDER 10 AM-D

TO TRANSPORT, AS A CLASS D CARRIER, IRON AND STEEL AND MACHINERY FROM THE FACILITIES OF KOPPERS, INC., METAL PRODUCTS DIVISION, SPROUT-MALDON OPERATION AND THE YOUNG INDUSTRIES, INC., IN THE BOROUGH OF MUNCY, LYCOMING COUNTY, TO POINTS IN PENNSYLVANIA AND VICE VERSA.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

## SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

## FOLDER 11

TO TRANSPORT, AS A CLASS D CARRIER, COAL FROM MINES IN THE COUNTY OF SULLIVAN TO RAILROAD CARS IN SAID COUNTY.

TO TRANSPORT, AS A CLASS D CARRIER, BUILDING CONSTRUCTION MATERIALS, SUCH AS ARE TRANSPORTED IN DUMP TRUCKS, BETWEEN POINTS IN THE COUNTIES OF LYCOMING, NORTHUMBERLAND, MONTOUR, COLUMBIA, SULLIVAN, BRADFORD, UNION, WYOMING, TIOGA, CLINTON AND POTTER, PROVIDED NO HAUL SHALL EXCEED A DISTANCE OF TWENTY-FIVE (25) MILES FROM POINT OF ORIGIN TO POINT OF DESTINATION.

TO TRANSPORT, AS A CLASS D CARRIER, COAL FROM MINES IN THE COUNTY OF SULLIVAN TO POINTS IN THE COUNTY OF LYCOMING.

## FOLDER 12

TO TRANSPORT, AS A CLASS D CARRIER, PETROLEUM AND PETROLEUM PRODUCTS IN CONTAINERS FROM POINTS IN THE TOWNSHIP OF MEAD, WARR COUNTY, TO THE BOROUGH OF LEWISBURG, UNION COUNTY, MONTOURSVILLE LYCOMING COUNTY, MILL HALL, CLINTON COUNTY, AND THE TOWN OF BLOOMSBURG, COLUMBIA COUNTY, AND THE RETURN OF DAMAGED OR REFUSED SHIPMENTS.

## FOLDER 13

TO TRANSPORT, AS A CLASS C CARRIER, BUILDING AND STRUCTURAL CONTRACTORS' EQUIPMENT, MACHINERY, MATERIALS, TOOLS, SUPPLIES AND STRUCTURES, WHICH BECAUSE OF SIZE AND WEIGHT CANNOT BE HANDLED OR TRANSPORTED WITHOUT THE USE OF TRUCKS AND TRAILERS OF SPECIAL DESIGN, FROM POINTS IN THE COUNTY OF CLINTON TO POINTS IN SAID COUNTY, AND TO POINTS WITHIN A RADIUS OF THIRTY-SIX (36) MILES OF THE LIMITS OF THE CITY OF LOCK HAVEN, CLINTON COUNTY.

## FOLDER 13 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, BUILDINGS, BUILDING COMPONENTS, BUILDING PANELS, AND MATERIALS, ACCESSORIES AND SUPPLIES USED IN THE INSTALLATION, ERECTION AND CONSTRUCTION OF BUILDINGS, FROM THE FACILITIES OF BUTLER MANUFACTURING COMPANY IN THE TOWNSHIPS OF ANNVILLE AND NORTH ANNVILLE, LEBANON COUNTY, TO POINTS IN PENNSYLVANIA.

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

ISSUED: MARCH 1, 1977

EFFECTIVE: APRIL 4, 1977

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
AVIS, PENNSYLVANIA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

McCORMICK DRAY LINE, INC.

SECTION 2

OPERATING AUTHORITY - PENNSYLVANIA INTRASTATE  
CERTIFICATE No. 72948

Δ FOLDER 13 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, MATERIALS, EQUIPMENT AND SUPPLIES USED IN THE PRODUCTION AND DISTRIBUTION OF BUILDINGS, BUILDING COMPONENTS, BUILDING PANELS AND IN THE INSTALLATION, ERECTION AND CONSTRUCTION OF BUILDINGS, FROM POINTS IN PENNSYLVANIA TO THE FACILITIES OF BUTLER MANUFACTURING COMPANY, LOCATED IN THE TOWNSHIPS OF ANNVILLE AND NORTH ANNVILLE, LEBANON COUNTY.

FOLDER 15

TO TRANSPORT, AS A CLASS D CARRIER, BOILERS, FITTINGS, PLUMBER'S SUPPLIES, AND OTHER MERCHANDISE, FOR THE E. KEELER COMPANY, FROM ITS PLACE OF BUSINESS IN WILLIAMSPORT, LYCOMING COUNTY, TO POINTS IN PENNSYLVANIA AND VICE VERSA.

TO TRANSPORT, AS A CLASS D CARRIER, OILS, GREASES, PETROLEUM PRODUCTS, FOR THE BP OIL CORPORATION (FORMERLY SINCLAIR OIL COMPANY) FROM ITS PLACE OF BUSINESS AT WILLIAMSPORT, LYCOMING COUNTY, TO POINTS IN PENNSYLVANIA, AND VICE VERSA.

FOLDER 15 Am-A

TO TRANSPORT, AS A CLASS D CARRIER, SHEET METAL JACKETS FOR AIR CONDITIONERS AND BOILERS FROM THE FACILITIES OF RADIANT STEEL COMPANY, INC., IN THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, TO THE FACILITIES OF PENTEX FOUNDRY CORP., IN THE CITY OF NEW CASTLE, LAWRENCE COUNTY, AND TO THE FACILITIES OF BURNHAM CORPORATION-HYDRONICS DIVISION, IN THE CITY OF LANCASTER, LANCASTER COUNTY.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE ITEM 500 OF THIS TARIFF.

ISSUED: SEPTEMBER 16, 1980 EFFECTIVE: SEPTEMBER 17, 1980

ISSUED ON ONE DAY'S NOTICE, AUTHORITY TITLE 52, SECTION 23.42 OF THE PENNSYLVANIA CODE

ISSUED BY: JAY H. McCORMICK, PRESIDENT  
Avis, PA 17721

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
McCORMICK DRAY LINE, INC. OPERATING AUTHORITY

Docket No. A. 72948, F. 2, Am-D

To transport, as a Class D carrier, property between points in the counties of Clinton, Sullivan, Lycoming and Union, and from the said counties to points in Pennsylvania, and vice versa.

Subject to the following conditions:

That no right, power or privilege is granted to transport coal between points in the counties of Clinton, Sullivan, Lycoming and Union.

That no right, power or privilege is granted to transport commodities in bulk in tank vehicles between points in the counties of Clinton, Sullivan, Lycoming and Union.

That no right, power or privilege is granted to transport commodities in bulk from points in the counties of Clinton, Sullivan, Lycoming and Union to points in Pennsylvania and vice versa.

That no right, power or privilege is granted to provide service to or from Monroe County or from the facilities of New Enterprise Stone and Lime Company Inc. and Detwiler Industries, Inc., in the counties of Blair, Somerset, Huntingdon, Bedford, Cambria and Centre.

Docket No. A. 72948, F. 4, Am-C

To transport, as a Class D carrier, metal and metal products, and those materials, equipment and supplies used in the production, storage and distribution of metals and metal products, from the facilities of Cerro Metal Products, Division of the Marmon Group, in the borough of Bellefonte, Centre County, and within an airline distance of three (3) statute miles of said borough, to points in Pennsylvania, and vice versa.

Subject to the following condition:

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

Docket No. A. 72948, F. 4, Am-D

To transport, as a Class D carrier, iron and steel articles, and those materials, equipment and supplies used in the production, storage and distribution of iron and steel articles, from the facilities of Altoona Pipe and Steel Supply Company, Inc., in the city of Altoona, Blair County, to points in Pennsylvania, and vice versa.

Subject to the following condition:

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

Docket No. A. 72948, F. 13, Am-B

To transport, as a Class D carrier, materials, equipment and supplies used in the production and distribution of buildings, building components, building panels and the installation, erection and construction of buildings, from points in Pennsylvania, to the facilities of Butler Manufacturing Company, located in the townships of Annville and North Annville, Lebanon County.

Docket No. A. 72948, F. 15, Am-C

To transport, as a Class D carrier, boilers, fittings and plumber's supplies, and equipment, materials and supplies used in the manufacture, distribution and installation of boilers, fittings and plumber's supplies, for E. Keeler Company, between points in Pennsylvania.

Docket No. A. 72948, F. 15, Am-D

To transport, as a Class D carrier, property, from the facilities of North Anson Reel Co., located in the city of Williamsport, Lycoming County, to points in Pennsylvania, and vice versa;

Subject to the following conditions:

1. That no right, power or privilege is granted to transport commodities in bulk in dump vehicles from points within an airline distance of fifty (50) statute miles of the limits of the borough of Homestead, Allegheny County.
2. That no right, power or privilege is granted to transport coal from points in the counties of Armstrong, Blair, Clearfield, Cambria and Indiana.

**PILLAR AND MULROY**

ATTORNEYS-AT-LAW  
1500 BANK TOWER  
307 FOURTH AVENUE  
PITTSBURGH, PA. 15222  
TELEPHONE (412) 471-3300

JOHN A. PILLAR  
THOMAS M. MULROY  
SALLY A. DAVOREN  
KEVIN W. WALSH

December 14, 1983

**RECEIVED**

DEC 16 1983

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

SECRETARY'S OFFICE  
Public Utility Commission

RE: Application of J. F. Lomma, Inc.  
Docket No. A-00105101

**FILE**

Dear Mr. Rich:

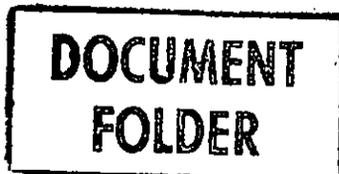
Please find enclosed a protest filed on behalf of  
Moore-Flesher Hauling Company  
to the above captioned application.

A copy of this protest has been served upon the  
applicant's representative named below in accordance  
with the Commission's Rules of Practice.

Respectfully submitted,

PILLAR & MULROY, P.C.

By: Sally Davoren  
SALLY A. DAVOREN, ESQ.



sal

Enclosure

cc: James W. Patterson, Esq.

**RECEIVED**

DEC 19 1983

Public Utility Commission

**COPY**

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: APPLICATION OF )  
 )  
 J. F. Lomma, Inc. ) Docket No. A-00105101  
 )  
 )

**RECEIVED**

PROTEST

DEC 16 1983

SECRETARY'S OFFICE

In accordance with the Rule of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

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

2. The name, address and telephone number of protestant(s)'

attorney:

Pillar and Mulroy  
1500 Bank Tower  
307 Fourth Avenue  
Pittsburgh, PA 15222  
(412) 471-3300

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DEC 19 1983

Non-Rail Transportation  
Public Utility Comm.

3. Protestant(s) hold(s) authority in conflict with this application as summarized in Appendix A attached hereto. A true copy of the pertinent portions of authority held by protestant(s) is attached hereto as Appendix B.

4. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such

**DOCKETED**  
APPLICATION DOCKET  
DEC 20 1983  
ENTRY No. *mw*

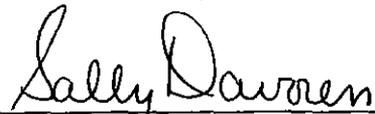
**DOCUMENT  
FOLDER**

**FILE**

service. To the extent of protestant(s) authority, there is no need for additional service. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be seriously detrimental to protestant(s).

5. If a restrictive amendment will satisfy the interest(s) of protestant(s), a proposed amendment is attached hereto as Appendix C.

Respectfully submitted,



---

SALLY A. DAVOREN  
Attorney for Protestant(s)

Due Date: December 19, 1983

Re: Application of J. F. Lomma, Inc.  
Docket No. A-00105101

APPENDIX A

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

Moore-Flesher Hauling Company  
R. D. #1, Box 226  
Zelienople, PA 16063

Moore-Flesher Hauling Company has authority, at Docket No. A.34122, to transport property requiring trucks equipped with special equipment between points in Pennsylvania west of and including the Counties of McKean, Cameron, Clearfield, Cambria and Bedford. Protestant Moore-Flesher also has Class C authority to transport property which, because of its size or weight, requires special handling and the use of special equipment, from points in the City of Pittsburgh, Allegheny County, and within fifty (50) miles thereof, to points in Pennsylvania east of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford. At F.6, Am-A of its certificate, Moore-Flesher has authority to transport iron and steel and iron and steel articles between points in Pittsburgh and within fifty (50) miles of Pittsburgh, and from said area to points in Pennsylvania, and vice versa.

A summary of the authority of protestant Moore-Flesher, which includes other authority in conflict with that sought by the applicant, is attached to this protest as Appendix B.

OPERATING AUTHORITY

PA. P. U. C. - CERTIFICATE A 34122 FOLDERS 2, 5, 6, and 8

FOLDER 2

- To transport, as a Class D carrier, property in shipments weighing not less than two thousand (2,000) pounds and consigned to one consignee by one consignor, between points in the County of Allegheny; provided, that no right, power or privilege is granted to transport foodstuffs, canned goods, dry goods, and other similar property, or household goods.
- To transport, as a Class D carrier, contractors' machinery and heavy construction materials between points not to exceed a distance of thirty-five miles from point of origin to point of destination in the city of Pittsburgh and within thirty-five miles, by the usually traveled highways, of the City-County Building in said city.
- To transport, as a Class D carrier, property requiring trucks equipped with winches or special equipment attached to truck or trucks of special body construction between points in Pennsylvania west of and including the Counties of McKean, Cameron, Clearfield, Cambria, Bedford.
- To transport, as a Class D carrier, heavy construction materials of public utility companies from or to their warehouses and yards and from or to railroad sidings not to exceed a distance of thirty-five miles from point of origin to point of destination, except in cases of emergency for break-down or repair in Pennsylvania west of and including the counties of McKean, Cameron, Clearfield, Cambria and Bedford.

All of the foregoing subject to the following condition:

That no right, power or privilege is granted to transport between points served by the Alko Express Lines and connections as of April 21, 1936 (authority now certificated to Motor Freight Express), except property requiring the use of trucks equipped with winches or requiring especially built trailers.

FOLDER 5

To transport, as a Class C carrier, property which because of its size or weight requires special handling and the use of special equipment such as trucks having winches or special equipment attached, or trucks of special body construction, or pole trailers, or drop-frame trailers, from points in the City of Pittsburgh, Allegheny County and points within a radius of fifty (50) miles thereof, to points in Pennsylvania east of a line drawn along the eastern boundary of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford

FOLDER 5, Am-B

To transport, as a Class D carrier, property, from the facilities of General Electric Corporation, located in the counties of Erie and Mercer, 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.

MOORE-FLESHER HAULING COMPANY

OPERATING AUTHORITY

PA. P. U. C. - CERTIFICATE A 34122 FOLDERS 2, 5, 6, and 8

FOLDER 6

To transport, as a Class D Carrier, iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products from the property of the United States Steel Company located in Falls Township, Bucks County, to points in Pennsylvania, and vice versa, providing however, that no shipments shall be less than five thousand (5,000) pounds;

subject to the following condition:

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

FOLDER 6, Am-A

To transport iron and steel and iron and steel articles (excluding commodities in bulk in dump vehicles) between points in the City of Pittsburgh, Allegheny County and within an airline distance of fifty (50) statute miles of the limits of said city and from said area to points in Pennsylvania, and vice versa.

Subject to the following conditions:

1. Provided that no right, power or privilege is hereby granted to transport iron and steel and iron and steel articles to or from the facilities of Bethlehem Steel Company and the United States Steel Company in Cambria County except as presently authorized.
2. That no right, power or privilege is hereby granted to provide service from the facilities of the Bethlehem Steel Company in the City of Williamsport, Lycoming County to the Borough of Warrendale, Allegheny County, except as presently authorized.

FOLDER 8

To transport, as a Class D carrier, materials or any combination of materials which spontaneously emit ionizing radiation, between points in the City of Pittsburgh, Allegheny County, and within an airline distance of one hundred (100) miles of the limits of said city.

To transport, as a Class D carrier, radioactive and nuclear materials between points in the City of Pittsburgh, Allegheny County, and within an airline distance of one hundred (100) miles of the limits of said city.

All of the foregoing subject to the following condition:

That no right, power or privilege is granted to transport materials usually transported in dump trucks (a) within thirty-five (35) miles by the usually traveled highways of the City-County Building in Pittsburgh and (b) between points in the counties of Allegheny and Beaver and from points in said counties to points in Pennsylvania, and vice versa.

EDWARD C. FIRST, JR.  
ROBERT H. GRISWOLD  
MOSES K. ROSENBERG  
JAMES W. HAGAR  
ARTHUR L. BERGER  
FRANCIS B. HAAS, JR.  
G. THOMAS MILLER  
DONALD R. WAISEL  
RICHARD R. LEFEVER  
J. THOMAS MENAKER  
CLYDE W. MCINTYRE  
S. BERNE SMITH  
ROD J. PERA  
EDWARD W. ROTHMAN  
ROBERT A. MILLS  
W. JEFFREY JAMOUNEAU  
HERBERT R. NURICK  
DAVID E. LEHMAN  
NORMAN I. WHITE  
F. MURRAY BRYAN  
RICHARD W. STEVENSON  
WILLIAM A. CHESNUTT  
HENRY R. MACNICHOLAS

WILLIAM M. YOUNG, JR.  
ROBERT M. CHERRY  
DAVID B. DISNEY  
H. LEE ROUSSEL  
MAURICE A. FRATER  
C. GRAINGER BOWMAN  
JOHN S. OYLER  
DELANO M. LANTZ  
HARVEY FREEDENBERG  
EDWARD J. RIEHL  
JASON S. SHAPIRO  
ERIC L. BROSSMAN  
ROBERT D. STETS  
TERRY R. BOSSERT  
MARY JANE FORBES  
JEFFREY B. CLAY  
DAVID M. KLEPPINGER  
NEAL S. WEST  
JESSIE L. SMITH  
BRUCE A. FELDMAN  
RANDOLPH M. BAKER  
FRANKLIN A. MILES, JR.  
MICHAEL A. DOCTROW

**McNEES, WALLACE & NURICK**  
ATTORNEYS AT LAW

100 PINE STREET  
P. O. BOX 1166  
HARRISBURG, PA. 17108-1166  
TELEPHONE (717) 232-8000

STERLING G. McNEES  
1923-1959  
DAVID H. WALLACE  
1942-1967

GILBERT NURICK  
JAMES H. BOOSER  
HARRY H. FRANK  
JEFFERSON C. BARNHART  
JAMES H. KING

OF COUNSEL

December 15, 1983

HAND DELIVERED

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

Re: A-00105101  
J. F. LOMMA, INC.  
PROTEST OF DAILY EXPRESS, INC.  
Our File: 01800-410-1

RECEIVED

DEC 16 1983

Non-Rail Transportable  
Public Utility Company

Dear Sir:

On behalf of Daily Express, Inc., I enclose the original and two copies of a protest to the above-captioned application. Copies are being forwarded to applicant's attorney and directly to applicant.

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PUBLIC UTILITY  
COMMISSION

Respectfully submitted,

McNEES, WALLACE & NURICK

By: *William A. Chesnutt*  
William A. Chesnutt

WAC/nas

Enclosures

cc: James W. Patterson, Esquire (w/ Enclosure)  
J. F. Lomma, Inc. (w/ Enclosure)  
Mr. E. S. Moore, Jr. (w/ Enclosure)  
Daily Express, Inc.

FILE

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

In re:

J. F. LOMMA, INC.  
A-00105101

DEC 16 1983

Non-Rail Transportation  
Public Utility Commission

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, Pennsylvania 17013  
Telephone: (717) 232-8000

DOCKETED  
APPLICATION DOCKET  
DEC 16 1983  
ENTRY No. MW

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  
Telephone: (717) 232-8000

DOCUMENT  
FOLDER  
FILE

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

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PUBLIC UTILITY  
COMMISSION

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 not only with the authorities set forth in Appendix "B", but also with a pending application by Daily at A.85189, F.3, Am-J.

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 and sought 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  
December 15, 1983

3740

## NOTICES

filed with the Pennsylvania Public Utility Commission. Publications of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. All applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 19, 1983, and shall conform with the provisions for the content of protests as set forth in 52 Pa. Code § 3.381(c).

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

A-00105101. J. F. Lomma, Inc. (286 Central Avenue, South Kearny, New Jersey 07032), a corporation of the State of New Jersey — property, which because of size or weight, requires the use of rigging, special handling, or special equipment between points in Pennsylvania. Attorney: James W. Patterson, 1800 Penn Mutual Towers, Philadelphia, Pa. 19106.

A-00105102. Paul Efstration, t/d/b/a Hercules Movers (1150 South Leopard Road, Berwyn, Chester County, Pa. 19312) — household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; and articles, in use, including objects of art, displays and exhibits which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods between points in the counties of Chester, Delaware, Philadelphia, Montgomery and Bucks. Attorney: F. Harry Spiess, Jr., Post Office Box 191, First Pennsylvania Bank Building, Wayne, Pa. 19087.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of property as described under each application.

A-00096171, Folder 1, Am-C. Zogorski Warehousing, Inc. (418 Washington

Avenue, Hulmeville, Bucks County, Pa. 19047) a corporation of the Commonwealth of Pennsylvania, inter alia — telephone equipment, materials and supplies, for The Bell Telephone Company of Pennsylvania, between points in the counties of Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia; subject to the following conditions: That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles: So as to permit the transportation of telecommunications equipment, materials and supplies for Bell Atlantic Corp. and AT&T Information Systems between points in Pennsylvania, excluding the transportation of commodities in bulk, in tank vehicles or in hopper-type vehicles. Attorney: Raymond A. Thistle, Jr., 5 Cottman Court, 426 Cottman Street, Jenkintown, Pa. 19046.

A-00102318, Folder 1, Am-B. B & B Carriers, Inc. Post Office Box 160, Honey Brook, Chester County, Pa. 19344), a corporation of the Commonwealth of Pennsylvania, inter alia — molasses, corn syrup and maple syrup, for Good Food, Inc. and Zook Molasses Co., from points in the borough of Honey Brook, Chester County, and the city and county of Philadelphia, to points in Pennsylvania: So as to permit the transportation of edible oils, for Good Food, Inc. and Zook Molasses Co., from points in Pennsylvania, to the borough of Honey Brook, Chester County, and from said borough, and the borough of New Holland, Lancaster County, to points in Pennsylvania. Attorney: Christian V. Graf, 407-North Front Street, Harrisburg, Pa. 17101.

A-00103856, Folder 1, Am-A. Woodland Trucking Corp. (618A Woodland Road, R. D. 2, Shippenville, Clarion County, Pa. 16254), a corporation of the Commonwealth of Pennsylvania, inter alia — coal from stripping operations in the counties of Clarion, Armstrong and Jefferson, to railroad sidings within the said counties, provided no haul shall exceed a distance of 15 miles from point of origin to point of destination: So as to permit the transportation of coal, limestone and aggregates, such as gravel and sand, between points in the counties of Clarion, Butler, Venango, Jefferson and Armstrong, and from points in said counties, to points in Pennsylvania and vice versa. Attorney: Dom W. Greco, 12 Grant Street, Clarion, Pa. 16214.

Applications of the following for amendment to the certificate of public convenience approving the operating of motor vehicles as common carriers for

transportation of property by transfer of rights as described under each application:

A-00102008, Folder 2, Am-A. Elizabeth Fawcett, t/d/b/a Boaz Trucking Company and Biddlestone Transfer (5974 Murdock Avenue, Bethel Park, Allegheny County, Pa. 15102), inter alia — household goods and office furniture in use, pianos and safes from points in the city of McKeesport, Allegheny County, and within a radius of 3 miles thereof, to points within 25 miles by the usually traveled highways of the limits of the said city and vice versa: So as to permit the transportation of household goods and office furnishings, in use from points in the borough of Homestead, Allegheny County, and within 5 miles, by the usually traveled highways of the limits of said borough to other points in Pennsylvania and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00080954, Folder 2 to DeBolt Transfer, Inc.; a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. Attorney: Timothy P. O'Reilly, 322 Boulevard of the Allies, Eighth Floor, Pittsburgh, Pa. 15222.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00092876, Folder 4, Am-A. Sam C. Lobritto, t/d/b/a Yatesville Bus Company (107 Pine Street, Pittston, Luzerne County, Pa. 18640) — persons on schedule, from the terminal facilities of Yatesville Bus Co., at the Pittston bypass, Jenkins Township, Luzerne County, thence on Pennsylvania Highway Route 315 to Fox Hill Road, Plains Township, Luzerne County; thence on Fox Hill Road to the Operating Engineers Union Building, thence returning on Fox Hill Road to Pennsylvania Highway Route 315, thence over Pennsylvania Highway Route 315 to its intersection with Pennsylvania Highway Route 115 in the city of Wilkes-Barre, Luzerne County, thence on Pennsylvania Highway Route 115 to its intersection with Interstate Highway Route 81, thence over Interstate Highway Route 81 to the Nanticoke exit, thence on U. S. Highway Route 11, to the Pennsylvania Power & Light Company, facilities in the township of Salem, Luzerne County; subject to the following condition: That the service here authorized is limited to the transportation of persons originating at or destined to the facilities of Pennsylvania Power &

Authorities of Daily Express, Inc. under Pa. PUC Docket No. A. 0085189,  
to perform transportation as a Class D motor common carrier, of:

Folder 2:

prefabricated buildings and component parts thereof for Inland Homes Corporation between points in the Borough of Hanover, York County, and within an airline distance of five (5) miles of the limits of said borough and from points in said territory to other points in Pennsylvania,

Folder 3:

property from the plant of United States Steel Corporation (formerly United States Steel Homes, Inc.,) located in the Township of Hampden, Cumberland County, to points in Pennsylvania, and vice versa;

Folder 3, Am-A:

farm wagons, combines, self-propelled vehicles (except highway trucks and automobiles) and equipment, attachments and parts intended for use in conjunction with farm wagons, combines and self-propelled vehicles (except highway trucks and automobiles), when moving in conjunction therewith, by driveaway and towaway service, between points in Pennsylvania.

farm wagons, combines, self-propelled vehicles (except highway trucks, buses, automobiles and chassis thereof) and equipment, attachments and parts intended for use in conjunction with farm wagons, combines and self-propelled vehicles (except highway trucks, buses, automobiles and chassis thereof), when moving in conjunction therewith, by truckaway service, between points in Pennsylvania.

DAILY EXPRESS, INC.  
A.0085189, continued:

Folder 3, Am-B

unpacked glass and glass in packages which because of size or weight require the use of special equipment, and unpacked glass and glass in packages which because of size or weight do not require the use of special equipment, when moving in mixed shipments with the unpacked glass and glass in packages which because of size or weight require the use of special equipment from the plant site of PPG Industries, Inc., in the township of South Middleton, Cumberland County, to points in Pennsylvania, and vice versa.

Folder 3, Am-C

feed, fertilizer, lime, farm machinery, farm supplies, fresh tomatoes, peas, beans, sweet corn, apples, hay, straw, potatoes and livestock between points in the borough of Hanover, York County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough, provided that all transportation shall begin or end at a farm.

livestock from points in the borough of Hanover, York County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough to points within one hundred fifty (150) miles by the usually traveled highways of the limits of the said borough, and vice versa, provided that all transportation shall begin or end at a farm.

building materials, such as are usually transported in bulk in dump trucks, between points in the borough of Hanover, York County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said borough; provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

property, excluding household goods in use, between points in the borough of Gettysburg, Adams County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.

property, excluding household goods in use, from points in the borough of Gettysburg, Adams County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, to points within forty (40) miles by the usually traveled highways of the limits of the said borough, and vice versa.

DAILY EXPRESS, INC.  
A.0085189

Folder 3, Am-C, continued:

feed, insecticides and fertilizer for E. S. Kelley from the borough of Gettysburg, Adams County, to points within fifty (50) miles by the usually traveled highways of the limits of the said borough, and vice versa.

farm products and supplies from farms in the county of Adams to points within thirty-five (35) miles by the usually traveled highways of the limits of the borough of Gettysburg, Adams County.

products from Adams County Farm Bureau Station in the borough of Gettysburg, Adams County, to points within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa;

food and food products for Davenport, Inc., between points in the city of Harrisburg, Dauphin County.

property for the Glen-Gery Shale Brick Corporation from rail sidings in the city of Harrisburg, Dauphin County, to points in the said city.

property for the Glen-Gery Shale Brick Corporation from the city of Harrisburg, Dauphin County, to plants of the said corporation located in the city of Reading and the boroughs of Shoemakersville, Wyomissing and Ephrata, and vice versa.

brick from plants of the Glen-Gery Shale Brick Corporation located at Harrisburg, Reading, Shoemakersville, Wyomissing and Ephrata to points of construction within one hundred (100) miles by the usually traveled highways of the respective plants; provided, however, that the right, power and privilege hereby granted shall include the right to transport excess parts of such loads to dealers' places of business.

coal and coke between points in the city of Harrisburg, Dauphin County, and within six (6) miles by the usually traveled highways of the limits of the said city.

river coal from wharves on the Susquehanna River in Dauphin County to points in the city of Harrisburg, Dauphin County, and within six (6) miles by the usually traveled highways of the limits of the said city.

DAILY EXPRESS, INC.  
A.0085189

Folder 3, Am-C, continued:

building and construction materials, such as are transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the counties of Dauphin, Cumberland, Perry, York, Lebanon and Lehigh.

tractors for The Oliver Corporation from the city of Harrisburg, Dauphin County, to farms within one hundred (100) miles by the usually traveled highways of the limits of the said city.

building construction materials between points in the city of Harrisburg, Dauphin County, and within twenty (20) miles by the usually traveled highways of the limits of the said city; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

contractors' equipment, farm machinery, and other heavy and bulky property, which because of its weight or bulk requires special handling, or service, between points in the city of Harrisburg, Dauphin County, and within an airline distance of twenty-five (25) miles of the State Capitol in the said city and from points in said area to points in Pennsylvania, and vice versa, excluding the city of Lancaster as a point of origin.

iron and steel and iron and steel articles and products between points in the county of Dauphin located within an airline distance of fifteen (15) miles of the State Capitol in the city of Harrisburg, and from points in said territory to other points in Pennsylvania, and vice versa, excluding the city of Lancaster, Lancaster County, as a point of origin;

(1) logs, pallets, wood chips or shavings, poles, mine timber, wood flour or fiber in bags, in bulk or packages, wood fiber products, furring strips and crating lumber, and (2) fasteners, moulding and other accessories and supplies for use in erection or installation of items in (1), between points in the county of Bradford and from points in said county to other points in Pennsylvania, and vice versa;

DAILY EXPRESS, INC.  
A.0085189

Folder 3, Am-E

buildings, building panels, building parts, and materials, accessories and supplies used in the installation, erection and construction of buildings, building panels, and building parts, except commodities in bulk, from the plant site and storage facilities of the Butler Manufacturing Company in the townships of Annville and North Annville, Lebanon County, to points in Pennsylvania.

Folder 3, Am-F

building and construction materials and other heavy objects between points in the counties of Dauphin, Cumberland, Lebanon and Perry;

building and construction materials and other heavy objects from points in the counties of Dauphin, Cumberland, Lebanon and Perry to other points in Pennsylvania and vice versa;

building and construction materials and other heavy objects from the borough of Danville, Montour County, to points in Pennsylvania, east of a line drawn between Eldred, McKean County, and the intersection of Bedford-Fulton County line with the Pennsylvania-Maryland State line, and vice versa;

steel and steel products for the Bethlehem Steel Company from the rail terminals located in the area east of said north and south line to any other point in said area;

property from the plant sites, construction sites and storage areas of the Downingtown Iron Works, Division of Pressed Steel Tank Company, in the borough of Downingtown, Chester County, and within an airline distance of three (3) miles of the limits of said borough, to points in Pennsylvania located on and west of the Susquehanna River and its north branch, and vice-versa,

iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production assembly and distribution of iron and steel from the plant site of Allegheny Ludlum Steel Corporation in the township of Valley, Chester County, to points in Pennsylvania, excluding points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester;

DAILY EXPRESS, INC.  
A.0085189

Folder 3, Am-F, continued:

property, from the facilities of McGraw-Edison Company in the township of Upper Macungie, Lehigh County, to points in Pennsylvania;

concrete products, from points within four (4) miles of the limits of the borough of Manchester, York County to points in Pennsylvania and vice versa.

Folder 3, Am-G

property, from the facilities of E. I. DuPont de Nemours & Co. located in the township of North Towanda, Bradford County, and points within an airline distance of five (5) statute miles thereof, to the facilities of E. I. DuPont de Nemours & Co., located in the township of Plains, Luzerne County, and points within an airline distance of five (5) statute miles thereof and the city of Hazleton, Luzerne County, and points within an airline distance of five (5) statute miles thereof, and vice versa.

Folder 3, Am-I

glass and glass products, from the facilities of PPG Industries, Inc., located in the township of Greenwood, Crawford County and in the borough of Ford City, Armstrong County, to points in Pennsylvania, and vice versa.

Folder 3, Am-J (Pending)

property (excluding commodities in bulk and household goods in use) between points in Pennsylvania.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest of Daily Express, Inc. was served on Applicant's counsel as follows:

James W. Patterson, Esquire  
1800 Penn Mutual Towers  
Philadelphia, Pennsylvania 19106

and directly on Applicant, by mailing same by first class mail, postage prepaid, at Harrisburg, Pennsylvania on this 15th day of December, 1983.



WILLIAM A. CHESNUTT, ESQUIRE  
McNEES, WALLACE & NURICK  
P. O. Box 1166, 100 Pine Street  
Harrisburg, Pennsylvania 17108-1166

Attorneys for Protestant

Dated: December 15, 1983

LAW OFFICES  
**ABRAHAMS & LOEWENSTEIN**  
FOURTEENTH FLOOR

BENJAMIN S. LOEWENSTEIN  
ROBERT D. ABRAHAMS  
JEROME KAPLAN  
BERTHOLD W. LEVY  
LEONARD B. ROSENTHAL  
DON WEISBERG  
SAUL D. LEVIT  
MORTON J. SIMON, JR.  
CAROLYN ENGEL TEMIN  
BARRY D. KLEBAN  
MICHELE SOUTHWORTH  
HARRY M. BYRNE, JR.  
ROBERT D. FEDER

ALBERT MOMJIAN  
ALAN KAHN  
MEYER A. BUSHMAN  
ALLEN I. ROSENBERG  
WARREN J. KAUFFMAN  
MASON AVRIGIAN  
ALLEN S. KELLERMAN  
H. RONALD KLASKO  
GARY M. EDELSON  
MARY CUSHING DOHERTY  
MARK R. ASHTON  
IRA W. BUSHMAN

LAND TITLE BUILDING  
100 SOUTH BROAD STREET  
PHILADELPHIA, PA. 19110  
(215) 561-1030

December 15, 1983

COUNSEL  
D. ARTHUR MAGAZINER  
PHILIP STERLING, 1910-1972  
SIDNEY LOEWENSTEIN, 1910-1976  
CABLE ADDRESS  
"CONSHAIT"  
MONTGOMERY COUNTY OFFICE  
SUITE 505  
ONE MONTGOMERY PLAZA  
NORRISTOWN, PA. 19401  
(215) 277-7700

**RECEIVED**

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

DEC 19 1983

SECRETARY'S OFFICE  
Public Utility Commission

Re: Application of J. F. Lomma, Inc.  
A-00105101

Dear Mr. Rich:

I enclose herewith the original and two copies of a Protest to the above-captioned application on behalf of Frank W. Hake, Inc., P. Liedtka Trucking, Inc. and David Graham Co. Copies have been served on applicant and its representative.

Very truly yours,

*Alan Kahn*  
ALAN KAHN

**FILE**

AK:lat  
Encl.

cc: J. F. Lomma, Inc.  
James W. Patterson, Esq.  
Frank W. Hake, Inc.  
P. Liedtka Trucking, Inc.  
David Graham Co.

**RECEIVED**

DEC 20 1983

Non-Rail Transportation  
Public Utility Comm.

**DOCUMENT  
FOLDER**

**ORIGINAL RECEIVED**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 19 1983

SECRETARY'S OFFICE  
Public Utility Commission

IN RE:  
APPLICATION OF  
J. F. LOMMA, INC.

: A-00105101

PROTEST

The carriers named below, in accordance with the requirements of 52 Pa. Code Sec. 3.381, Special Rules of Administrative Practice and Procedure, hereby protest the granting of the above-captioned application and in support thereof aver as follows:

1. The protestants are: Frank W. Hake, Inc.  
1500 Chester Pike  
Eddystone, PA 19013  
(215) 876-9292  
A.97085

**DOCUMENT  
FOLDER**

P. Liedtka Trucking, Inc.  
110 Patterson Avenue  
Trenton, NJ 08610  
(609) 831-1070  
A.97043

David Graham Co.  
P. O. Box 254  
Levittown, PA 19059  
(215) 949-3500  
A.85683

**FILE**

2. The protestants attorney is: Alan Kahn, Esq.  
1430 Land Title Bldg.  
Philadelphia, PA 19110  
(215) 561-1030

**DOCKETED**  
APPLICATION DOCKET  
DEC 21 1983  
ENTRY No. *MW*

**RECEIVED**

DEC 20 1983

Non-Rail Transportation  
Public Utility Comm

3. Protestants are common carriers by motor vehicle and have a substantial interest herein in that the proposed operation is competitive with protestants' operations authorized at the above docket numbers. A copy of protestants' relevant operating authorities are attached hereto as Appendix 1. Those portions of protestants' authority marked with an asterisk(\*) are in specific conflict with the application.

4. Since no specific shippers are identified, it is impossible to state with precision the adverse impact approval of the application is likely to have on protestants; however, protestants operate daily within the scope of the application, and derive substantial revenues therefrom, so that the adverse impact will be substantial.

5. The proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public.

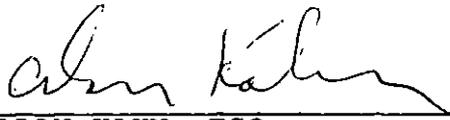
6. Also attached hereto, as Appendix 2, is a suggested restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carriers above-named. If no amendment is attached, no amendment is acceptable to satisfy protestants' interests.

7. Pursuant to Section 333(c) of the Public Utility Code (66 PA.C.S. §333[c]), we hereby request a list of the

witnesses expected to testify in the above-entitled proceeding,  
together with the subject matter of their anticipated testimony.

Respectfully submitted,

FRANK W. HAKE, INC.  
P. LIEDTKA TRUCKING, INC.  
DAVID GRAHAM CO.

By:   
ALAN KAHN, ESQ.  
Attorney for Protestants

OF COUNSEL:

ABRAHAMS & LOEWENSTEIN  
1430 Land Title Building  
Philadelphia, PA 19110  
(215) 561-1030

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Protest upon the applicant and counsel for applicant as indicated below, by mailing a copy thereof via first class mail, postage prepaid.

Dated at Philadelphia, PA this 15th day of December, 1983.

  
\_\_\_\_\_  
ALAN KAHN, ESQ.

J. F. Lomma, Inc.  
Central Avenue  
South Kearny, NJ 07032

James W. Patterson, Esq.  
1800 Penn Mutual Towers  
Phila., PA 19106

Application of FRANK W. HAKE, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of FRANK W. HAKE, INC., a corporation of the Commonwealth of Pennsylvania, dated November 30, 1971, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by GLENN P. HAKE and JAMES D. HAKE, copartners, trading and doing business as FRANK W. HAKE, under report and order issued at A. 51848 on March 14, 1955, and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by FRANK W. HAKE, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

To transport, as a Class D carrier, heavy machinery, contractors' equipment, building stone, curbstone, structural steel, transformers, powerhouse machinery, boilers, stacks, tanks, heavy and bulky objects requiring rigging or special equipment, between points in the city and county of Philadelphia and within an airline distance of one hundred fifty (150) statute miles of City Hall in said city.

To transport, as a Class D carrier, 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;

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.

APPENDIX 1

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

THIRD: That no right, power or privilege is granted to transport textile machinery and incidental parts thereof and equipment therefor.

FOURTH: That no right, power or privilege is granted to transport full-fashioned hosiery machinery.

FIFTH: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SIXTH: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

SEVENTH: 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, April 11, 1972, 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:

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

*Thomas J. Blanton*  
Chairman

The supporting shipper has testified that its traffic volume is increasing substantially; it presently uses the services of applicant, Interstate, and protestant and has demonstrated a need for the services of applicant in Pennsylvania. Since applicant and protestant both service the Fairless Works of U.S. Steel, (Tr. 45), approval of the instant application will not inject a new carrier into the market. The volume of traffic from the supporting shipper is anticipated to increase substantially, and the shipper does not intend to specifically divert traffic from protestant to applicant, nor has protestant testified as to any anticipated degree of traffic diversion. We conclude, therefore, that approval of the subject application will not seriously impair protestant's ability to adequately serve the public.

Our decision in Eazor Express, Inc., expresses Commission policy regarding approval of a competitive carrier service<sup>3/</sup>:

"The applicant in the proceeding has the responsibility of proving necessity for the service proposed. This proof does not, however, have to be absolute, but rather a demonstration that the proposed service will benefit the public by improving service that is currently available is sufficient to warrant a grant of authority."

#### CONCLUSION

Our review of the testimony leads to the conclusion that since Applicant has proven that its shipping requirements have been increasing, and that the incidence of tonnage refusals has increased, it has adequately demonstrated that the proposed service will benefit the public by improving existing service. We find therefore that the granting of a certificate to Applicant is necessary or proper for the service, accommodation, convenience or safety of the public, in accordance with 66 Pa.C.S. §1103; THEREFORE,

#### IT IS ORDERED:

1. That the application of P. Liedzka Trucking, Inc., at Docket No. A- 97043, P. 3 is hereby approved granting the following authority:

To begin to transport, as a class D common carrier, by motor vehicle, iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel products, except commodities in bulk, from the facilities of the United States Steel Corporation, located in the township of Falls, Bucks County, to points in Pennsylvania, and vice versa, subject to the following conditions:

3/ See also Coastal Tank Lines, Inc. v. Pennsylvania Public Utility Commission, 151 A.2d 846, 189 Pa. Superior Ct. 482 (1959) which held it not to be improper for the Commission ". . . to inject an element of competition into this field of transportation."

That no right, power or privilege is granted to transport clay products, from points in the Counties of Clearfield, Cambria, Butler, Jefferson, Indiana, Armstrong, Clarion, Northumberland, Beaver and Lawrence; and from Snow Shoe Township, Centre County.

2. That upon compliance with the requirements of the Public Utility Code, and the rules and regulations of the Commission relating to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate be issued evidencing the Commission's approval of the authority to operate as above described.

3. That in the event said applicant has not, within sixty (60) days from the date of the service of this Order, complied with the requirements hereinabove set forth, the application shall be dismissed without further proceedings.

4. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

5. That the exceptions filed to the initial decision of Judge Crumlish are granted to the extent this instant application is granted, and otherwise are denied.

6. That except as herein modified, the findings and conclusions contained in the initial decision of Judge Crumlish are adopted as the final decision of the Commission.

BY THE COMMISSION  
*William P. Thierfelder*

William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: February 1, 1980

ORDER ENTERED: JUL 2 1980

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 19, 1981

Commissioners Present:

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

Application of P. Liedtka Trucking, Inc., for approval of the transfer to it of all the operating rights held by Hoch Trucking Company, Inc., at A-00033474, Fs. 3 and 4. A-00097043, F. 3, Am-A

O R D E R

BY THE COMMISSION:

By application docketed March 17, 1981, P. Liedtka Trucking, Inc., a corporation of the State of New Jersey, seeks approval of the transfer to it of all the rights granted to Hoch Trucking Company, Inc., a corporation of the Commonwealth of Pennsylvania, under the certificates issued at A-00033474, Fs. 3 and 4.

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

IT IS ORDERED: That the application for the transfer of rights held by Hoch Trucking Company, Inc., at A-00033474, Fs. 3 and 4 be approved and that the report and order adopted February 1, 1980 at A-00097043, F. 3 and the certificate issued pursuant thereto, be modified and amended to include the following rights:

1. To transport, as a Class D carrier, materials usually transported in dump trucks, contractors' road building machinery and coal between points not to exceed a distance of twenty-five miles from point of origin to point of construction or disposal in the county of Lehigh and within fifty miles, by the usually traveled highways, of the limits of said county.
2. To transport, as a Class D carrier, contractors' road building machinery and equipment for Hoch Contracting Company, from points in the county of Lehigh to points within one hundred and fifty (150) miles, by the usually traveled highways, of the limits of the said county and vice versa.

3. To transport, as a Class C carrier, contractors' road building equipment, machinery and property requiring rigging, skidding or special handling and the use of special heavy duty motor equipment, between points in the county of Lehigh and within seventy-five (75) miles, by the usually traveled highways, of the limits of said county.
4. To transport, as a Class D carrier, lawfully mined and lawfully prepared coal from mines in the counties of Carbon, Luzerne and Schuylkill, to points in the counties of Lehigh and Northampton.
5. To transport, as a Class D carrier, lawfully mined and lawfully prepared coal from points in the counties of Schuylkill and Berks to the plants of the Allentown Steam Heating & Power Company in the city of Allentown, Lehigh County;

subject to the following conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That applicant charge to Account 1550, Other Intangible Property, \$15,000, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held December 13, 1981

Commissioners Present:

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

Application of P. Liedtka Trucking, Inc., a  
corporation of the State of New Jersey, for  
amendment to its common carrier certificate:

A-00097843  
P. 3  
Am-B

SO AS TO PERMIT the transportation of  
property, from the facilities of Calotax  
corporation, located in the township of  
Somerset, Somerset County, to points in  
Pennsylvania, and vice versa.

---

Abrahams & Lowenstein by Alan Kahn for the applicant.  
Fillar and Mulroy by Thomas M. Mulroy for the protestant, Wayne W.  
Sell Corp., Edward R. Simpson, Ritchey Trucking, Inc., and C. L.  
Feather, Inc.

---

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application  
filed June 16, 1981. Public notice of the application was given in the  
Pennsylvania Bulletin of July 25, 1981. Protests were entered by four  
carriers, which were withdrawn predicated upon the Commission's acceptance  
of the restrictive amendment excluding transportation in dump vehicles.

The record is now unprotested and is certified to the Commission  
without an oral hearing. The record consists of verified statements  
entered by the applicant and supporting shipper.

Philip Liedtka, president of P. Liedtka Trucking, Inc. (Liedtka  
or applicant), 110 Patterson Avenue, Trenton, NJ, sets forth that he is  
authorized to provide the following information in support of the pending  
application. Liedtka was granted a certificate of public convenience at

Service presently being provided by other carriers is inadequate because of their failure to provide sufficient equipment. Many existing carriers also will not make jobsite deliveries. Because of the existing deficiencies, Celotex has had to rely heavily upon its private carriage fleet.

#### DISCUSSION AND FINDINGS

The applicant in this proceeding is a common carrier incorporated under the laws of the State of New Jersey. It now seeks by the instant application, additional authority that would permit the transportation of property, from the facilities of Celotex Corporation, located in the township of Somerset, Somerset County, to points in Pennsylvania, and vice versa. By restrictive amendment, the applicant excluded all transportation in dump vehicles.

The supporting shipper in this proceeding, Celotex Corporation, is a major manufacturer and distributor of building and construction materials. Celotex has developed a need for additional common carriers that can provide van equipment needed to handle its commodities. As a result of the lack of equipment, it has had to rely more on its private carriage equipment.

#### We find:

1. That the applicant possesses the necessary equipment, experience and fitness to provide the proposed service, as amended.
2. That the applicant has demonstrated that a need exists for the proposed transportation, as amended.
3. That approval of the application, as amended, will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved, and that the certificate issued to the applicant on July 31, 1981, as amended, be further amended to include the following right:

To transport, as a Class D carrier, property, from the facilities of Celotex Corporation, located in the township of Somerset, Somerset County, to points in Pennsylvania, and vice versa.

subject to the following condition:

That no right, power or privilege is granted to provide transportation in dump vehicles.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held January 8, 1982

Commissioners Present:

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

Application of P. Liedtka Trucking, Inc.,  
a corporation of the State of New Jersey,  
for amendment to its common carrier  
certificate: SO AS TO PERMIT the transporta-  
tion of property, from the facilities of  
Masonite Corporation, located in the town-  
ship of Wysox, Bradford County, to points  
in Pennsylvania, and vice versa.

A-00097043  
F. 3  
Am-C

---

Abrahams & Lowenstein by Barry D. Kleban for the applicant.

---

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 21, 1981. Public notice of the application was given in the Pennsylvania Bulletin of September 19, 1981. No protests have been entered.

The record is unopposed and is certified to the Commission without an oral hearing. The record consists of verified statements submitted by the applicant and supporting shipper.

Philip Liedtka, president of P. Liedtka Trucking, Inc. (applicant), 110 Patterson Avenue, Trenton, NJ, sets forth that he is authorized to provide the following information in support of the pending application. The applicant was granted a certificate of public convenience at Folder 3 on July 31, 1980, which authorizes, inter alia, the transportation of iron and steel, iron and steel articles and products; materials usually transported in dump vehicles; contractors road building machinery and equipment; and coal. A second certificate, F. 4, was issued July 16;

of equipment available. It will require the applicant to provide flatbed trailers, multiple stop-offs in transit, direct deliveries to the same day or next day depending upon destinations.

#### DISCUSSION AND FINDINGS

The applicant, a New Jersey corporation, seeks by the instant application, the right to transport property from the facilities of the Masonite Corporation, located in the township of Wysox, Bradford County, to points in Pennsylvania, and vice versa. The applicant has been meeting the needs of the supporting shipper in interstate commerce, and now seeks to meet its interstate transportation needs.

The supporting shipper in this proceeding is a leading manufacturer of materials utilized by the building industry. Masonite has found that it has been unable to acquire a sufficient quantity of flatbed equipment to handle its production. In addition, it is planning to curtail or close facilities in other states, thus requiring the Bradford facility to produce and distribute substantially larger amounts of fiberboard. It is expected that this restructuring will require an additional 100 to 200 truckloads per month from Bradford.

The applicant has been meeting the interstate needs of the supporting shipper and has 236 flatbed trailers available. It appears that the applicant can provide the service and flatbed equipment desired by the supporting shipper.

#### We find:

1. That the applicant possesses the necessary equipment, experience and fitness to provide the service proposed.
2. That the applicant has demonstrated that there exists a public need for the proposed service.
3. That approval of the application will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, be and is hereby approved, and that the certificate issued to the applicant on July 31, 1980, as amended, be further amended to include the following right:

*WJ*  
To transport, as a Class D carrier, property, from the facilities of Masonite Corporation, located in the township of Wysox, Bradford County, to points in Pennsylvania, and vice versa.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

P. LIEDTKA TRUCKING, INC. : NO. A.97043, F.3, Am-D  
:

AMENDED APPLICATION

COMES NOW, applicant, P. LIEDTKA TRUCKING, INC., by its attorney, Alan Kahn, and asks leave to restrictively amend its application herein so as to read in the following form:

 So as to permit the transportation of iron and steel articles, from the facilities of Bethlehem Steel Corporation, located in the city of Bethlehem, Lehigh and Northampton Counties, to points in Pennsylvania, and vice versa.

RESTRICTIONS:

Provided that no right, power or privilege is granted:

1. To perform transportation to or from points in the Counties of Blair, Cambria, Huntingdon and Somerset;
2. To perform transportation in dump vehicles to Homestead, Allegheny County and points within fifty (50) miles of the limits thereof.

P. LIEDTKA TRUCKING, INC.

BY: \_\_\_\_\_  
ALAN KAHN, Attorney

ment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of property as described under each application.

A-00024369, Folder 10, Am-E, Friedman's Express, Inc. (P. O. Box 480, Wilkes-Barre, Luzerne County, Pa. 17733), a corporation of the State of Delaware, inter alia — property, as dealt in by department stores, for said stores, from department stores and suppliers of department stores in the counties of Wayne, Lackawanna, Luzerne, Northumberland, Schuylkill, Carbon, Monroe, Northampton, Lehigh, Berks, Montgomery, Bucks and Columbia; to the terminals of Friedman's Express, Inc., located in the township of Dorrance, Luzerne County, the borough of Bath, Northampton County, and the town of Bloomsburg, Columbia County; and vice versa; excluding shipments of products and supplies, natural or artificial, that are grown, manufactured, sold or used by nurserymen or florists in lots of more than 10% carton amount of total shipment. So as to permit the transportation of property, as dealt in by department stores, between points in the counties of Wayne, Lackawanna, Luzerne, Northumberland, Schuylkill, Carbon, Monroe, Northampton, Lehigh, Berks, Montgomery, Bucks and Columbia. Attorney: Maxwell A. Howell, 1511 K Street, N. W., Washington, D. C. 20005.

A-00024369, Folder 10, Am-F, Friedman's Express, Inc. (P. O. Box 480, Wilkes-Barre, Luzerne County, Pa. 17733), a corporation of the State of Delaware, inter alia — property, as dealt in by department stores, for said stores, from department stores and suppliers of department stores in the counties of Wayne, Lackawanna, Luzerne, Northumberland, Schuylkill, Carbon, Monroe, Northampton, Lehigh, Berks, Montgomery, Bucks and Columbia; to the terminals of Friedman's Express, Inc., located in the township of Dorrance, Luzerne County, the borough of Bath, Northampton County, and the town of Bloomsburg, Columbia County; and vice versa; excluding shipments of products and supplies, natural or artificial, that are grown, manufactured, sold or used by nurserymen or florists in lots of more than 10% carton amount of total shipment; So as to permit the transportation of property, between points in that part of Pennsylvania on and east of U. S. Highway Route 15. Attorney: Maxwell A. Howell, 1511 K Street, N. W., Washington, D. C. 20005.

A-00092857, Folder 1, Am-G, Lester & Prange, Inc., (Box 1, Kirkwood,

Lancaster County, Pa. 17306), a corporation of the Commonwealth of Pennsylvania, inter alia — property, excluding commodities in bulk in tank, hopper or dump type vehicles, from the facilities of The Oxford Corporation in the borough of Oxford, and the township of Lower Oxford, Chester County, to points in Pennsylvania, and vice versa; So as to permit the transportation of metal roofing and siding and fabricated metal products and materials and supplies used in the manufacture and distribution of the aforementioned commodities, between the facilities of Fabral Alcan Building Products Division, Division of Alcan Aluminum Corp., in the county of Lancaster, and from said facilities, to points in Pennsylvania. Attorneys: Chester A. Zyblut, 366 Executive Building, 1030 15th Street, N. W., Washington, D. C. 20005 and Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101.

A-00097043, Folder 3, Am-E, P. Liedtka Trucking, Inc. (110 Patterson Avenue, Trenton, Mercer County, New Jersey 08610), a corporation of the Commonwealth of Pennsylvania, inter alia — to transport, by motor vehicle, iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel products, except commodities in bulk, from the facilities of the United States Steel Corporation, located in the township of Falls, Bucks County, to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport clay products, from points in the counties of Clearfield, Cambria, Butler, Jefferson, Indiana, Armstrong, Clarion, Northumberland, Beaver and Lawrence; and the Snow Shoe Township, Centre County; So as to permit the transportation of property from the facilities of The Celotex Corporation, located in the city of Sunbury, Northumberland County, and the city and county of Philadelphia, to points in Pennsylvania, and vice versa. Attorney: Alan Kahn, 1430 Land Title Building, Philadelphia, Pa. 19110.

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

A-00103679, Folder 2, Roblee Motorfrate, Inc. (P. O. Box 329, DuBois, Clearfield County, Pa. 15801), a corporation of the Commonwealth of Penn-

sylvania — property for the G. C. Murphy Company from its warehouse in the city of McKeesport, Allegheny County, to stores of said G. C. Murphy Company in the borough of Warren, Warren County, the boroughs of New Bethlehem and Clarion, Clarion County, the boroughs of Johnsonburg and St. Marys, Elk County, cities of Titusville and Meadville, Crawford County, cities of Corry and Erie and the borough of North East, Erie County, borough of Brookville, Jefferson County, and the city of Franklin, Venango County; hardware from the Griffin Manufacturing Company in the city of Erie, Erie County, to the warehouse of G. C. Murphy Company, in the city of McKeesport, Allegheny County; property for the G. C. Murphy Company, between its stores located in the borough of Warren, Warren County, boroughs of New Bethlehem and Clarion, Clarion County, boroughs of Johnsonburg and St. Marys, Elk County, cities of Titusville and Meadville, Crawford County, cities of Corry and Erie and the borough of North East, Erie County, borough of Brookville, Jefferson County, and the city of Franklin, Venango county; property for the G. C. Murphy Company, from the said stores to its warehouse located in the city of McKeesport, Allegheny County; household goods in use and store fixtures for the G. C. Murphy Company and the employees of said company, between the cities and boroughs where the stores of said company are located; candies from manufacturers in the city of Pittsburgh and the Crown Chocolate Company in the city of McKeesport, and toys from the borough of Girard, Erie County, to the warehouse of G. C. Murphy Company in the city of McKeesport and the said stores of the G. C. Murphy Company; property for the G. C. Murphy Company from points in the city of McKeesport, Allegheny County, to points in Pennsylvania lying west of a line running north and south through the city of DuBois, Clearfield County, and vice versa; and property for the G. C. Murphy Company between its stores in the said area; which is to be a transfer of the rights authorized under the certificate issued at A-00086891, Folder 3 to H. M. Skinner & Sons, Inc., subject to the same limitations and conditions. Attorney: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, Pa. 19107.

A-00103808, Thomas Calhoun (R. D. 1, Box 79, Brockway, Jefferson County, Pa. 15624) — coal from mines or stripping operations in the counties of Clearfield and Jefferson to loading docks and factories in the said counties, provided no haul shall exceed a

Public Meeting held May 1, 1980

Commissioners Present:

Susan M. Shanahan, Chairman  
Michael Johnson  
James E. Cawley

Application of P. Liedtka Trucking, Inc.

A-00097043, P. 4

O R D E R

BY THE COMMISSION:

By application filed February 5, 1979, and later amended, P. Liedtka Trucking, Inc. (applicant) seeks authority to provide service to and from the facilities of Lukens Steel Company (Lukens) in Coatesville, Chester County and at Conshohocken (in Plymouth Township) Montgomery County. Various protests to the application were filed but, after the amendments were made, only A. Duie Pyle, Inc. (Pyle), Kulp and Gordon, Inc. (K & G) and Tornetta's Motor Trucks, Inc. (Tornetta) remained as active protestants. By initial decision dated December 10, 1979, Administrative Law Judge Crumlish stated his conclusion that the application should be denied. Applicant filed exceptions which were denied. Applicant then filed an appeal and the matter is now before us for final disposition.

The fundamental standard for Commission review of an application for common carrier authority is at Section 1103 of the Public Utility Code, 66 Pa.C.S. §1103. Normally, an applicant attempts to show need for the proposed service and inadequacy of existing service (to support a "necessity" finding) plus its own capacity and fitness to provide the service in question. Alternative requirements have been developed, however, and the basic Section 1103 "necessity" requirement can be met by showing that the proposed service is reasonably necessary for the accommodation or convenience of the public, or by establishing that existing service does not satisfy the public need and that the proposed service would tend to correct or substantially improve that condition. Gactysburg Tours v. Pa. P.U.C., 42 Pa. Commonwealth Ct. 399 (1979). The Commission may also, as an exercise of its discretion, determine the proper level of motor carrier competition and refuse an application if such action would serve the public interest by protecting

Applicant and the protestants are already competing for traffic generated by the two plants in question. Approval of this application will only modify existing competitive relationships and will not inject an entirely new carrier into the market. Further, the volume of traffic falling within the scope of this application is expected to increase and Lukens does not intend to specifically divert traffic from the protestants to the applicant. In fact, the protestants do not seem to fear any considerable diversions but are more concerned about increasing traffic volumes. We conclude that the protestants' capacity to serve the public will not be seriously impaired by the approval of this application and that, on balance, approval of the application is in the public interest.

We find that approval of this application is necessary or proper for the service, accommodation, convenience and safety of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be approved and that applicant be granted the following authority:

The transport, as a Class B Carrier, property, except commodities in bulk, from the facilities of Lukens Steel Co. in the city of Coatesville, Chester County, and the township of Plymouth, Montgomery County, to points in Pennsylvania and vice versa;

Subject to the following conditions:

That no right, power or privilege is granted to transport refractories from points in the Borough of Clearfield, Clearfield County, and within an air-line distance of 25 statute miles of the limits of said Borough.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That, upon compliance with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issued evidencing the Commission's approval of authority to operate.

RECORDED 211  
INDEXED 211  
DATE 10-1-58  
BY 10-1-58  
10-1-58

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Application Docket No. 85683  
Folder 2

Application of DAVID GRAHAM COMPANY,  
a corporation of the State of Delaware

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of DAVID GRAHAM COMPANY, a corporation of the State of Delaware, filed August 2, 1958, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by DAVID GRAHAM under certificate of public convenience issued at A. 25046, Folder 3, on April 13, 1937, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the insurance and tariff requirements of the Commission by DAVID GRAHAM COMPANY, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class B carrier, property between points in the City and County of Philadelphia serving railroad terminals, wholesalers, jobbers, manufacturers and to retailers, but excluding transportation from retail stores to their customers.

To transport, as a Class D carrier, machinery, pipe and heavy objects requiring rigging, skidding or special handling onto or off of trucks and/or in connection with the dismantling of machinery and the transportation of parts so dismantled between points in the County of Philadelphia, and points within one hundred and seventy (170) miles of the City of Philadelphia, subject to the restriction that at any time any one truck shall carry the goods of not more than one shipper to not more than one consignee or destination;

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.

EXHIBIT A

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be assessed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the accounts of the transferee will reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

FOURTH: That the certificate holder shall comply with all 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, November 5, 1958, 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.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*William T. Hill*

Secretary

*Leah Stewart*

Chairman

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held November 21, 1979

Commissioners Present:

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

Application of David Graham Company,  
a corporation of the State of Delaware,  
for amendment to its common carrier  
certificate: SO AS TO PERMIT the  
transportation of machinery, pipe  
and heavy objects requiring rigging,  
skidding or special handling onto  
or off of trucks and/or in con-  
nection with the dismantling of  
machinery in the transportation  
of parts so dismantled from points  
in the city of Philadelphia and  
points within an airline distance  
of one hundred and seventy (170)  
statute miles of the limits thereof,  
to points in Pennsylvania beyond an  
airline distance of one hundred and  
seventy (170) statute miles of the  
limits of the city of Philadelphia,  
and vice versa.

A-00085683

F. 2

Am-A

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Kahn, Bushman, Rosenberg & Weisberg by Alan Kahn for the applicant.  
McNees, Wallace & Nurick by James W. Hagar for the protestants, Daily  
Express, Inc. and Pittsburgh-Philadelphia Transportation Co.  
Jerome Solomon for the protestants, Moore-Flesher Hauling Co., Debolt  
Transfer, Inc., John Benkart & Sons Co. and Randall R. Schubert.

---

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application  
filed February 23, 1978. Public notice of the application was given in  
the Pennsylvania Bulletin of April 8, 1978. Protests were filed by  
Daily Express, Inc., Pittsburgh-Philadelphia Transportation Co., Moore-  
Flesher Hauling Co., Debolt Transfer, Inc., John Benkart & Sons Co. and  
Randall R. Schubert, but were withdrawn predicated on the Commission's  
acceptance of the following amendments:

applicant has met his burden of proof by the submission of evidence delineating the needs of fourteen supporting shippers for certificated carriers possessing specialized equipment and the handling expertise necessitated by the commodities involved.

We further find that the applicant possesses the necessary specialized equipment, expertise in heavy hauling and the financial resources to render the proposed service as amended, and further find that approval of the application as amended is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved, and that the rights contained in the order of March 21, 1979 and entered April 4, 1979, shall now read as follows:

To transport, as a Class D carrier, machinery, pipe and heavy objects requiring rigging, skidding or special handling onto or off of trucks and/or in connection with the dismantling of machinery and the transportation of parts so dismantled from points in the city of Philadelphia and points within an airline distance of one hundred and seventy (170) statute miles of the limits thereof, to points in Pennsylvania beyond an airline distance of one hundred and seventy (170) statute miles of the limits of the city of Philadelphia, and vice versa.

subject to the following conditions:

That no right, power or privilege is granted to transport property to or from points in the counties of Cumberland, Dauphin, Perry and Lebanon, nor to or from points in the county of York within an airline distance of twenty-five (25) statute miles of the State Capitol in Harrisburg, Dauphin County; provided that this restriction shall not preclude transportation to or from the facilities of York-Shipley, Inc., York, York County.

That no right, power or privilege is granted to transport pipe from the facilities of Phoenix Steel Corporation, Phoenixville, Chester County, to points in the city of Pittsburgh, Allegheny County, and points within an airline distance of thirty-five (35) statute miles of the City-County Building in the said city.

That no right, power or privilege is granted to transport pipe from the facilities of Babcock & Wilcox Co., Beaver Falls, Beaver County, the facilities of United States Steel Corporation, McKeesport, Allegheny County, and the facilities of Jones & Laughlin Steel Corporation, Aliquippa, Beaver County, to points in the city of Philadelphia and points within an airline distance of thirty-five (35) statute miles of the City Hall in the said city.

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

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by, or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: November 21, 1979

ORDER ENTERED: DEC 10 1979

**RUBIN, QUINN & MOSS**

ATTORNEYS AT LAW  
1800 PENN MUTUAL TOWER  
510 WALNUT STREET  
PHILADELPHIA, PA. 19106

(215) 925-8300

ALEXANDER N. RUBIN, JR.  
JERROLD V. MOSS  
JAMES W. PATTERSON  
DENIS JAMES LAWLER  
ROBERT P. STYLE  
ROBERT SZWAJKOS  
ERIC M. HOCKY  
EDWARD L. CIEMNIECKI\*\*  
MATTHEW D'ANNUNZIO  
SHAUN R. EISENHAUER

WILLIAM P. QUINN  
MALCOLM L. LAZIN\*  
STEPHEN H. GREEN  
RICHARD M. IMPERATORE  
NICHOLAS J. SCAFIDI  
DON P. FOSTER  
MARY ELLEN O'LAUGHLIN  
ROBERT LAPOWSKY\*\*  
PETER C. CILIO

GOFF & RUBIN  
OSTROFF & LAWLER

December 19, 1983

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

Re: Docket No. A. 105101  
Application of J. F. Lomma, Inc.

**RECEIVED**

DEC 23 1983

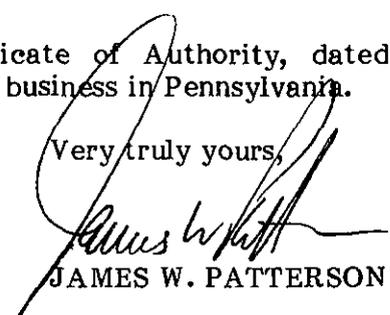
SECRETARY'S OFFICE  
Public Utility Commission

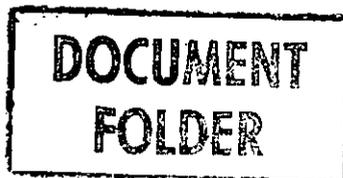
Dear Secretary Rich:

When the above-entitled application was filed, J. F. Lomma, Inc. was in the process of registering to do business with the Commonwealth of Pennsylvania. We indicated, at that time, that we would advise the Commission when J. F. Lomma, Inc. qualified to do business in Pennsylvania.

Enclosed herewith please find an Amended Certificate of Authority, dated December 5, 1983, authorizing J. F. Lomma, Inc. to do business in Pennsylvania.

Very truly yours,

  
JAMES W. PATTERSON



JWP/tal  
Enclosure

cc: Angelo M. Monaco

**RECEIVED**

DEC 27 1983

~~Non-Rail Transportation~~  
Public Utility Commission

8373 22

# Commonwealth of Pennsylvania



784634

## Department of State

To All to Whom These Presents Shall Come, Greeting:

**Whereas**, The J. F. LOMMA, INC.  
organized under the laws of New Jersey  
having heretofore obtained a Certificate of Authority to do business in this Commonwealth under the provisions of Article X, of the Business Corporation Law, approved the fifth day of May, A. D. 1933, P. L. 364 as amended, and

**Whereas**, Such corporation in conformity with that law has presented to the Department of State an application for an Amended Certificate of Authority

**Therefore, Know Ye, I Do By These Presents**, issue unto such Corporation this

### AMENDED CERTIFICATE OF AUTHORITY

changing the Statement of the business proposed to be done in Pennsylvania to:  
To operate as a Motor Carrier of property.

**Given** under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 5th day of December in the year of our Lord one thousand nine hundred and eighty three and of the Commonwealth the two hundred and eighth.

*William R. Davis*

Secretary of the Commonwealth  
vod

**SHEARER, METTE & WOODSIDE**

A PROFESSIONAL CORPORATION

**ATTORNEYS AT LAW**

**HARRISBURG, PENNSYLVANIA 17108**

1801 NORTH FRONT STREET

PLEASE REPLY TO

P. O. BOX 729

December 19, 1983

WALTER W. SHEARER  
HOWELL C. METTE  
ROBERT MOORE  
CHARLES B. ZWALLY  
PETER J. RESSLER  
LLOYD R. PERSUN  
JAMES A. ULSH  
JACK M. STOVER  
C. PETER CARLUCCI, JR.  
R. SCOTT SHEARER  
GLEN R. GRELL  
DANIEL L. SULLIVAN  
CHRISTOPHER C. CONNER

OF COUNSEL  
ROBERT E. WOODSIDE

TELEPHONE  
(717) 232-6701

TELECOPIER  
(717) 236-1818

11326G, F.1

Re: Application of J. F. Lomma, Inc.  
A.00105101

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

**FILE**

Dear Sir:

We file herewith on behalf of Aycok, Heavy Hauling, Inc.  
the original and two copies of its Protest to this Application.

Very truly yours,

*Lloyd R. Persun*  
LLOYD R. PERSUN

LRP:hmc

Enclosures

HAND DELIVERED

**RECEIVED**

DEC 20 1983

Non-Rail Transportation  
Public Utility Commission

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION  
DEC 19 3 03 PM '83

**DOCUMENT  
FOLDER**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of J. F. :  
Lomma, Inc. : A.00105101

PROTEST OF  
AYCOCK, HEAVY HEAULING, INC.

A.82412

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION  
DEC 19 2 03 PM '83

AND NOW, this 19th day of December, 1983, Aycock  
Heavy Hauling, Inc., by its attorneys, Lloyd R. Persun, Esquire  
and Shearer, Mette & Woodside, files this Protest to the above  
captioned Application (hereinafter the "Application") and in  
support thereof avers as follows:

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

Aycock, Heavy Hauling, Inc.  
St. John's Road and Reading Railroad  
Camp Hill, PA 17011  
717-737-0916

RECEIVED  
DEC 20 1983  
Non-Rail Transportation  
Public Utility Comm

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

Lloyd R. Persun, Esquire  
Shearer, Mette & Woodside  
P.O. Box 729  
1801 North Front Street  
Harrisburg, PA 17108-0729  
717-232-6701

FILE

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 21 1983  
ENTRY No. M.W.

3. Protestant possesses authority at A.82412, and various folders and amendments thereunder, with which the Application conflicts. Protestant also filed an Application with your Commission at A.82412, Folder 4, seeking amendment to its Certificate of Public Convenience seeking additional authority to operate motor vehicles as a common carrier for the transportation of machinery and property as described therein. The Application also conflicts with the additional authority sought in Protestant's Application. Exhibit "A" attached hereto and made a part hereof contains a true and correct copy of Protestant's existing operating authority and Protestant's said Application.

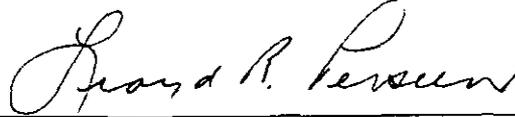
4. To the extent of such conflict, there is no need for the service which is proposed in the Application. Protestant is not aware of any amendment which would satisfy Protestant's interest but is willing to discuss the possibility of settlement with Applicant or its attorney.

5. Approval of the Application is not necessary or proper for the accommodation, convenience, necessity or safety of the public.

6. Approval of the Application is contrary to the public interest. Applicant's entry into the entry of conflict will endanger or impair the operations of existing carriers including Protestant.

WHEREFORE, Protestant respectfully prays that the Application be dismissed, with prejudice.

Respectfully submitted,



---

Lloyd R. Persun, Esquire  
Shearer, Mette & Woodside  
P.O. Box 729  
1801 North Front Street  
Harrisburg, PA 17108-0729

Attorneys for Protestant,  
Aycok, Heavy Hauling, Inc.

December 19, 1983

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held October 15, 1982

Commissioners Present:

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

Application of Aycock, Heavy Hauling, Inc.,  
for approval of the transfer to it of all  
of the operating rights held by George R.  
Lucking and Henry E. Lucking (deceased),  
Copartners, t/a Lucking Brothers at  
A-00070063, Fs. 1 and 2.

A-00082412  
F. 3

O R D E R

BY THE COMMISSION:

By application docketed July 6, 1982, Aycock, Heavy Hauling, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to George R. Lucking and Henry E. Lucking (deceased), Copartners, t/a Lucking Brothers, under the certificates issued at A-00070063, Fs. 1 and 2.

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

IT IS ORDERED: That the application for the transfer of rights held by George R. Lucking and Henry E. Lucking (deceased), Copartners, t/a Lucking Brothers at A-00070063, Fs. 1 and 2 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, heavy machinery, road building and construction machinery and other similar property requiring the use of a winch and trailer between points in the city of York, York County, and within thirty (30) miles by the usually travelled 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.
2. To transport, as a Class C carrier, vault and safe doors - from the city of York, York County, to points within twenty-five (25) miles by the usually travelled highways of the limits of the said city.

EXHIBIT "A"

3. To transport, as a Class D carrier, lumber, building materials, houses and other buildings between points in the city of York, York County and within twenty-five (25) miles by the usually travelled 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 construction or disposal.

with rights numbers 1, 2 and 3 above subject to the following conditions:

- (a) That no right, power or privilege is granted to transport heavy machinery between points in the city of Harrisburg, Dauphin County.
  - (b) That no right, power or privilege is granted to render service between points served by the Alko Express Lines.
4. To transport, as a Class D carrier, feed for the York Farm Bureau, from the borough of Manheim, Lancaster County to points in the county of York.
  5. To transport, as a Class D carrier, cinder blocks and building materials for York Building Products Company, Inc., between points in the city of York, York County, and from points in the said city to points in the counties of York, Adams, Lancaster, Berks and Cumberland.
  6. To transport, as a Class D carrier, farm products from farms in the county of York, to points in the counties of York, Adams, Lancaster, Berks and Cumberland;

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

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted, in excess of the actual cost of such rights to the original holder thereof.

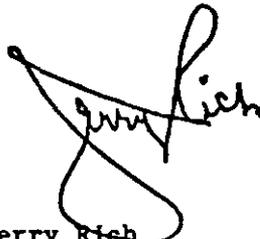
3. That the applicant charge to Account 1550, Other Intangible Property, \$2,750, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above.
4. That the operating authority granted herein or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor George R. Lucking and Henry E. Lucking (deceased), Copartners, t/a Lucking Brothers at A-00070063, Fs. 1 and 2 be cancelled and the records be marked closed.

BY THE COMMISSION,



Jerry Rish  
Secretary

(SEAL)

ORDER ADOPTED: October 15, 1982

- 3 -

ORDER ENTERED: OCT 27 1982

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of Aycock, :  
Heavy Hauling, Inc. for amendment :  
to its Certificate of Public :  
Convenience so as to permit the :  
operation of motor vehicles as a :  
common carrier for the trans- :  
portation of machinery and property: :  
which because of its size or weight: :  
requires special handling, or the :  
use of special equipment, such as :  
winch trucks or winch tractors, :  
pole or extendible trailers, :  
flatbed trailers or lowboy trailers: :  
or carryalls between points in the :  
County of York when the hauls or :  
movements exceed a distance of :  
twenty-five (25) miles from points :  
of origin to points of construc- :  
tion, disposal or destination, and :  
from points in the said County to :  
points in Pennsylvania and vice :  
versa. :

Application Docket

No. A.00082412, Folder 4

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The name and address of Applicant are:

Aycock, Heavy Hauling, Inc.  
St. John's Road and Reading Railroad  
Camp Hill, PA 17011

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

Lloyd R. Persun, Esquire  
Shearer, Mette & Woodside  
P.O. Box 729  
1801 North Front Street  
Harrisburg, PA 17108-0729

EXHIBIT "A"

3. Applicant is a corporation organized and existing under laws of the Commonwealth of Pennsylvania. Applicant's Application for letters patent, as filed with the Secretary of the Commonwealth of Pennsylvania in 1955, is attached hereto as Exhibit "A" and made a part hereof. The said Application was approved by the Governor of the Commonwealth of Pennsylvania on September 26, 1955 and thereafter letters patent were issued to Applicant. By its Certificate of Public Convenience issued to Applicant at A.82412, F. 1, your Commission approved the incorporation, organization and creation of Applicant on September 19, 1955. A true and correct copy of said Certificate of Public Convenience is attached hereto as Exhibit "A-1" and made a part hereof.

4. Applicant designates J. William Royer, its executive vice president, at Aycock, Heavy Hauling, Inc., St. John's Road and Reading Railroad, Camp Hill, Pennsylvania 17011 as the person upon service of any notice, process or other order of your Commission may be made for it.

5. By Order entered October 27, 1982, your Commission issued Applicant a Certificate of Public Convenience, granting Applicant various rights to transport property, as a Class D carrier, in the territory described and as conditioned therein. At all times material hereto, Applicant has provided service

under this operating authority which includes but is not limited to heavy machinery, road building and construction machinery and similar property requiring the use of winches and trailers. By this Application, Applicant seeks to expand its operating authority and to delete the conditions that "no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination", and "that no right, or privilege is granted to transport heavy machinery between points in the City of Harrisburg, Dauphin County" or "to render service between points served by the Alko Express Lines". Your Commission's records reveal that Alko Express Lines is no longer in business and that its rights were cancelled. This Application is not to be construed as seeking duplicative rights.

6. Applicant proposes to operate motor vehicles as a common carrier for the transportation of machinery and property which because of its size or weight requires special handling or the use of special equipment, such as winch trucks or winch tractors, pole or extendible trailers, flatbed trailers or lowboy trailers or carryalls, between points in the County of York when the hauls or movements exceed a distance of twenty-five (25) miles from points of construction, disposal or destination, and from points in said County to points in Pennsylvania and vice versa.

7. Exhibit "B" attached hereto and made a part hereof are Applicant's balance sheet as of June 30, 1983 and its income statement for the year ended June 30, 1983. Applicant's financial condition has improved since June 30, 1983. Applicant continues to operate at a profit. Applicant is financially able to provide the proposed service.

8. Exhibit "C" attached hereto and made a part hereof is a list of the equipment available for use in the proposed operations. If additional equipment is required in order to provide the proposed service, Applicant will acquire such equipment by lease or purchase as needed.

9. As rates for the proposed service, Applicant proposes to charge the rates which will be established in tariffs which Applicant will file with your Commission, as supplemented hereafter from time to time, or according to law.

10. Applicant is not now engaged in any transportation of property for compensation in Pennsylvania except as authorized by your Commission, and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.

11. The service proposed to be rendered by Applicant is necessary or proper for the service, accommodation or convenience of the public for the following reasons:

(a) Applicant has received requests for the proposed service.

(b) The proposed service will serve a useful public service, responsive to a public demand or need.

(c) Applicant is experienced in rendering the proposed service.

WHEREFORE, Applicant prays your Honorable Commission to issue a Certificate of Public Convenience to Applicant under provisions of the Public Utility Code, evidencing its approval of the transportation of property as herein described.

AYCOCK, HEAVY HAULING, INC.

By: 

Executive Vice President





3-1-55.28 897

7th. The amount of the capital stock of said corporation is \$ 5,000.00  
divided into 5,000 shares of the par value of \$ 1.00, and  
\$ 500.00, being ten per centum of the capital stock, has been paid in cash to the Treasurer of said  
corporation, whose name and residence is:

Jesse N. Aycock, 546 Devon Road, Camp Hill, Pennsylvania  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Jesse N. Aycock (SEAL)  
Alyce H. Aycock (SEAL)  
Roland E. Bream (SEAL)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (SEAL)

Commonwealth of Pennsylvania }  
County of Dauphin } ss:

Before me, \_\_\_\_\_ a Notary Public in and for the county aforesaid, personally came  
the above named, Jesse N. Aycock, Alyce H. Aycock, and Roland E. Bream

who, in due form of law, acknowledged the foregoing instrument to be their act and deed for the purposes  
therein specified, and being duly sworn according to law, depose and say that the statements contained  
in the foregoing instrument are true and correct.

Sworn and subscribed before me, Notary Public  
XXXXXXXXXXXXXXXXXXXX

May 16, 1955

Jesse N. Aycock  
NOTARY PUBLIC  
My Comm. Expires January 8, 1959  
Harrisburg, Pa. Dauphin County  
Alyce H. Aycock  
Roland E. Bream  
Roland E. Bream

(SEAL)

3-1-55.28 898

CERTIFICATE OF INCORPORATION OF

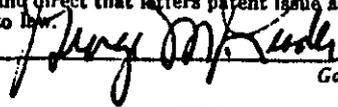
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXECUTIVE CHAMBER

Harrisburg, \_\_\_\_\_, 19\_\_\_\_

To the Secretary of the Commonwealth.

Having examined the within application and found it to be in proper form, and within the purposes of the class of corporations specified in section two of the act, entitled "An Act to provide for the incorporation and regulation of certain corporations," approved April 25th, A. D. 1874, and the several supplements thereto, I hereby approve the same, and direct that letters patent issue according to law.

  
\_\_\_\_\_  
Governor

SECRETARY'S OFFICE

Pennsylvania, as:

Film Roll \_\_\_\_\_

Page \_\_\_\_\_ Incl.

Witness my hand and Seal of office, at

Harrisburg, this \_\_\_\_\_ day of \_\_\_\_\_

A. D. 19\_\_\_\_

\_\_\_\_\_  
Secretary of the Commonwealth

TYPEWRITTEN LIST OF SIGNATURES

Jesse N. Aycock

Alyce H. Aycock

Roland E. Bream

NOTE

The Letters Patent fee on this application will be \$80.00.

The bonus will be one-fifth of one per cent, of the Authorized Capital Stock.

A typewritten list of all signatures must be placed in blank space above.

All fees and bonus must be paid in cash, by money order, certified check, or bank draft.

Term of Existence (paragraph 4) should be limited to fifty years.

In paragraph 3 the address of the Principal Office of the Corporation, including street and number, if any, should be given.

In paragraph 7 the authorized capital stock should not be less than \$5,000.00.

UCSO-35

A. 82412  
Folder 1

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

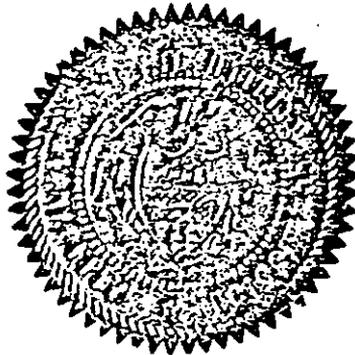
IN THE MATTER OF THE APPLICATION OF  
the incorporators of  
AYCOCK HEAVY HAULING, INC.,  
under Section 201(a), Article II, of the  
Public Utility Law, for approval of its  
incorporation, organization and creation.

CERTIFICATE  
OF  
PUBLIC CONVENIENCE

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 19th day of September, 1955.

Attest:



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

*Leah Schwartz*

Chairman

*William P. Ryan*  
Secretary

EXHIBIT "A-1"

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Application Docket No. B2412  
Folder 1

Application of the incorporators of AYCOCK, HEAVY  
HAULING, INC., for approval of its incorporation,  
organization and creation.

REPORT AND ORDER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon petition of the incorporators of AYCOCK, HEAVY HAULING, INC., filed July 28, 1955, for approval of the incorporation, organization and creation of said company for the purpose of transportation of property by means of motor vehicle as a common carrier between such points and places in the Commonwealth of Pennsylvania by such route or routes as shall hereafter be approved by the Pennsylvania Public Utility Commission as evidenced by certificate of public convenience, and elsewhere outside the said Commonwealth of Pennsylvania, upon the approval, where required, of any other State or Federal regulatory body having jurisdiction, and business incidental and necessary to rendering service as a common carrier, such as owning, leasing and operating terminals, warehouses, platforms and garages, as more fully and at large set forth in the application for Letters Patent filed in the office of the Secretary of the Commonwealth, a copy of which was duly certified to this Commission under date of July 19, 1955, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, the Commission finds and determines that approval of said petition is necessary or proper for the service, accommodation, convenience or safety of the public, and that a certificate of public convenience issue evidencing the Commission's approval thereof:

NOW, to wit, September 19, 1955, IT IS ORDERED: That a certificate of public convenience issue evidencing the Commission's approval of the incorporation, organization and creation of said AYCOCK, HEAVY HAULING, INC., as above determined.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*William P. Ryan*

Secretary

*William P. Ryan*

Chairman

AYCOCK, HEAVY HEAULING, INC.  
BALANCE SHEET  
JUNE 30, 1983

ASSETS

|                                 |                |
|---------------------------------|----------------|
| Current assets:                 |                |
| Cash and short-term investments | \$ 477         |
| Accounts and notes receivable   |                |
| Due on contracts                | <u>1,343</u>   |
| Total current assets            | \$1,820        |
| Other long-term assets          | <u>3,803</u>   |
|                                 | <u>\$5,623</u> |

LIABILITIES AND STOCKHOLDERS' EQUITY

|                             |                |
|-----------------------------|----------------|
| Current liabilities:        |                |
| Notes payable               | 3,000          |
| Accrued liabilities         |                |
| Payroll and other taxes     | 1              |
| Interest                    | 180            |
| Income taxes                |                |
| Currently payable           | <u>577</u>     |
| Total current liabilities   | <u>3,758</u>   |
| Stockholders' equity        |                |
| Common stock - voting       | 500            |
| Additional paid-in capital  | 500            |
| Retained earnings (deficit) | <u>865</u>     |
|                             | <u>1,865</u>   |
|                             | <u>\$5,623</u> |

AYCOCK, HEAVY HAULING, INC.  
STATEMENT OF INCOME  
JUNE 30, 1983

|   |          |                 |
|---|----------|-----------------|
| Revenues                                    | \$15,574 |                 |
| Cost of revenues                            |          | <u>11,707</u>   |
| Gross profit                                |          | 3,867           |
| Administrative and overhead expenses        |          | <u>1,696</u>    |
| Operating profit (loss)                     |          | <u>2,171</u>    |
| Other income                                |          |                 |
| Interest expense                            |          | <u>(229)</u>    |
|   |          | <u>(229)</u>    |
| Income (loss) before income taxes (benefit) |          | <u>1,942</u>    |
| Income taxes (benefit)                      |          |                 |
| Current                                     |          | <u>577</u>      |
| Net Income (loss)                           |          | <u>\$ 1,365</u> |

EXHIBIT "B"

| <u>Vehicle</u> | <u>Year</u> | <u>Model</u> | <u>Manufacturer's Serial No.</u> |
|----------------|-------------|--------------|----------------------------------|
| T-16           | 1974        | WHIT         | FADZDMH834045                    |
| T-15           | 1974        | WHIT         | DPG7RMS820386                    |
| TT-20          | 1971        | WHIT         | 747246                           |
| TT-24          | 1978        | KENW         | 1634585                          |
| TT-23          | 1978        | KENW         | 1634575                          |
| TT-22          | 1978        | KENW         | W9001634565                      |
| TR-4           |             | FRUEH        | B00209892                        |
| TR-5           |             | BRIM         | T635                             |
| TR-18          |             | DORSE        | 41542                            |
| TR-23          |             | FOUST        | TA664PA                          |
| TR-34          |             | -ROGE        | 12259                            |
| TR-35          |             | ROGE         | 12260                            |
| TR-45          |             | FONTA        | 11784                            |
| TR-46          |             | FONTA        | 11785                            |
| TR-48          | 1972        | DORSE        | 95795                            |
| TR-49          | 1972        | DORSE        | 95796                            |
| TR-62          | 1978        | DORSE        | HM658                            |
| TR-77          | 1981        | DORSE        | 154012                           |
| TR-78          | 1981        | DORSE        | 154011                           |
| TR-50          | 1973        | TALBERT      | 4015                             |
| TT-25          |             | MACK         | LRV2D - -                        |
| TT-24          | 1957        | MACK         | 171873                           |

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF *Cumberland* :

J. WILLIAM ROYER, being duly sworn according to law, deposes and says that he is executive vice president of Aycock, Heavy Hauling, Inc.; that he is authorized to make and does make this affidavit for the said corporation; that the facts set forth in the foregoing Application are true and correct according to his knowledge, information and belief; and that he expects the said Aycock, Heavy Hauling, Inc. to be able to prove such facts at a hearing hereof, if necessary.

*J. William Royer*  
\_\_\_\_\_  
J. William Royer

SWORN TO AND SUBSCRIBED  
before me this *16th* day  
of September, 1983.

*William J. Winey*  
\_\_\_\_\_  
Notary Public

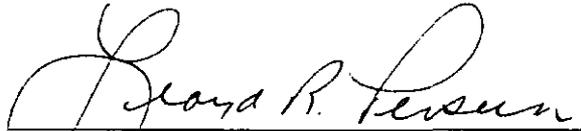
My Commission Expires: *May 4, 1986*  
(SEAL)

CERTIFICATE OF SERVICE

I, Lloyd R. Persun, hereby certify that a copy of the foregoing Protest was served on December 19, 1983, by United States mail, first class, postage prepaid, upon the following, addressed as follows:

J. F. Lomma, Inc.  
286 Central Avenue  
South Kearny, NJ 07032

James W. Patterson, Esquire  
1800 Penn Mutual Towers  
Philadelphia, PA 19106



Lloyd R. Persun, Esquire  
Shearer, Mette & Woodside  
P.O. Box 729  
1801 North Front Street  
Harrisburg, PA 17108-0729

Attorneys for Protestant,  
Aycok, Heavy Hauling, Inc.

December 19, 1983

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
January 19, 1984

MONITOR: CHAIRMAN TALIAFERRO

In re: A. 105101

(See attached list)

Application of J. F. Lomma, Inc.

Right to begin to transport, property, which because of size or weight, requires the use of rigging, special handling, or special equipment between points in Pennsylvania.

NOTICE

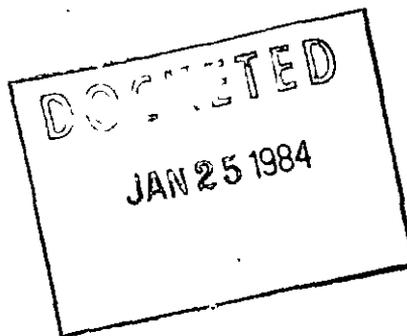
The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, an initial hearing is hereby scheduled for Thursday, March 8, 1984, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

The presiding officer in this proceeding will be Administrative Law Judge Joseph J. Klovekorn. Judge Klovekorn can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 351-2105.

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

cc: Judge Klovekorn  
Bureau of Non-Rail Trans.  
Ms. Crouse  
Ms. Dickson  
Mr. Bramson  
file Room



James W. Patterson, Esquire  
1800 Penn Mutual Tower  
510 Walnut Street  
Philadelphia, PA 19106

J. F. Lomma, Inc.  
286 Central Avenue  
South Kearny, NJ 07032

Franklin A. Wurman, Esquire  
Suite 700 Land Title Building  
Philadelphia, PA 19110

R. Edward Ferraro, Esquire  
690 Main Street  
Brockway, PA 15824

Christian V. Graf, Esquire  
407 North Front Street  
P.O. Box P  
Harrisburg, PA 17108

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

Sally A. Davoren, Esquire  
1500 Bank Tower  
307 Fourth Avenue  
Pittsburgh, PA 15222

Lloyd R. Persun, Esquire  
1801 North Front Street  
P.O. Box 729  
Harrisburg, PA 17108-0729

Alan Kahn, Esquire  
1430 Land Title Building  
Philadelphia, PA 19110

Henry L. Wahls  
A. Duie Pyle, Inc.  
P.O. Box 564  
West Chester, PA 19380

Jay H. McCormick, President  
McCormick Dray Line, Inc.  
R.D. #4, Box 51B  
Muncy, PA 17756

# APPEARANCE SHEET

*Ford*

HEARING REPORT

DOCKET NO. 105101  
A. 105111  
 CASE NAME J. F. Lomma, Inc.  
 \_\_\_\_\_  
 HEARING LOCATION Philadelphia, PA.  
 HEARING DATE March 8, 1984  
 ALJ Klovekorn

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded \_\_\_\_\_

Record closed \_\_\_\_\_

Briefs to be filed \_\_\_\_\_

Further hearing \_\_\_\_\_

Estimated add'l days \_\_\_\_\_

BENCH DECISION \_\_\_\_\_

REMARKS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*[Handwritten signature]*

**RECEIVED**  
**MAR 19 1984**  
 Office of the ALJ  
 Public Utility Commission

DOCKETED  
 MAR 19 1984

RECEIVED  
 PUBLIC UTILITY COMMISSION

Names and addresses of parties or counsel of record  
 Public Please Print Clearly  
 Incomplete Information May Result in Delay of Process

| NAME | ADDRESS |       |     | APPEARING FOR |
|------|---------|-------|-----|---------------|
|      |         |       |     |               |
|      | City    | State | Zip |               |
|      |         |       |     |               |
|      | City    | State | Zip |               |
|      |         |       |     |               |
|      | City    | State | Zip |               |
|      |         |       |     |               |
|      | City    | State | Zip |               |

Check this box if additional parties of counsel of record appear on back.

Reporter \_\_\_\_\_

# A. DUIE PYLE, INC.

200 GARFIELD AVENUE, P. O. BOX 564, WEST CHESTER, PA 19380 215 696-5800



*Dependable Motor Freight Service*

*Storage Warehousing and Distribution*

March 12, 1984

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

Mr. Rich:

We are presently protesting an application of J.F. Lomma Inc. A105101. They contend the wording of their application 'the use of special equipment' eliminates closed vans and flat beds. Could you confirm this, please?

Very truly yours,

A. DUIE PYLE, INC.

*Henry L. Wahls Jr.*  
Henry L. Wahls Jr.  
Traffic Manager

**RECEIVED**

**MAR 14 1984**

**SECRETARY'S OFFICE  
Public Utility Commission**

HLW:cm

**DOCKETED**  
MAR 14 1984

**DOCUMENT  
FOLDER**

SHIPMENTS FROM JOTUN MARINE COATINGS INC.

Baltimore, Maryland 21230

|          | TO                   |                            |                        |                    |          |
|----------|----------------------|----------------------------|------------------------|--------------------|----------|
|          | <u>ALLENTOWN, PA</u> | Lancaster & Harrisburg Pa. | West Chester Phila. Pa | Lanc. & Reading Pa | York Pa. |
| Min      | 26.90                | 26.90                      | 26.90                  | 26.90              | 23.65    |
| 0-500#   | 820                  | 781                        | 790                    | 798                | 750      |
| 5-1000#  | 701                  | 660                        | 671                    | 677                | 638      |
| 1-2000#  | 558                  | 524                        | 531                    | 536                | 502      |
| 2-5000#  | 502                  | 465                        | 477                    | 482                | 438      |
| 5-10000# | 377                  | 342                        | 347                    | 356                | 318      |
| 10000#   | 354                  | 322                        | 326                    | 335                | 299      |

|         | <u>Flemington N.J.</u> | <u>Bridgeton NJ</u> | <u>New Brunswick</u> | <u>Trenton</u> | <u>Woodbury</u> |
|---------|------------------------|---------------------|----------------------|----------------|-----------------|
|         | <u>Phillipsburg NJ</u> | <u>Jamesburg NJ</u> | <u>N.J.</u>          | <u>N.J.</u>    | <u>N.J.</u>     |
| Min     | 26.90                  | 26.90               | 26.90                | 26.90          | 26.90           |
| 0-500   | 825                    | 812                 | 816                  | 806            | 798             |
| 5-1000  | 705                    | 689                 | 693                  | 686            | 677             |
| 1-2000  | 558                    | 553                 | 555                  | 547            | 536             |
| 2-5000  | 507                    | 491                 | 494                  | 487            | 482             |
| 5-10000 | 381                    | 366                 | 368                  | 363            | 356             |
| 10000   | 358                    | 344                 | 347                  | 342            | 335             |

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
March 28, 1984

MONITOR: CHAIRMAN TALIAFERRO

In re: A. 105101

(See letter dated 1/19/84)

Application of J. F. Lomma, Inc.

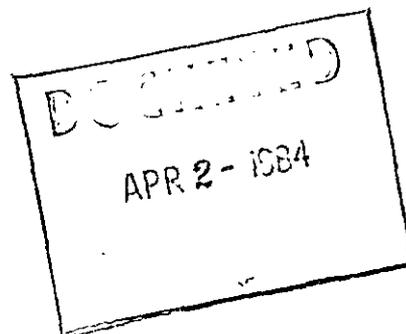
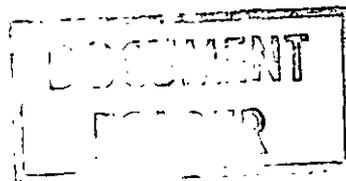
NOTICE

This is to inform you that an initial hearing on the above captioned case will be held Tuesday and Wednesday, June 26 and 27, 1984, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

The presiding officer in this proceeding will be Administrative Law Judge Joseph J. Klovekorn. Judge Klovekorn can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 351-2105.

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

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



ORIGINAL

**SHEARER, METTE & WOODSIDE**

A PROFESSIONAL CORPORATION

**ATTORNEYS AT LAW**

**HARRISBURG, PENNSYLVANIA 17108**

1801 NORTH FRONT STREET

PLEASE REPLY TO  
P. O. BOX 729

May 4, 1984

OF COUNSEL  
ROBERT E. WOODSIDE

TELEPHONE  
(717) 232-6701

TELECOPIER  
(717) 236-1816

11326G, F.2

WALTER W. SHEARER  
HOWELL C. METTE  
ROBERT MOORE  
CHARLES B. ZWALLY  
PETER J. RESSLER  
LLOYD R. PERSUN  
JAMES A. ULSH  
JACK M. STOVER  
C. PETER CARLUCCI, JR.  
R. SCOTT SHEARER  
GLEN R. GRELL  
DANIEL L. SULLIVAN  
CHRISTOPHER C. CONNER

Re: Application of J. F. Lomma, Inc.  
A.00105101

**RECEIVED**

MAY 7 1984

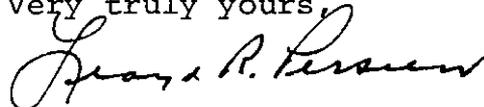
**SECRETARY'S OFFICE**  
**Public Utility Commission**

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

Dear Sir:

We file herewith the original and two copies of the Stipulation dated April 10, 1984 by and between J. F. Lomma, Inc., the Applicant, and Aycok, Heavy Hauling, Inc., a Protestant in this case, as approved by Administrative Law Judge Klovekorn.

Very truly yours,



LLOYD R. PERSUN

LRP:hmc

Enclosures

cc: The Honorable Joseph J. Klovekorn  
James W. Patterson, Esquire  
w/enclosure

DOCUMENT  
FOLDER

ORIGINAL

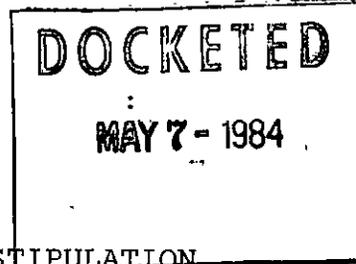
RECEIVED

MAY 7 1984

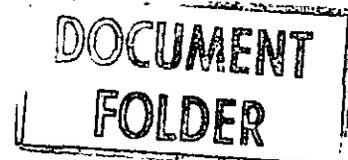
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE  
Public Utility Commissioner

In Re: Application of J. F.  
Lomma, Inc.



A.00105101



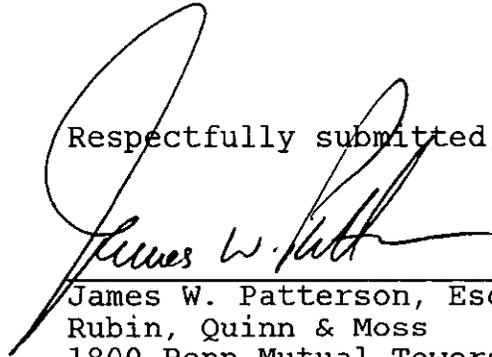
AND NOW, this *10<sup>th</sup>* day of *April*, 1984, J. F. Lomma, Inc., Applicant, and Aycok, Heavy Hauling, Inc., Protestant, by their respective attorneys, hereby stipulate and agree as follows:

1. Protestant plans to file hereafter with your Commission an Application or Applications for amendment to its Certificate of Public Convenience so as to permit the operation of motor vehicles as a common carrier for the transportation of machinery and property, which because of its size or weight, requires the use of rigging, special handling or special equipment between points in Pennsylvania (hereinafter "Protestant's Application or Applications"). Applicant, on behalf of itself and its successors and assigns, hereby covenants and agrees not to oppose, protest or intervene in Protestant's Application or Applications.

2. In consideration of and in reliance on Applicant's covenants and agreements herein contained, and conditioned on your Commission's approving such covenants and agreements, Protestant hereby withdraws its Protest in this case, desiring,

however, to remain a party of record for the purpose of receiving copies of all pleadings, amendments, briefs, initial decisions, orders, etc.

Respectfully submitted,



---

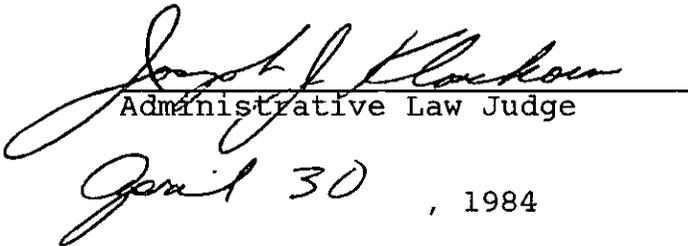
James W. Patterson, Esquire  
Rubin, Quinn & Moss  
1800 Penn Mutual Towers  
510 Walnut Street  
Philadelphia, PA 19106  
Attorneys for Applicant



---

Lloyd R. Persun, Esquire  
Shearer, Mette & Woodside  
P.O. Box 729  
1801 North Front Street  
Harrisburg, PA 17108-0729  
Attorneys for Protestant

Approved:



---

Administrative Law Judge

April 30, 1984

# APPEARANCE SHEET

*Law*

## HEARING REPORT

DOCKET NO. A. 105101

CASE NAME J. F. Lomma, Inc.

HEARING LOCATION Philadelphia, PA.

HEARING DATE June 26 & 27, 1984

ALJ Klovekorn

CHECK THOSE BLOCKS WHICH APPLY:

|                      |                  |
|----------------------|------------------|
| Hearing concluded    | <b>DOCKETED</b>  |
| Record closed        | JUL 5 - 1984     |
| Briefs to be filed   |                  |
| Further hearing      | ✓                |
| Estimated add'l days | 2                |
| BENCH DECISION       | <del>_____</del> |
| REMARKS:             |                  |

RECEIVED

JUN 29 1984

Office of the A.L.J.  
Public Utility Commission

DOCUMENT  
FOLDER

Names and addresses of parties or counsel of record  
Please Print Clearly  
Incomplete Information May Result in Delay of Process

| NAME  | ADDRESS  | APPEARING FOR  |                      |                    |                            |
|---|--|--|----------------------|--------------------|----------------------------|
| <i>JAMES W. PATTERSON</i><br><i>Edward L. Cierniecki</i>                    | <i>1800 Penn Mutual Tower</i>  | <i>J. F. Lomma, Inc.</i><br><i>(Applicant)</i>                                     |                      |                    |                            |
|   | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City<br/><i>Phila</i></td> <td style="width: 33%;">State<br/><i>PA</i></td> <td style="width: 33%;">Zip<br/><i>19106</i></td> </tr> </table>      |  | City<br><i>Phila</i> | State<br><i>PA</i> | Zip<br><i>19106</i>        |
| City<br><i>Phila</i>  | State<br><i>PA</i>   | Zip<br><i>19106</i>  |                      |                    |                            |
| <i>WILLIAM A. CHESNUTT</i><br><i>MCNEES, WALLACE &amp;</i><br><i>MURICK</i> | <i>P.O. Box 1166</i>   | <i>PROTESTANTS</i><br><i>DAILY EXPRESS, INC.,</i><br><i>MOORE - FLESHER</i>        |                      |                    |                            |
|   | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City<br/><i>HBB</i></td> <td style="width: 33%;">State<br/><i>PA</i></td> <td style="width: 33%;">Zip<br/><i>19108 - 1166</i></td> </tr> </table> |  | City<br><i>HBB</i>   | State<br><i>PA</i> | Zip<br><i>19108 - 1166</i> |
| City<br><i>HBB</i>  | State<br><i>PA</i>   | Zip<br><i>19108 - 1166</i>   |                      |                    |                            |
| <i>ALAN KAHN</i>  | <i>2 AND TITH E WHPG</i>   | <i>FRANK W. HARK, INC.</i><br><i>P. HEDTKA TRUCKING</i><br><i>DAVID GRAHAM CO.</i> |                      |                    |                            |
|   | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City<br/><i>PHILA</i></td> <td style="width: 33%;">State<br/><i>PA</i></td> <td style="width: 33%;">Zip<br/><i>19110</i></td> </tr> </table>      |  | City<br><i>PHILA</i> | State<br><i>PA</i> | Zip<br><i>19110</i>        |
| City<br><i>PHILA</i>  | State<br><i>PA</i>   | Zip<br><i>19110</i>  |                      |                    |                            |
|   | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>  | City   | State                | Zip                |                            |
| City  | State  | Zip  |                      |                    |                            |

Check this box if additional parties of counsel of record appear on back.

*Robert J. Stanover* (CRC)  
Reporter

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
July 5, 1984

MONITOR: CHAIRMAN TALIAFERRO

In re: A. 105101

(See letter dated 3/28/84)

Application of J. F. Lomma, Inc.

NOTICE

This is to advise that hearings on the above-captioned proceeding will be held as follows:

Pittsburgh - 10:00 a.m., 11th Floor Hearing Room,  
Pittsburgh State Office Building, 300 Liberty Avenue  
Monday, August 20, 1984

Philadelphia - 10:00 a.m., Room 1306, Philadelphia  
State Office Building, Broad and Spring Garden Streets  
Thursday, September 6, 1984

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

DOCUMENT  
FOLDER

DOCKETED

JUL 5 - 1984

ORIGINAL

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

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

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

RECEIVED

JUL 24 1984  
SECRETARY'S OFFICE  
Public Utility Commission

717/238-7151  
717/236-9318

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

July 23, 1984  
File: 766.69

RE: F. J. LOMMA, INC., A. 105101 -  
Protest of Lesoine Services, Inc.

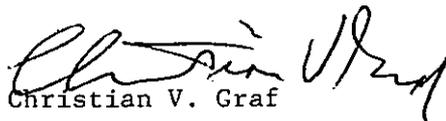
Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120

Dear Mr. Rich:

We have received the Restrictive Amendment submitted by applicant's counsel by letter dated July 19, 1984 confirming the amendment made at the hearing on June 26, 1984.

In consideration of and in reliance on said amendment the protest of Lesoine Services, Inc. is hereby withdrawn. We desire to remain a party of record for the receipt of all Orders which may issue.

Very truly yours,

  
Christian V. Graf

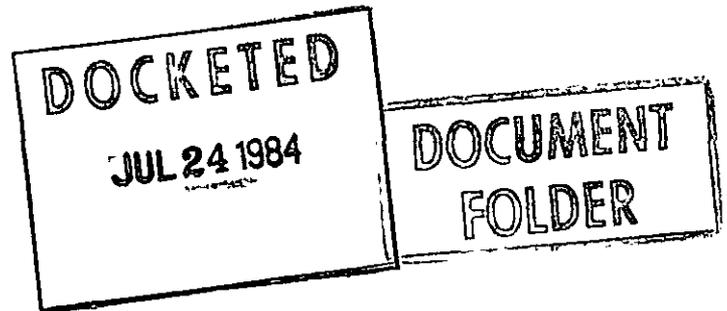
CVG:tcr

cc: Joseph J. Klovekorn, Administrative Law Judge  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania 19103

James W. Patterson, Esquire  
Rubin, Quinn & Moss  
1800 Penn Mutual Tower  
510 Walnut Street  
Philadelphia, Pennsylvania 19106

Mr. John R. Lesoine  
Lesoine Services, Inc.  
1870 West Main Street  
Stroudsburg, Pennsylvania 18360

David H. Radcliff, Esq.





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

August 16, 1984

MONITOR: CHIARMAN TALIAFERRO

IN REPLY PLEASE  
REFER TO OUR FILE

A. 105101

(See letter dated 3/28/84)

Application of J. F. Lomma, Inc., a corporation of the State of New Jersey, for the right to begin to transport, as a common carrier, by motor vehicle, property, which because of size or weight, requires the use of rigging, special handling, or special equipment between points in Pennsylvania.

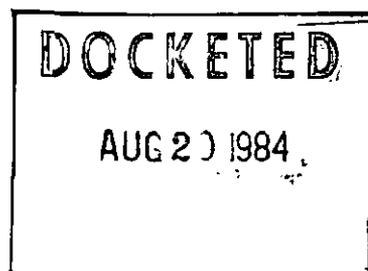
NOTICE

Please be advised that the further hearing in the above-captioned case previously scheduled for September 6, 1984, has been postponed to Tuesday, October 9, 1984 at 10:00 a.m. in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

The hearing on Monday, August 20, 1984 will be held as previously scheduled at 10:00 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.

Will you please change your records accordingly.

cc: Judge Klovekorn  
Bureau of Non-Rail Transportation  
Ms. Crouse  
Ms. Dickson  
Mr. Bramson  
File Room



LAW OFFICES  
**ORIGINAL**  
**ABRAHAMS & LOEWENSTEIN**  
FOURTEENTH FLOOR

BENJAMIN S. LOEWENSTEIN  
ROBERT D. ABRAHAMS  
JEROME KAPLAN  
BERTHOLD W. LEVY  
LEONARD B. ROSENTHAL  
DON WEISBERG  
SAUL D. LEVIT  
MORTON J. SIMON, JR.  
GARY M. EDELSON  
MARY CUSHING DOHERTY  
MARK R. ASHTON  
IRA W. BUSHMAN  
MIRIAM B. BRENNAN  
A. TAYLOR ZIMMERMAN

ALBERT MOMJIAN  
ALAN KAHN  
MEYER A. BUSHMAN  
ALLEN I. ROSENBERG  
WARREN J. KAUFFMAN  
MASON AVRIGIAN  
ALLEN S. KELLERMAN  
H. RONALD KLASKO  
JOHN B. HERRON  
MICHELE SOUTHWORTH  
HARRY M. BYRNE, JR.  
ROBERT D. FEDER  
ARTHUR KORTH  
RACHEL R. MUNAFO

LAND TITLE BUILDING  
100 SOUTH BROAD STREET  
PHILADELPHIA, PA. 19110

(215) 561-1030

FAX: (215) 636-9046

August 20, 1984

PHILIP STERLING, 1910-1972  
SIDNEY LOEWENSTEIN, 1910-1976

CABLE ADDRESS  
"CONSHAIT"

MONTGOMERY COUNTY OFFICE  
SUITE 505  
ONE MONTGOMERY PLAZA  
NORRISTOWN, PA. 19401  
(215) 277 7700

**RECEIVED**

AUG 24 1984

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

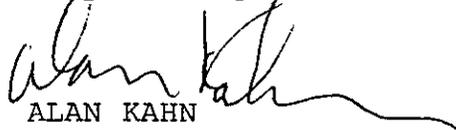
**SECRETARY TO THE  
Public Utility Commission**

Re: Application of J. F. Lomma, Inc.  
A-105101

Dear Mr. Rich:

This is to advise you that I do hereby withdraw the protests filed in the above matter on behalf of Liedtka Trucking, Inc. My protests on behalf of Frank W. Hake, Inc. and David Grahams Co. remain.

Very truly yours,

  
ALAN KAHN

AK:lat

cc: Administrative Law Judge  
Joseph J. Klovekorn  
James W. Patterson, Esq.  
Liedtka Trucking, Inc.

**DOCKETED**  
AUG 27 1984

**DOCUMENT  
FOLDER**

# APPEARANCE SHEET

*Long*

## HEARING REPORT

DOCKET NO. A. 105101

CASE NAME J. F. Lomma, Inc.

HEARING LOCATION Pittsburgh, PA.

HEARING DATE August 20, 1984

ALJ Klovekorn

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded \_\_\_\_\_

Record closed \_\_\_\_\_

Briefs to be filed \_\_\_\_\_

Further hearing  \_\_\_\_\_

Estimated add'l days \_\_\_\_\_

BENCH DECISION \_\_\_\_\_

REMARKS: \_\_\_\_\_

**RECEIVED**

**AUG 21 1984**

Office of the Ad. J.

Public Utility Commission

Names and addresses of parties or counsel of record  
Please Print Clearly  
Incomplete Information May Result in Delay of Process

| NAME  | ADDRESS                       | APPEARING FOR  |
|---|-------------------------------|--|
| <i>James W. Patterson</i>                         | <i>1800 Penn mutual Tower</i> | <i>J. F. Lomma, Inc.</i>                                       |
|   | <i>510 Walnut Street</i>      |  |
|   | City State Zip                |  |
|   | <i>Phila Pa 19106</i>         |  |
| <i>John S. Pella</i><br><i>Pella &amp; Mulroy</i> | <i>1500 Bank Tower</i>        | <i>Moore-Flesher Hauling Company &amp; Darby Express, Inc.</i> |
|   | <i>307 Fourth Ave.</i>        |  |
|   | City State Zip                |  |
|   | <i>Pittsburgh Pa 15222</i>    |  |
|   | City State Zip                |  |
|   | <i>DOCKETED</i>               | <i>DOCKETED</i>  |
|   | City State Zip                | <i>AUG 23 1984</i>   |
|   | <i>DOCKETED</i>               |  |
|   | City State Zip                |  |

Check this box if additional parties of counsel of record appear on back.

*James R. W. Long*  
Reporter

# APPEARANCE SHEET

*Low*

## HEARING REPORT

DOCKET NO. A. 105101

CASE NAME J. F. Lomma, Inc.

HEARING LOCATION Philadelphia, PA.

HEARING DATE October 9, 1984

ALJ Klovekorn

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded \_\_\_\_\_

Record closed \_\_\_\_\_

Briefs to be filed DOCUMENT

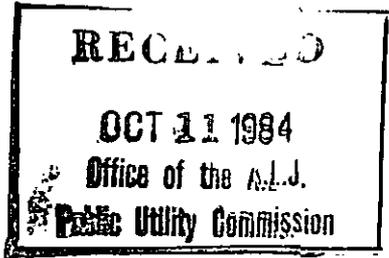
Further hearing FOLDER

Estimated add'l days \_\_\_\_\_

BENCH DECISION \_\_\_\_\_

REMARKS: \_\_\_\_\_

OCT 23 1984



Names and addresses of parties or counsel of record  
Please Print Clearly  
Incomplete Information May Result in Delay of Process

| NAME  | ADDRESS                                     | APPEARING FOR                            |
|---|---|--|
| James W. Patterson<br>Edward L. Cierniacki<br>Rubin, Quinn & Moss | 1800 Penn Mutual Tower<br>510 Walnut Street | J.F. Lomma, Inc.<br>Applicant            |
|   | City: Phil State: PA Zip: 19106             |  |
| McNees, Wallace & Nurick<br>By: Herbert R. Nurick                 | 100 KING ST<br>P.O. BOX 1166                | Daily Express, Inc.                      |
|   | City: Harrisburg State: Pa. Zip: 17108-1166 |  |
| PILLAR AND MULROY, P.C.<br>By: Kevin W. Walsh                     | 1500 Bank Tower                             | Moore-Flesher Hauling Co.                |
|   | City: Pittsburgh State: PA Zip: 15222       |  |
| ALAN KAHN   | Land Title Bldg.                            | FRANK W. HAKE, INC.<br>DAVID GRAHAM, CO. |
|   | City: Phila State: Pa. Zip: 19110           |  |

Check this box if additional parties of counsel of record appear on back.

*Robert J. Stonaker (CRC Inc.)*

Reporter



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

October 19, 1984

IN REPLY PLEASE  
REFER TO OUR FILE

MONITOR: CHAIRMAN TALIAFERRO

A. 105101

(See letter dated 8/16/84)

Application of J. F. Looma, Inc., a corporation of the State of New Jersey, for the right to begin to transport, as a common carrier, by motor vehicle, property, which because of size or weight, requires the use of rigging, special handling, or special equipment between points in Pennsylvania.

NOTICE

This is to inform you that a further hearing on the above-captioned case will be held Thursday, December 6, 1984, at 10:00 a.m. in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

cc: Judge Klovekorn  
Bureau of Non-Rail Transportation  
Ms. Crouse  
Ms. Dickson  
Mr. Bramson  
File Room

DOCUMENT  
FOLDER

DOCKETED  
OCT 19 1984

# APPEARANCE SHEET

*Low*

DOCKET NO. A. 105101

CASE NAME J. F. Lomma, Inc.

---

HEARING LOCATION Philadelphia, PA.

HEARING DATE December 6, 1984

ALJ Klovekorn

### HEARING REPORT

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded

Record closed

Briefs to be filed

Further hearing

Estimated add'l days

**DOCKETED**

**DEC 28 1984,**

BENCH DECISION

REMARKS: *Briefs due March 1 March 10*

**RECEIVED**

**DEC 07 1984**

Office of the A.L.J.  
Public Utility Commission

**DOCUMENT FOLDER**

Names and addresses of parties or counsel of record  
Please Print Clearly  
Incomplete Information May Result in Delay of Process

| NAME   | ADDRESS  | APPEARING FOR  |                           |
|--|--|--|---------------------------|
| <i>Rubin Curran &amp; May</i><br><i>James W. Pitt</i>            | <i>1800 Penn Market Tower</i>  | <i>J. F. LOMMA, Inc</i>  |                           |
|  | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City<br/><i>Phila</i></td> <td style="width: 33%;">State<br/><i>PA</i></td> <td style="width: 33%;">Zip<br/><i>19107</i></td> </tr> </table>      |  | City<br><i>Phila</i>      |
| City<br><i>Phila</i>   | State<br><i>PA</i>   | Zip<br><i>19107</i>  |                           |
| <i>AVAN KAHN</i>   | <i>Zand Lile Bldg.</i>   | <i>Frank W. Hake, Inc.</i><br><i>David Graham Company</i>  |                           |
|  | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City<br/><i>Phila</i></td> <td style="width: 33%;">State<br/><i>Pa.</i></td> <td style="width: 33%;">Zip<br/><i>19110</i></td> </tr> </table>     |  | City<br><i>Phila</i>      |
| City<br><i>Phila</i>   | State<br><i>Pa.</i>  | Zip<br><i>19110</i>  |                           |
| <i>WILLIAM A. CHESNUTT</i><br><i>McKee, Wallace &amp; Harick</i> | <i>P.O. Box 1166</i>   | <i>Daily Express, Inc.</i><br><i>Protestant</i>  |                           |
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| City<br><i>H36</i>   | State<br><i>PA</i>   | Zip<br><i>17108-1166</i>   |                           |
| <i>John A. Pollan</i><br><i>Pollan &amp; Mulvey P.C.</i>         | <i>1500 Bank Tower</i><br><i>307 4<sup>th</sup> Ave</i>  | <i>Moore-Flesher Hauling Co, Inc.</i><br><i>Moore-Flesher Trucking Co./nc.</i><br><i>&amp; W.D. Ken &amp; Sons, Inc.</i> |                           |
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Check this box if additional parties of counsel of record appear on back.

*Robert G. Stankovic (P.R.C.)*  
Reporter

ORIGINAL

PILLAR AND MULROY

ATTORNEYS-AT-LAW  
1500 BANK TOWER  
307 FOURTH AVENUE  
PITTSBURGH, PA. 15222  
TELEPHONE (412) 471-3300

JOHN A. PILLAR  
THOMAS M. MULROY  
SALLY A. DAVOREN  
KEVIN W. WALSH

February 27, 1985

Re: Application of J. F. Lomma, Inc.  
Docket No. A.105101  
File No. 723

RECEIVED

FEB 28 1985  
SECRETARY'S OFFICE  
Public Utility Commission

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



Dear Sir:

Enclosed for filing is the original and nine copies of the main brief on behalf of Moore-Flesher Hauling Company, et al. in the above docketed proceeding. A copy of the brief has been mailed, on this date, to the Administrative Law Judge, and to all parties of record.

Please acknowledge receipt of the enclosures.

Very truly yours,

A handwritten signature in cursive script that reads "John A. Pillar".

JOHN A. PILLAR

SW

Enclosures

cc: Moore-Flesher Hauling Company  
Joseph J. Klovekorn, Administrative  
Law Judge  
Alan Kahn, Esq.  
William A. Chesnutt, Esq.  
James Patterson, Esq.

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Application of  
J. F. LOMMA, INC.

Docket No. A-105101

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BRIEF FOR MOORE-FLESHER HAULING COMPANY,  
MOORE-FLESHER TRUCKING, INC. AND  
W. D. KERR & SONS, INC.

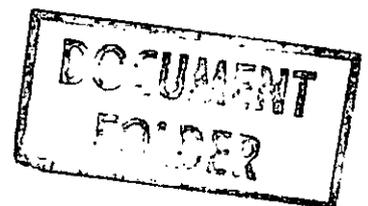
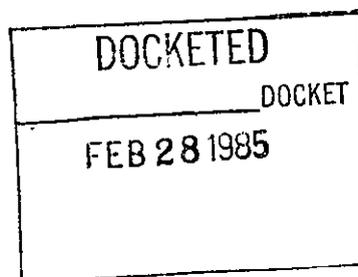
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SECRETARY'S OFFICE  
Public Utility Commission

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JOHN A. PILLAR, ESQ.  
Attorney for  
MOORE-FLESHER HAULING COMPANY,  
MOORE-FLESHER TRUCKING, INC. and  
W. D. KERR & SONS, INC.,  
Protestants

PILLAR AND MULROY, P.C.  
1500 Bank Tower  
307 Fourth Avenue  
Pittsburgh, PA 15222

Due Date: March 1, 1985



CONTENTS

|  | <u>Page</u> |
|--|-------------|
| I. STATEMENT OF THE CASE . . . . .   | 1           |
| II. STATEMENT OF QUESTIONS PRESENTED AND POSITION<br>OF MFH, MFT, AND KERR . . . . .   | 3           |
| III. SUMMARY OF THE EVIDENCE . . . . .   | 6           |
| 1. Applicant's evidence . . . . .  | 6           |
| A. J. F. Lomma, Inc. . . . .   | 6           |
| B. Supporting Shippers' Evidence . . . . .   | 7           |
| 2. Protestants' Evidence . . . . .   | 7           |
| IV. ARGUMENT. . . . .  | 8           |
| 1. Lomma has not met its burden of proving a<br>need for the proposed service; protestants<br>have effectively refuted the shippers'<br>expressed need for additional heavy haul-<br>ing service . . . . .   | 8           |
| A. There is no credible evidence of need<br>for Lomma's service between points in<br>and west of the Counties of McKean,<br>Cameron, Clearfield, Cambria and Bed-<br>ford nor from a 50 mile radius of<br>Pittsburgh to any point in Pennsyl-<br>vania . . . . . | 8           |
| (a) Allegheny County shippers. . . . .   | 9           |
| (1) Pennsylvania Electric Coil. . . . .  | 9           |
| (2) Ionics. . . . .  | 9           |
| (3) Demco . . . . .  | 10          |
| (4) Tippins . . . . .  | 10          |
| (5) Westinghouse. . . . .  | 10          |
| (6) H. H. Robertson . . . . .  | 11          |
| (7) Pittsburgh-Des Moines . . . . .  | 11          |

CONTENTS (cont.)

|  | <u>Page</u> |
|--|-------------|
| (b) Erie County shippers. . . . .  | 11          |
| (1) Zurn . . . . .   | 11          |
| (2) Erie Strayer . . . . .   | 11          |
| (c) Crawford County shipper . . . . .  | 12          |
| B. Protestants' evidence of service to the supporting shippers was not refuted. . . .  | 12          |
| C. The eastern based shippers do not require applicant's service in any territory . . .  | 14          |
| D. Conclusion . . . . .  | 15          |
| 2. Existing service has not been shown to be inadequate in any way; Lomma has not proven any alternative reasons for approval of its application even assuming that there is some finding of need. . . . . | 17          |
| 3. There is not sufficient evidence to show that Lomma is fit and able to provide effective heavy hauling service in Western Pennsylvania . . . . .  | 18          |
| 4. Approval of Lomma's application will impair and endanger MFH's operations, which, on balance, will be contrary to the public interest . . . . .   | 20          |
| V. REQUESTED FINDINGS AND CONCLUSIONS . . . . .  | 23          |
| APPENDIX A   |             |
| Abstract of shipper testimony  |             |
| APPENDIX B   |             |
| Abstract of testimony of W. Dennis Kerr, President, Moore-Flesher Hauling Company, Moore-Flesher Trucking, Inc. and W. D. Kerr & Sons, Inc.  |             |
| APPENDIX C   |             |
| Local plant closings   |             |
| CERTIFICATE OF SERVICE   |             |

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Application of  
J. F. LOMMA, INC.

Docket No. A-105101

---

I. STATEMENT OF THE CASE

By this application, as amended, J. F. Lomma, Inc. (Lomma or applicant) seeks authority to operate as a common carrier, by motor vehicle, transporting:

Property, which because of size or weight, requires the use of rigging, special handling, or special equipment, between points in Pennsylvania;

Provided that no right, power or privilege is granted:

1. To provide service in connection with any shipment weighing less than thirty-five (35) tons to or from the Monroe County facilities of:

- a. Pocono Fabricators, Division of Patterson-Kelly Company, Inc.
- b. Patterson-Kelly Company, Inc., Division of Harsco Corp.
- c. International Boiler Works

2. To transport bulldozers, graders, draglines and other earth moving and coal moving equipment between points in and west of the Counties of Potter, Clinton, Centre, Blair and Bedford.

Various hearings were held in connection with this application in Philadelphia, Harrisburg and Pittsburgh. Approval of the

application is opposed by the following heavy haulers: Moore-Flesher Hauling Company; Daily Express, Inc.; Frank W. Hake, Inc.; and David Graham Company. In addition, a petition to intervene was filed by Moore-Flesher Trucking, Inc. and W. D. Kerr & Sons, Inc., which was granted at the hearing (470). The operating rights of Moore-Flesher Hauling Company are in the process of being transferred, in part, to Moore-Flesher Trucking, Inc. and W. D. Kerr & Sons, Inc.

The hearings were concluded on December 6, 1984. This main brief is being submitted on behalf of Moore-Flesher Hauling Company (hereinafter referred to as MFH), and its successors in interest, Moore-Flesher Trucking, Inc. (hereinafter referred to as MFT) and W. D. Kerr & Sons, Inc. (hereinafter referred to as Kerr).

II. STATEMENT OF QUESTIONS PRESENTED AND POSITION OF MFH, MFT AND KERR

The principal questions presented by this application are:

A. Is Lomma fit, willing and able to provide heavy hauling service between all points in Pennsylvania?

B. Has Lomma met its burden of proving that there is a public need for its proposed service under the guidelines of Application of Richard L. Kinard, Inc., Docket No. A-00095829, F.1, Am-D (1984), adopted by Order entered October 22, 1984; or, in the alternative, to what extent, if any, has Lomma's evidence established that a need exists for its proposed service?

C. Has MFH effectively refuted the alleged need for Lomma's proposed service between points in Pennsylvania in and west of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford?

D. Has MFH effectively refuted the alleged need for Lomma's proposed service from Pittsburgh, and points within fifty miles thereof, to points in Pennsylvania east of McKean, Cameron, Clearfield, Cambria and Bedford Counties?

E. Has Lomma established, by credible evidence, any of the alternative reasons for approving this application required as a result of, and in lieu of, the total absence of evidence of inadequacy of existing service?

F. Would approval of Lomma's application in its entirety endanger or impair the operations and service of MFH, MFT and Kerr to such an extent that, on balance, the grant of authority would be contrary to the public interest?

In addition, there are numerous secondary issues that will be discussed in this brief.

The basic position of MFH, MFT and Kerr in this case is as follows:

1. Since Lomma seeks to obtain statewide authority, it has a heavy burden of proof that a need exists for such broad service;

2. Lomma is a foreign corporation, domiciled in New Jersey, and, despite its leased office in western Pennsylvania, it is neither properly fit or able to offer the unique service required by a heavy hauler in western Pennsylvania and, having the burden of proof, it has not established, by credible evidence, its ability to do so;

3. The supporting shippers have not presented credible, probative evidence of need for the services of a new heavy hauler in any territory, but particularly in western Pennsylvania; under Kinard, it is not sufficient to merely state that they have size or weight shipments and desire an additional competitive service, which is, at best, what was expressed by certain shippers; at worst, certain shipper witnesses were either incompetent to testify or were misleading and untruthful;

4. MFH is unquestionably the most experienced and capable heavy hauler in western Pennsylvania, with a wide variety of equipment, experienced personnel, and broad geographic authority; there is not an iota of credible testimony that MFH and its present competitors in western Pennsylvania have not met the present and past service requirements of industry;

5. The evidence is clear and unrefuted that MFT and Kerr will continue to provide the service that has been provided by MFH for nearly 80 years, utilizing the same equipment and personnel used by MFH, and that the intervenors are entitled to the same

protection from endangerment and impairment of their rights as MFH;

6. The evidence presented by MFH that industry in western Pennsylvania is in a near state of depression is actually supported by Lomma's public witnesses, including PDM, whose plant in Pittsburgh has been closed for three years, Fuller Company, whose Sharon plant is closed, Tippins Machinery, which is experiencing a very "lean" year, and Erie Strayer, which hasn't used a common carrier in eighteen months. The remaining western Pennsylvania shippers have sparse need for a heavy hauler;

7. The attempt by Lomma to prove need on the basis of future traffic is just not supported by the record, particularly with respect to western Pennsylvania, where there is no credible evidence that the forecast is anything but bleak; and, finally,

8. Lomma offered no credible evidence that (1) its proposed service would be different or more efficient; (2) that its rates would be lower; (3) that the shippers need a backup carrier (particularly since they are not even using all of the protestants); (4) that the shippers are not competitive in using existing service nor that there is any less service within Pennsylvania than in interstate commerce; and (5) that Lomma would receive any particular benefit out of approval of this application aside from diverting revenues needed by the existing carriers.

MFH, MFT and Kerr submit that this application should be denied in its entirety, but, in no event, should Lomma be granted authority between points in and west of McKean, Cameron, Clearfield, Bedford and Cambria Counties, or from points within fifty miles of Pittsburgh to points east of the above-named counties.

### III. SUMMARY OF THE EVIDENCE

#### 1. APPLICANT'S EVIDENCE

A. J. F. Lomma, Inc. (Lomma or applicant) is a New Jersey corporation, domiciled in New Jersey and having no company owned facilities in Pennsylvania. Lomma holds no operating authority from the Pennsylvania Public Utility Commission. By this application, it seeks authority to transport commodities which, because of size or weight, require the use of rigging, special handling or special equipment, between all points in Pennsylvania, with minor exceptions. Lomma does not seek authority to transport property or iron and steel on ordinary flatbed equipment (Applicant's Exhibit 1, page 2).

Lomma holds ICC authority to transport general commodities. It allegedly has been engaged in the transportation of size or weight shipments in interstate commerce for ten years. Lomma does, however, pick up shipments in Pennsylvania, which are delivered out of state, and it delivers shipments to points in Pennsylvania which originated out of state, but there is no evidence to what extent, if any, such shipments are of a size or weight commodity (see Applicant's Exhibit 1, page 3). The only origin in western Pennsylvania it has served is Sharon; Lomma has delivered shipments to certain limited points in western Pennsylvania in the past. Lomma's terminals are located in South Kearny, NJ, Shrewsbury, MA, and Baltimore, MD (Applicant's Exhibit 1, pages 3-4).

Lomma employed thirty-three people during the first ten months of 1983; in mid-November, 1983, it began to add employees

and is still a growing company in connection with its interstate operations (10). Lomma leases all of its equipment from an affiliated leasing company named JFL Leasing Company (23).

Lomma had no documentation to reflect the service provided by Lomma for any shipper in interstate commerce, nor of the type of shipments transported (24-25). Lomma's gross revenues from the first four months of 1984 were approximately \$1,000,000.00, and it projects a gross of 2.8 million for the year (30).

B. Supporting Shippers' Evidence. An extensive and detailed abstract of the supporting shippers' evidence is attached to this brief as Appendix A. An analysis of the shipper evidence is made in Part IV of this brief and, for purposes of brevity, will not be repeated here.

## 2. PROTESTANTS' EVIDENCE

A detailed abstract of the evidence presented by MFH, MFT and Kerr is attached to this brief as Appendix B. The key evidence presented by MFH, MFT and Kerr will be analyzed in Part IV of this brief in connection with the impact of the proposed service on the protestants and, therefore, will not be repeated here.

It is understood that the other protestants will submit separate briefs which will outline their respective evidence. Accordingly, no abstract of the evidence of Daily Express, Hake, and Graham is contained in this brief.

#### IV. ARGUMENT

1. LOMMA HAS NOT MET ITS BURDEN OF PROVING A NEED FOR THE PROPOSED SERVICE; PROTESTANTS HAVE EFFECTIVELY REFUTED THE SHIPPERS' EXPRESSED NEED FOR ADDITIONAL HEAVY HAULING SERVICE.
  - A. There Is No Credible Evidence Of Need For Lomma's Service Between Points In And West Of The Counties Of McKean, Cameron, Clearfield, Cambria and Bedford Nor From A 50 Mile Radius Of Pittsburgh To Any Point In Pennsylvania.

In Application of Richard L. Kinard, Docket No. A-00095829, F.1, Am-D, order entered October 22, 1984, the Commission emphasized its "continued adherence to the basic requirement that an applicant show affirmatively that public benefit will result from approval of the application. York v. Pa. P.U.C. 449 Pa. 136 (1972)." In Kinard, the Commission reiterated that 52 Pa. Code §41.14(a) requires proof of need or public demand and that the mere introduction of shipper support testimony is not sufficient alone to satisfy the applicant's burden. The evidence of need or public demand must be shown "affirmatively;" hence, the evidence of need must be clear and convincing. In this case, Lomma's public need evidence is lacking in clarity and, at best, merely demonstrates the shippers' desire for more competition. Kinard holds that a mere desire for competition is not sufficient to prove need.

In this brief, we will break down the shipper support into geographic segments, since the interests of MFH, MFT and Kerr are based on the operating authority of MFH. First, this brief will analyze the shippers having facilities in western Pennsylvania.

Of the ten shippers having facilities located in western Pennsylvania, two are in Erie County, one in Crawford County, and

seven in Allegheny County. There are 22 counties in western Pennsylvania in MFH's service area from which there is no shipper support whatsoever. The evidence presented by the western shippers supports the position of MFH that western Pennsylvania is one of the most depressed industrial areas in the nation, causing MFH to be operating at 25% of its capacity on size or weight shipments.

(a) Allegheny County Shippers

(1) Pennsylvania Electric Coil's witness testified that he did not know when it last made a shipment requiring a heavy hauler (175). He had one bill of lading showing that his company made one shipment locally within Pittsburgh in January, 1984, handled satisfactorily by MFH (175-176). He also found two bills showing that two shipments were made to Sharon (Mercer County) in May of 1983, and one to Dravosburg (Allegheny County) in June, 1983, also handled satisfactorily by Benkart (now owned by Reinsfelder) and MFH respectively (176-177). Perhaps, the reason why the witness did not know of other shipments is that he was not the Traffic Manager, and does not have personal contact with carriers, a job handled by Mr. Devine, not the witness (178). The witness confirmed, however, that his company's needs have always been met by MFH and Daily Express, among other carriers (179).

(2) Ionics averages one shipment per month to York and Mechanicsburg. No other destinations were mentioned. David Graham has handled these shipments satisfactorily for over one year (187-189). Neither MFH nor Daily have ever been used (189-190).

(3) Demco (Duquesne Electric & Mfg. Co.) uses Haser Trucking for all local service within Allegheny County and does not intend to divert any traffic from Haser (198-200). Haser is also used for shipments outside Allegheny County, including Philadelphia and Milton (201-203). The services of MFH and Daily have never been tried (204). The witness for Demco was vague about actual size or weight shipments, and offered no probative evidence of need for any heavy hauling service by Lomma.

(4) Tippins has been suffering through a very "lean" year, and had only 12 size or weight shipments in the past 12 months (Applicant's Exhibit 9). MFH and Haser have provided all the service needed, without complaint (209-212). Daily has never been tendered size or weight shipments to a Pennsylvania destination, but handles ICC shipments without complaint (214). All shipments were local (within Allegheny County), except for one to Philadelphia. The witness was aware that Reinsfelder is also a recognized heavy hauler in western Pennsylvania (209).

(5) Westinghouse's witness was either confused or deliberately misleading. While professing that MFH was "out of business," he later admitted that MFH provided heavy hauling service without complaint (244-245). Shipments to Lester were handled by David Graham without complaint (248-249). A shipment to Indiana County was handled by "Moss & Moss or Casey" but an ordinary flatbed was used (250). The testimony of this witness was vague as to actual size or weight shipments, and his alleged need for service "on a moment's notice" was a bootstrap effort to justify his support for Lomma and was totally without foundation and specific example.

(6) H. H. Robertson has never had a size or weight shipment; all shipments move on flatbed trailers and are loaded by the shipper and unloaded by the consignee (320-321). It will continue to use flatbed trailers for its shipments in the future (330). The witness' alleged preference for lowboy or stretch trailers can be given no credence, since he has never requested such equipment from the numerous carriers he uses.

(7) Pittsburgh-Des Moines' plant in Pittsburgh has been closed due to lack of business for three years (350). Its alleged anticipation of need for heavy hauling service in the future is pure conjecture. In any event, it has used MFH, Daily and Hake for heavy hauling, without complaint (348). These carriers are ready and able to resume service.

(b) Erie County Shippers

(1) Zurn's witness testified that he had no idea where its next size or weight shipment would be destined to, nor could he identify potential destinations (95-96). Yet, Zurn admittedly uses Hardinger and Gottry, both heavy haulers based in Erie, and has found Daily to be very dependable (102-105). What possible need does Zurn have for another carrier?

(2) Erie Strayer's witness stated that it has not used a heavy hauler for 12 to 18 months, because it has so few shipments; all traffic moves in its own vehicles (220). Erie Strayer has used the services of Gottry and will continue to use Gottry, if needed, in the future (222). Daily's service has also been satisfactory (222). It has never tried MFH (221).

(c) Crawford County Shipper

The only shipper from Crawford County was Seco/Warwick, located in Meadville. It anticipates considerable growth in heavy hauling shipments and supports the Lomma application because it allegedly has no heavy hauler service available. The witness stated that he would only be "speculating" if he were to attempt to predict future traffic and destinations (287-288). This shipper uses Daniels Transfer and was told by the PUC to try Daily. It has never tried MFH nor Reinsfelder (302) and has not tried to locate any other heavy haulers (301; 312).

B. Protestants' Evidence Of Service To The Supporting Shippers Was Not Refuted.

The witness for MFH testified, in detail, about his service, and efforts to serve the supporting shippers in western Pennsylvania. Mr. Kerr testified that he has solicited Zurn, but has never been offered any traffic (513). MFH has served Pennsylvania Electric Coil for 30 years. It has dealt with Mr. Devine, the Traffic Manager, and has never had contact with Mr. Kramer, the witness (514-515). MFH has never declined service for this shipper, and has equipment available to handle more traffic (516).

Kerr testified that MFH has served Ionics, but has been tendered no traffic for three to four years (517). Kerr refuted Demco's witness' statement that Demco's available heavy haulers have diminished. Not only has MFH served Demco, but Demco's plant is located in close proximity to Reinsfelder's terminal (518-519).

MFH has performed service for Tippins; it handled one shipment in 1984 that weighed 252,700 pounds (520-522). Kerr

testified that he has served Erie Strayer, but has been tendered no traffic for ten years, and was advised that MFH's service would be used again when the shipper's own vehicles could not be used (522-523).

MFH's service for Westinghouse has been exemplary. Kerr has worked with Mr. Guinto on numerous occasions on heavy hauling movements, and has never refused service to Westinghouse (523-524).

MFH has handled about 1,000 shipments for H. H. Robertson and has never been requested to provide special equipment (527-528). MFH has served Pittsburgh-Des Moines for 22 years, without complaint, but in the past three to four years, the need for its service has nearly ceased due to the closing of its Pittsburgh plant (528-529).

The unrefuted evidence is that MFH is authorized to provide statewide service for all the Allegheny County shippers. It can provide service between all points in and west of the counties of McKean, Cameron, Clearfield, Cambria and Bedford for the Erie and Crawford County shippers. MFT will be authorized to provide service between all points in western Pennsylvania for all of these shippers and Kerr will be authorized to provide statewide service for all of the Allegheny County shippers when the pending transfer applications are approved (475-479).

MFH is operating at 25% of its capacity and has eight additional drivers available to work if and when a need for additional service arises (553). MFH has equipment available to handle any of the traffic referred to by the supporting shippers (481-483).

C. The Eastern Based Shippers Do Not Require Applicant's Service In Any Territory.

None of the remaining five shippers established a need for Lomma's service in any territory, and, particularly, in the territory served by MFH. Keeler/Dorr needs outbound service from Williamsport to eastern Pennsylvania points, and has never tried MFH, Liedtka nor Hake (74-75). It uses Barclay, McCormick and Daily.

Fuller Company ships from Allentown and Catasauqua and receives some inbound from the Pittsburgh area mills. It used MFH, but has not been in contact with MFH "for a long, long time" (119). It uses Graham, Casey, Hake, Bob Young and Daily. Complaints about Daily's service were vague, unspecific and lacked credibility (122-127). Its business climate has been poor for the "last three years" (127).

Ecolaire ships from West Easton to points in eastern Pennsylvania. It has not had one size or weight shipment since the witness for Ecolaire became traffic manager (157). It uses Hake, Daily and Graham, without complaint, and has never even tried Liedtka and MFH (145-150).

Schramm ships from Westchester and uses Daily as its primary carrier (277). It has made no effort to locate other carriers, and could not identify any shipments actually made to points in Pennsylvania (280).

Metropolitan Edison ships between points in eastern Pennsylvania normally and in emergencies to Pittsburgh and Canonsburg (44-48). It uses Daily, Hake and Graham (48-49). It has never tried Liedtka and MFH (49). The witness could not recall its last use of Daily within Pennsylvania (51). It has also used

Kreitz, a recognized heavy hauler (54).

D. Conclusion

The only conclusion that can logically be reached, after examining the evidence presented by the shippers, is that the shippers supported this application for reasons wholly unrelated to actual need for additional service. See Silver Line, Inc., 50 Pa.P.U.C. 500 (1978).

Some shippers supported Lomma because they were solicited by Lomma's salesman, Mr. Ranker, who had previously called on certain shippers while employed by an ICC carrier. (i.e., Pennsylvania Electric Coil, Ionics, Demco, Tippins and Erie Strayer).

Some stated that the quantity of heavy hauling service had diminished, but this assertion does not hold up under close scrutiny. The shippers who expressed this opinion were not even trying to use available carriers, largely because their own volume of traffic was significantly reduced due to poor business conditions (i.e., Demco, Erie Strayer, PDM and Westinghouse). It is well settled that a shipper has a duty to seek out existing service, and has no right to simply await to be solicited, before it can effectively support a new carrier for an entirely new service. American Buslines, Inc., 96 MCC 506 (1965).

A few shippers stated that they use Lomma for ICC shipments and would find it convenient to use Lomma within Pennsylvania as well (Seco, Ecolaire and Fuller). However, these shippers have not shown any need for applicant's service that is not being fully met by existing carriers. The mere need for an

additional competitive bid is not a sufficient basis for approval of this application under Kinard.

Kinard clearly states that the mere introduction of shipper support testimony is not enough to satisfy the applicant's burden of proof under 52 Pa. Code §41.14. In this case, the shipper testimony actually supports the protestants' burden by proving that business conditions in the heavy industries are poor, that protestants are struggling to keep their equipment and employees working, that loss of additional revenues could result in termination of services which would, in the end, be detrimental to those industries who rely on protestants such as MFH for regular, as well as heavy hauling, services. This application must be denied if the protestants are to be given a chance at survival in this depressed economic state.

2. EXISTING SERVICE HAS NOT BEEN SHOWN TO BE INADEQUATE IN ANY WAY; LOMMA HAS NOT PROVEN ANY ALTERNATIVE REASONS FOR APPROVAL OF ITS APPLICATION EVEN ASSUMING THAT THERE IS SOME FINDING OF NEED.

Kinard clearly states that, although an applicant need not prove inadequacy, it must prove some alternative basis for approving an application for a wholly new competitive service. Applicant has utterly failed to meet this burden.

There is no probative evidence that Lomma will offer a different service, that its service would be more efficient or cheaper. Although some shippers stated they want Lomma as a "backup" carrier, these shippers are not even trying to use many of the available heavy haulers that are certificated by this Commission and who are anxious to handle the traffic within Pennsylvania.

There is absolutely no evidence that Lomma will achieve any efficiencies merely because it presently holds ICC authority. The traffic here involved is truckload in nature, and there is no commingling of ICC and PUC traffic which is usually involved when an applicant's existing ICC authority becomes a relevant factor. Compare Application of Motor Freight Express, 54 Pa.P.U.C. 48, 51 (1980).

Since Lomma holds no PUC authority, there is no basis to approve this application on the basis of rectification of authority or benefit to the applicant. Moreover, since the shippers have adequate intrastate service, and there is no evidence of inadequate ICC service, there is no basis for a finding that

the shippers are in a disadvantaged position competition-wise, if this application is not approved. And there is utterly no basis for a finding that other shippers are in a better competitive situation than the supporting shippers because of superior ICC service.

As to future need, some of Lomma's public witnesses did offer testimony that business conditions are expected to improve, and that additional service would be required. However, none of these witnesses offered a shred of evidence that, based on present and past needs, they can reasonably expect existing carriers not to be able to handle future business. On the contrary, MFH's evidence, which was not refuted, is that MFH is operating at 25 percent of its capacity, and that it is relying on an improvement in business to remain afloat and to return laid-off or part-time drivers to full-time status. There can be no doubt that MFH, and other existing carriers, have the necessary equipment and experience to meet additional service needs, if they materialize.

3. THERE IS NOT SUFFICIENT EVIDENCE TO SHOW THAT LOMMA IS FIT AND ABLE TO PROVIDE EFFECTIVE HEAVY HAULING SERVICE IN WESTERN PENNSYLVANIA.

Part of Lomma's burden of proof is to establish that it can offer effective heavy hauling service between all points in Pennsylvania. Application of L. P. Transportation, Inc., 25 Pa. Cmwlth. 412, 359 A.2d 848 (1976). Lomma chose to seek statewide authority and must bear the heavy burden of proving its fitness and ability to provide such service. Lomma did not meet this heavy burden.

Lomma is a New Jersey corporation, and is domiciled in New Jersey. Until recently, all of its equipment and personnel were based beyond the borders of Pennsylvania. After this application was filed, Lomma leased a building in Bridgeville, Allegheny County, and hired a salesman to solicit shippers in western Pennsylvania. MFH submits that Lomma did not offer clear and convincing evidence of its proposed service to western Pennsylvania based shippers.

Effective heavy hauling service requires more than a mere leased building. A heavy hauler must be able to provide an experienced rigger to analyze each shipment, and to offer assistance in planning the loading of the shipment and the routes to be traversed. The rigger must be familiar with the local terrain and roadways. Equipment must be provided to perform the loading and service vehicles must also be provided. Lomma did not offer probative evidence of how it will provide these necessary services with experienced personnel. It is not sufficient to prove that it will establish a terminal and equipment. The Commission must speculate on how Lomma will handle heavy loads moving over the highways of western Pennsylvania.

Proof of fitness requires more than mere financial stability and past experience. Lomma offered no evidence of how it has handled size or weight shipments from western Pennsylvania in the past. To find Lomma fit to serve the entire state of Pennsylvania requires assumptions and conclusions that are not based on facts of record.

4. APPROVAL OF LOMMA'S APPLICATION WILL IMPAIR AND ENDANGER MFH'S OPERATIONS, WHICH, ON BALANCE, WILL BE CONTRARY TO THE PUBLIC INTEREST.

The issue here is whether the evidence shows (1) that Lomma will or could divert business from MFH, and (2) that loss of revenues by MFH will have a detrimental effect on the public interest generally. In Kinard, the Commission held that it was not sufficient for protestant merely to show loss of potential revenues, just as it is not sufficient for the applicant to merely present public witnesses. However, the burden on protestant was not intended to be as impossible to meet as practitioners have come to believe.

The evidence is overwhelming that MFH has experienced a severe decline in heavy hauling business. It is operating at 25 percent capacity and has eight drivers on part-time status due to lack of business. MFH offered evidence of the number of plants that have closed, or are partially closed, in western Pennsylvania due to depressed economic conditions. There is attached to this brief, as Appendix C, an article from the Pittsburgh Post Gazette, dated January 15, 1985, which supports MFH's evidence. We request the Commission take official notice of the local plant closings, and work force reductions in western Pennsylvania.

The devastating effect that the economic decline in western Pennsylvania has had on MFH is manifested by its own work force reduction. Only four full-time heavy hauling drivers can be retained on the payroll. Yet, there is not an iota of evidence

that MFH is not providing adequate service when requested. Moreover, there is no evidence that other heavy haulers are not meeting the requests for service made on them. The number of heavy haulers in western Pennsylvania is amply demonstrated in this record. No other conclusion can be reached but that existing carriers, including MFH, are providing all of the service requirements and are eager and willing to meet any future demands, even assuming that the volume of business returns to normal levels.

Certification of Lomma will clearly result in diversion of business from MFH and other carriers. Can it be concluded that MFH can absorb this additional, unnecessary competition without suffering additional harm? Yet, it is not sufficient for MFH to merely show loss of revenues. MFH must prove that, on balance, its losses will adversely affect the public interest.

It is clearly not in the public interest for a carrier such as MFH, and its successors in interest, MFT and Kerr, to discontinue heavy hauling service. The expertise of Mr. Kerr and his companies is needed in western Pennsylvania. Protestants cannot continue to maintain costly special equipment without realizing a fair return and MFH does not believe it can withstand any additional losses in revenues and still maintain its equipment and service.

The loss of MFH's heavy hauling service would not be in the public interest for other reasons. MFH would not be able to offer the complete service to shippers that is frequently required when heavy hauling service involves transportation of non-size or weight shipments. If MFH cannot successfully bid on

large jobs that require up to 10 or 15 truckloads on standard equipment, because MFH can no longer maintain its heavy hauling equipment, the public loses an effective carrier and competitor. MFH is a carrier that has been offering service for 80 years. Its service is beyond reproach. Will the public really benefit from the imposition of a new service, by a foreign corporation, that has not been tested nor proven to be effective, while losing a service that has been tried and tested for 80 years without any evidence of inadequacy? The answer is obviously and emphatically NO!

This applicant must not be permitted to divert the minimal business available from MFH and other heavy haulers in western Pennsylvania, if the result would be the demise of MFH and its successors, MFT and Kerr. To conclude otherwise would be to construe 52 Pa. Code §41.14 as an open invitation to deregulate the trucking industry and permit open entry. The Commission never intended such a result under Kinard. Regulation means that some new applicants must not be permitted entry and this application affords the Commission with a classic case to re-emphasize that principal.

V. REQUESTED FINDINGS AND CONCLUSIONS

MFH respectfully requests that the Administrative Law Judge make the following findings of fact and conclusions of law:

1. Applicant is a New Jersey corporation, domiciled in New Jersey, and has no company owned facilities in Pennsylvania. It recently established a leased terminal facility in Bridgeville, Allegheny County.

2. Applicant holds no operating authority from this Commission.

3. Applicant seeks to provide statewide heavy hauling service, but does not seek authority to transport property or iron and steel on ordinary flatbed equipment.

4. The applicant leases all of its equipment from an affiliated leasing company named JFL Leasing Company.

5. Lomma presently holds ICC authority and is presently providing service in interstate commerce, but applicant had no documentation to reflect service provided for any of the supporting shippers under its ICC authority, nor of the type of shipments transported.

6. Lomma's gross revenues from the first four months of 1984 were approximately one million dollars, and it projects gross revenues of 2.8 million dollars for the year 1984 from its interstate operations.

7. Testimony in support of the application was presented by 15 supporting shippers. Of the ten shippers having facilities located in western Pennsylvania, two are located in Erie County, one in Crawford County, and seven in Allegheny County.

8. There are 22 counties in western Pennsylvania in MFH's service area from which there is no shipper support.

9. MFH is authorized to provide size or weight service between all points in and west of the counties of McKean, Cameron, Clearfield, Cambria and Bedford; and from Pittsburgh and points within 50 miles thereof, to points in Pennsylvania east of McKean, Cameron, Clearfield, Cambria and Bedford Counties.

10. MFT has filed an application to acquire that portion of the operating rights of MFH authorizing transportation between points in and west of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford. MFT will acquire all of the equipment and employees of MFH.

11. Kerr has filed an application to acquire that portion of the operating rights of MFH authorizing transportation from Pittsburgh and points within 50 miles thereof, to points east of McKean, Cameron, Clearfield, Cambria and Bedford Counties. Kerr will provide service by leasing the equipment of MFT for shipments which, because of size or weight, require special equipment or special handling.

12. MFH is an experienced and capable heavy hauler, and there is no evidence of record that its service is, in any way, inadequate, nor is there any evidence that any of the supporting shippers have any need for service that MFH is either incapable or not authorized to transport within western Pennsylvania.

13. MFH is presently operating at 25 percent of its capacity, and although it has only four full-time drivers for its heavy hauling service, it has eight part-time drivers available, and MFH

has the type of equipment necessary to provide a complete heavy hauling service within its operating territory.

14. MFH advertises its service in the Bell Telephone Yellow Pages in Pittsburgh, and by personal contact with customers.

15. MFH is seeking additional intrastate heavy hauling traffic, and believes that loss of traffic it is presently transporting would result in its inability to continue to maintain its heavy hauling equipment, which would further result in its inability to provide a complete service on heavy hauling moves that require both special equipment and ordinary flatbed equipment.

16. Western Pennsylvania has experienced a severe economic decline manifested by numerous plant closings and work force reductions in industries that typically require the services of a heavy hauler.

17. There are numerous heavy haulers presently offering service to the supporting shippers in western Pennsylvania, including protestants MFH, Daily Express, David Graham, and Liedtka, as well as non-protestants such as Haser Trucking, Daniels Transfer, Gottry, Hardinger Transfer and W. J. Casey, among others.

18. The authority of John Benkart & Sons Company, a heavy hauler from western Pennsylvania, was acquired by Reinsfelder, Inc., which presently competes with MFH for heavy hauling work in western Pennsylvania.

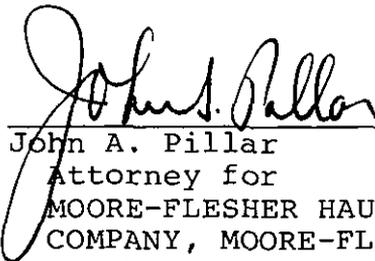
In addition to the above requested findings of fact, MFH respectfully requests that the Administrative Law Judge make conclusions of law consistent with the headings in the Argument

contained in Part IV of this brief, including the sub-headings, and, in the final analysis, conclude that this application should be denied in its entirety, or, in the alternative, that no authority should be granted to Lomma to transport property which, because of size or weight, requires the use of special equipment or special handling between points in Pennsylvania in and west of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford, nor from Pittsburgh and points within 50 miles thereof, to any point in Pennsylvania.

Respectfully submitted,

PILLAR AND MULROY, P.C.

By:



John A. Pillar  
Attorney for  
MOORE-FLESHER HAULING  
COMPANY, MOORE-FLESHER  
TRUCKING, INC. and  
W. D. KERR & SONS, INC.,  
Protestants

PILLAR AND MULROY, P.C.  
1500 Bank Tower  
307 Fourth Avenue  
Pittsburgh, PA 15222

Due Date: March 1, 1985

Appendix A  
Abstract of Shipper Testimony

1. Keeler/Dorr-Oliver (Keeler) is a manufacturer of boilers and has a plant in Williamsport (67). Boilers range from 40,000 to 120,000 pounds (70). Keeler also manufactures burners, stacks and stokers (71). Items vary in size; the smallest unit is 11'6" wide, 12'6" high and 17' long (71). It requires transportation on lowboy trailers because of the height of the items (72).

In 1983, the shipper allegedly made one shipment every two to three months to points in Pennsylvania (72). The 1983 shipment moved to Philadelphia and Wilkes-Barre. One shipment was recently made (in 1984) to Sayre (73).

The witness indicated that Keeler is spending "within the next five years" approximately \$15,000,000 for expansion (73), to manufacture larger boilers, such as are depicted on applicant's Exhibits 3 and 4 (74).

The shipper has never used the services of Moore-Flesher, Liedtka or Hake within Pennsylvania. It has used David Graham Company for shipments on regular, forty foot flatbeds (74-75). The services of Daily Express are used frequently, but not for the size or weight shipments (75). Daily solicits the shipper's traffic regularly. It has not used Daily for size or weight traffic because "there are so few built so far I haven't had to use that many carriers." The shipper desires to receive several quotes before selecting the carrier (76).

Keeler used the services of Lomma on two occasions in interstate commerce (77). The intrastate traffic to be tendered to Lomma "would depend upon their quotes" (78). Keeler supports the application so that it has available "more than one carrier or even two carriers that I can depend upon." The shipper complained that it had one bad experience with a carrier known as Dan Barclay, Inc., which is not a Pennsylvania based heavy hauler, on a shipment from Williamsport to Wilkes-Barre (78-79).

On cross-examination, the witness testified that McCormick Dray Line transported the recent shipment to Sayre. A recent

shipment to Swathmore, PA was handled by the customer (83). The shipment in 1983 to Philadelphia was also handled by McCormick satisfactorily (84).

The shipper has no objection to obtaining bids from the protestant carriers and using their services, so long as they are qualified heavy haulers (85-86). Despite the difficulty in connection with the shipment handled by Dan Barclay to Wilkes-Barre, the witness first testified that, if Barclay submitted the lowest bid on the next available shipment, it would be given the shipment. On further cross-examination, the witness testified that, if Daily submitted a competitive bid which was higher than Barclay's, Daily would get the haul because of the past service failure of Barclay (87). Barclay's service would be used for future hauls in Pennsylvania, and its statewide authority was obtained through the support of this shipper (87).

2. Zurn Industries, Energy Division, is a manufacturer of steel power boilers and related equipment, having a manufacturing facility in Erie, PA (89-90). Zurn is a competitor of Keeler/Dorr-Oliver, but also does work for the latter company, manufacturing cylindrical steel drums (90). Zurn receives inbound shipments of steel plate, from Coatesville, PA (90-91). These inbound shipments range in length from 10'6" to 15' and exceed 8'6" in width (91). Zurn has no control over the routing of inbound shipments of steel (103).

The boilers range from 40,000 pounds to 300,000 pounds, and from 8' wide by 15 to 16' in length, and 10 to 12' in height, to larger boilers 20' in height and 45' in length (92-93), which are custom built to customer specifications.

Zurn's outbound shipments require a double drop lowboy trailer because of height (93). Although Zurn is on the main Conrail line, it prefers to ship by truck because of problems in dealing with Conrail. Zurn has no idea where its next shipment will be delivered in Pennsylvania, and could provide no potential destination points in Pennsylvania of any traffic (95-96). If Lomma's application is granted, Zurn would consider the possibility of diverting additional traffic from rail (96-97). The witness

testified that it would "consider using them [Lomma]" (97). Zurn fears that Conrail will abandon rail service in Pennsylvania and, therefore, increase Zurn's requirements for truck service (97).

The witness testified that Zurn had about twelve heavy hauling shipments to Pennsylvania destinations per year in 1982 and 1983. The witness could not indicate the number of heavy hauling shipments in 1984 (98). Shipments in 1983 moved to such points as Pittsburgh, Philadelphia, Altoona, Allentown, Marcus Hook, Warren, Lock Haven and Coatesville (98). Carriers used include Daily Express and Gottry Corporation (99). Zurn is supporting the Lomma application because "the number of carriers that solicit me is very few." The witness testified that the number of reliable intrastate heavy hauling carriers is limited in northwestern Pennsylvania, and Zurn is always looking for more competition price-wise and equipment-wise (99).

On cross-examination, the witness for Zurn testified that the availability of Lomma's service would encourage Zurn to switch from rail to motor carrier, depending on whether the shipment was moving to a jobsite, and whether off-loading or rigging services were necessary (100-101). In addition, a factor to be considered is the availability of equipment and the price of the transportation (101). The last time a shipment in Pennsylvania was made by rail, [that could have been tendered to Lomma], was last November or December (1983) involving a shipment that moved to Pittsburgh (101). The witness testified that, without looking at his records, he could not be sure that he really used Daily's service to a Pennsylvania destination in the past (102).

Zurn also uses the services of Hardinger Transfer, of Erie, for heavy hauling shipments (102). The witness for Zurn testified that it has never had a problem with Daily Express in connection with an oversized or overweight shipment, and that Daily is a "very reputable company, very dependable." Gottry is the carrier most frequently used by Zurn, since it has a terminal in Erie, PA (104-105). In most cases, Zurn does not even obtain a rate comparison, even though the witness testified that Gottry's rates are high (105).

Lomma's service would not be used even if its rates were lower than Gottry's, unless it could depend on Lomma's equipment being available from its proposed Pittsburgh terminal (105). Zurn has also used the services of Preston's special commodities division for shipments to Pennsylvania (107). The witness for Zurn testified that he does not have "the time or the people to go into great depth on bidding" for competitive rates.

Zurn would consider using any heavy hauler that would solicit the freight or submit a quote for a particular job (108). Zurn also ships some traffic by rail that moves to a railhead and that is placed on truck for ultimate delivery. However, the witness does not route the truck portion of such rail/truck transportation (110-111).

3. Fuller Company, GATX Company, is a manufacturer of large industrial processing equipment and machinery, including kilns, grinding mills, crushers, dryers, air pollution equipment and coolers for the processing industry (112-113). It maintains facilities in Allentown, Catasaqua and Manheim, PA (113). Some of the outbound shipments require transportation in special equipment or require special handling, such as large kiln shells, which can vary from 10' to 16 or 17' in diameter and 40 or 50' long and from 50 to 90 tons (114). From all three of its facilities, Fuller would ship from 25 to 50 heavy hauling shipments to points in Pennsylvania annually (115). The witness testified that "it all depends on securing contracts" (115). The shipments originate, primarily, at Allentown and Catasaqua (116). This shipper recently made shipments to Evansville, York, Hanover, Wampum, Nazareth, Copely and Whitehall, PA (117), which are locations of cement industry facilities.

Fuller receives inbound shipments of heavy forgings and large castings from U. S. Steel in Pittsburgh, or Bethlehem Steel in Bethlehem, PA. The services of Moore-Flesher were used some years ago, but the witness stated that this carrier "started confining their authority or restricted their services to the Pittsburgh area and we haven't been in contact with them for a long, long time" (119). David Graham Trucking is used for standard loads

and some over-dimensional shipments. However, this carrier restricts its operating scope to specific over-dimensional shipments, and refuses certain over-dimensional shipments (120). The witness has never done business with Liedtka and was not aware that they had heavy hauling authority (120). Fuller has used the services of Frank W. Hake which was characterized as a "very good quality carrier" (120). The services of W. J. Casey were used to Evansville, PA when Hake could not provide equipment (120). The services of Daily Express were used and they were characterized by the witness as "a good quality carrier, but there are times when they can't handle certain types of service, but they are a good carrier" (121).

Fuller has used the services of Lomma to Philadelphia for "export" and in interstate commerce (121). Lomma's services were used "half a dozen times" in 1984, and, on several occasions in 1983 (121-122). Lomma has expressed a willingness to handle "combination size and weight shipments" that Daily Express has been unable to handle (122). The services of Lomma would be used in Pennsylvania, if this application is granted, because of its superior service. The extent of Lomma's use would depend on whether Fuller has any contracts, and whether Lomma's price is competitive (123-124). The witness testified that Fuller needs additional carrier service, and does not want to be "tied down to one carrier or two carriers" since the cost of transportation becomes too high (124).

On cross-examination, the witness testified that, during the first six months of 1984, it has used the services of Bob Young, David Graham, and Daily Express primarily for Pennsylvania intrastate heavy hauling shipments (125). On certain shipments to Sharon, the services of Daily could not be used because Daily could not physically handle the moves, because of the dimensions of the shipment (125-126). The shipment to Sharon in question has not actually been made, since it will not be moving for "at least three months" (126). Fuller has not yet decided on what carrier it will use for this shipment. The witness could not identify any other shipment for which Daily was unable to furnish equipment to a Pennsylvania destination (127).

The business climate for Fuller has been "very poor for the last three years" (127). Fuller requires the services of carriers with special lowboy equipment that can transport over-height shipments, and get enough axles under a load to make for adequate distribution, so that the state will issue the heavy hauling permit (128). Two of the twenty to thirty shipments in 1984 required such equipment; the destination was Evansville, PA (transported by Casey).

Fuller's witness testified that GATX used to subcontract kiln shells to its Sharon, PA plant (now closed), and Moore-Flesher provided the transportation service from that facility. Moore-Flesher has never been used from the eastern plants. If Moore-Flesher were to solicit Fuller's traffic and insure availability of equipment, it would have no objection to using the service of Moore-Flesher (130).

4. Ecolaire Heat Transfer Company is a welding fabrication shop having a facility in West Easton, PA (137-138). The commodities shipped from West Easton include steam condensers, heat exchangers, turbine condensers and related parts (139). These shipments require special equipment because of either size or weight (140). Shipments to Pennsylvania destinations depend on orders since all items are custom built (142). Ecolaire believes that it will have additional shipments to points in Pennsylvania in the future. It furnished the condenser for Three Mile Island, the Berwick Power Station, and several export shipments destined to Philadelphia (144).

Ecolaire receives inbound shipments of steel plate, which are frequently overwidth, from steel suppliers within Pennsylvania (145). Inbound shipments in the past have been delivered by rail (146). The witness could not state with certainty where inbound size or weight shipments originated (147).

The witness has never heard of Moore-Flesher Hauling Company (149). Ecolaire has used the services of Daily Express for size or weight shipments within Pennsylvania (149). David Graham has not been used for outbound shipments, but it has delivered inbound shipments to Ecolaire's facility (149). The witness had no

familiarity with Liedtka, but had heard of and used the services of Frank W. Hake (150).

Ecolaire has used the services of Lomma in interstate commerce (151-152). Ecolaire frequently needs stretch equipment, single drop or double drop trailers or other types of equipment, and the witness testified that Lomma has a particular trailer that the witness was not aware that anybody else has, a Cambered design, single drop stretch trailer, which is well suited for the shipper's condensers (153). If Ecolaire receives an order for a delivery in Pennsylvania requiring that type of trailer, it would use Lomma's service (155).

On cross-examination, the witness testified that it averages 8,000 pounds of freight per month to Pennsylvania destinations (based on 1983 figures) (155). Ecolaire has no size or weight loads that moved by truck to a Pennsylvania point in 1983, nor any in the first six months of 1984 (156). The condenser that moved to Three Mile Island was transported before the witness worked for Ecolaire, and he could not testify how it was transported (156). Ecolaire has not had one heavy hauling shipment to a Pennsylvania point since the witness became traffic manager (157). The witness testified that he had a list of approximately forty different trucking companies to call for service in Pennsylvania, and that the witness tries "to be fair" (158). The witness was not aware of how many of these companies can provide size or weight transportation service (159).

5. Pennsylvania Electric Coil, Inc., is a manufacturer of coils and repair motors, having two facilities both located in the City of Pittsburgh (Applicant's Exhibit 5). The witness testified that he was aware of a new facility opened by Lomma in Bridgeville, near Pittsburgh, which has an effect on its support of this application, because it is good to have "another local outfit" (167), to meet rush orders (168). This company ships generators and transformers to steel plants located in Sharon, Brackenridge, Monessen, Allenport, Leechburg and Dravosburg (Applicant's Exhibit 5).

The volume of shipments to Pennsylvania destinations varies from none to four shipments per month, depending on orders; its

need for heavy hauling service arises on an emergency basis where there is a breakdown at a particular plant. The shipper arranges for the pickup of the apparatus so that it can be brought to Pennsylvania Electric's facility, repaired, and then redelivered. The witness complained that its need for heavy hauling service has intensified because one of its two principal carriers, namely John Benkart & Sons, is no longer in business (Applicant's Exhibit 5).

On cross-examination, the witness for Pennsylvania Electric Coil testified that he learned about the Lomma application from Jim Ranker, the salesman for Lomma, who is a personal friend of the witness (171-172). The witness testified that he did not know when Pennsylvania Electric Coil last made a shipment requiring a heavy hauler (175). The witness did testify that he found a bill indicating that a heavy hauler was used in January of 1984 for a generator shipment to U. S. Steel Irvin Works (Pittsburgh) which weighed 25 tons. That shipment was transported by Moore-Flesher on a lowboy trailer (175-176). He found two freight bills showing two shipments to Sharon Steel in Sharon, PA in May of 1983, and a shipment in June of 1983 to Dravosburg, that required a heavy hauler (176). The shipments to Sharon were transported by Benkart. The shipment to Dravosburg was transported by Moore-Flesher (177).

The witness did not know when Benkart terminated its operation, and was not aware that the operating rights of Benkart were transferred to Reinsfelder, Inc., a heavy hauler located in Pittsburgh. The witness testified that he does not personally contact the carriers that provide transportation for Pennsylvania Electric, but rather the shop foreman, Mr. Devine, contacts the carriers (178).

The witness testified that Pennsylvania Electric Coil has used the services of Daily Express, but he did not know whether they had been used for Pennsylvania intrastate shipments. The witness testified that there has never been any service required by Pennsylvania Electric Coil Company that was not met satisfactorily by Moore-Flesher Hauling Company (179).

6. Ionics, Inc. is a manufacturer of steel weldments used by the nuclear power industry, and has a facility located in Bridgeville (Allegheny County), PA (Applicant's Exhibit 7).

Shipments requiring a heavy hauler are made principally to York and Mechanicsburg, PA. These shipments average 50,000 pounds each. Due to the alleged limited number of carriers providing heavy hauling service in western Pennsylvania, it requires the availability of an additional carrier (Applicant's Exhibit 7).

On cross-examination, the witness testified that he learned of this application through Mr. Ranker, through a sales call, when Mr. Ranker was an employee of another company (186). Lomma has not been tendered any traffic by Ionics (187). The witness testified that Ionics averages about one shipment a month to a Pennsylvania destination (187). The shipments are transported to York and Mechanicsburg by David Graham, a heavy hauler (188). Graham usually provides a flatbed or lowboy trailer, depending on the size of the shipment (188). David Graham has been handling the traffic satisfactorily for approximately one and a half years; prior to that time, the transportation was provided by Benkart (188-189). The witness did not identify any other destination point of heavy hauling shipments (189).

Ionics has never used the services of Moore-Flesher Hauling Company nor Daily Express (189-190). In the six years that the witness for Ionics has been Traffic Manager, he has never called the Commission to inquire about available Pennsylvania intrastate heavy haulers, and has never solicited any other heavy hauling service (190-191).

7. Duquesne Electric and Manufacturing Co. (Demco) is a dealer of used electrical equipment, such as transformers and generators, and has its place of business in the City of Pittsburgh. It ships and receives a variety of items and allegedly has three heavy hauling shipments monthly, on the average, moving to and from Pennsylvania points (Applicant's Exhibit 8). Alleged representative origins and destinations of heavy hauling shipments include Milton, Bethlehem, Sharon, Fairless Hills and Philadelphia. The witness allegedly has detected a noticeable decrease in the amount of specialty heavy hauling equipment available to transport his products, and requires additional carrier service (Applicant's Exhibit 8).

On cross-examination, the witness testified that he learned of this application through a solicitation by Mr. Ranker, whom the witness knew as a salesman for International Transport (196). Lomma's service had never been used in the past by Demco (197). The service presently received by carriers providing ordinary flatbed trailers is totally satisfactory (198). Demco last required the services of a double drop lowboy trailer for a size or weight shipment about three weeks prior to August 20, 1984, for a shipment moving to Carnegie from Pittsburgh, a distance of approximately five miles. Transportation was performed satisfactorily by Haser Trucking, a local heavy hauler (199). Haser's service is used frequently (once or twice a month) (199-200). The witness testified that Demco does not intend to take traffic away from Haser and tender it to Lomma (200).

Demco used the services of Benkart prior to using Haser. The shipper also used a carrier from Philadelphia, but the witness could not recall the carrier's name, since the service was only used once a year (200). Haser's service has been used for shipments to Milton, PA, and statewide, much as Benkart was used in the past (201). The witness was not aware that the operating rights of Benkart were purchased by a heavy hauler named Reinsfelder (201).

The last shipment made to Fairless Hills was either the end of 1982 or early 1983 (202). The witness could not recall the carrier used to Fairless Hills, nor when and who transported the last shipment to Philadelphia (202). The last shipment to Sharon was made in October or November of 1983, and was transported by Haser (202). The witness could not identify the last shipment to Bethlehem, PA (202-203). Demco made some shipments to Milton, PA in February or March of 1984, and these were transported satisfactorily by Haser. The witness could not identify any heavy hauling shipments coming inbound from U. S. Steel facilities in Pennsylvania, but the witness indicated that such traffic would have been transported by either Haser or Benkart (203).

The witness for Demco has never called upon the services of Moore-Flesher Hauling Company, even though the witness was familiar with Moore-Flesher and recognized that Moore-Flesher is

a heavy hauler. The witness has never called Daily Express for service, nor has anyone at Demco ever contacted the Pennsylvania Public Utility Commission to learn of the identity of other heavy haulers (204).

8. Tippins Machinery Company is a manufacturer and dealer of equipment utilized by metal processors, and has a facility located in Etna (Allegheny County), PA (Applicant's Exhibit 9). Tippins ships and receives metal rolling mill machinery and parts thereof, metal processing machinery, electric motors and generators, electrical control equipment and construction equipment. The witness for Tippins alleges that it shipped approximately twelve heavy hauling shipments to Pennsylvania points in the past year, including to such destinations as Washington, Brackenridge, Pittsburgh and Philadelphia. It requires the services of an additional carrier because it expects its business to improve after suffering through a very "lean" year (Applicant's Exhibit 9).

On cross-examination, the witness testified that he learned of this application through a solicitation by Mr. Ranker, who had been a salesman for International Transport. Tippins has never used the services of Lomma (208). The carriers used presently for heavy hauling shipments are Haser Trucking and Moore-Flesher Hauling; both of these companies are recognized heavy haulers (209). Previously, Tippins used the services of Benkart, and the witness was aware that the operating authority of Benkart was transferred to a Haser subsidiary known as Reinsfelder, which is also a recognized heavy hauler in western Pennsylvania (209).

Haser is used as a primary carrier to Pennsylvania destinations, and Moore-Flesher is the backup carrier (209-210). In the past twelve months, the services of Haser have been used to Brackenridge, West Leechburg and Washington, PA (210). In addition, Haser is used for interplant shipments between the facilities of Tippins located in the City of Pittsburgh (211). Moore-Flesher's service was used for shipments to Brackenridge and, possibly, others (211). The shipment transported by Moore-Flesher consisted of two armatures that weighed in excess of 150,000 and 160,000 pounds, respectively. The service provided

by Moore-Flesher was satisfactory (212). Moore-Flesher also provided transportation of parts and accessories on ordinary flatbed trailers, in addition to the heavy hauling service (212-213).

In addition to Moore-Flesher, the witness has used Miller Transfer & Rigging and Daily Express. Although Daily is recognized as a heavy hauler for interstate loads, it has never been tendered any intrastate shipments by Tippins (214).

9. Erie Strayer Company, a fabricator of heavy construction equipment, including concrete batching and mixing plants, has its facility in Erie, PA (Applicant's Exhibit 10). The destinations of its outbound shipments are unpredictable, but, if made, would probably be destined to urban areas, such as Harrisburg and Philadelphia. Most outbound shipments are overwidth and require heavy hauling service. The witness' prepared statement indicates that Erie Strayer has approximately ten to fifteen heavy hauling loads per month outbound, and an average of one to two of such shipments move to Pennsylvania destinations (Applicant's Exhibit 10). The witness states that, due to the limited number of heavy hauling carriers, it requires additional service.

On cross-examination, the witness testified that it learned about the applicant from Jim Ranker, who called upon him when he was employed by another trucking company as a salesman (218-219). Lomma's service has never been used in the past (219). Erie Strayer requires the services of a heavy hauler for outbound shipments of fabricated steel, such as concrete batching and mixing plants, material handling buckets or clam shell buckets (219). These shipments are overwidth or overheight and, occasionally, overweight (220). The witness testified that "there have been so few shipments, in the last 12 to 18 months, that we have used our own tractors and trailers to do that, as well as Hardinger Transfer, which is located in Erie"(220). Hardinger handles heavy hauling shipments by using the shipper's drop deck or lowboy trailer (220). Erie Strayer has one tractor which is also used in its private carriage operation (221).

No common carrier service has been used for the past 18 months. The company has not used the services of Moore-Flesher (221). Erie Strayer is familiar with Daily Express, and has used Daily for interstate shipments. It recognizes Daily as being a heavy hauler (222). It also recognizes Gottry Corporation as a heavy hauler located in Erie, and it intends to call upon Gottry for Pennsylvania intrastate shipments in the future (222). The witness testified that he expects Erie Strayer's volume to increase in the future because sales have been very poor due to the recession of 1982 and 1983 (222). The witness speculated that it could "conceivably have 6 loads in a week and not any for the rest of the month" to one location, if business improves (223). The witness testified that Erie Strayer would have no objection to using any certificated carrier that will give us "the best rate" (224).

10. Westinghouse Electric Corporation is a manufacturer of electric generators, having a facility pertinent to this application located in Pittsburgh (Applicant's Exhibit 11). Outbound shipments of turbine generators, rotors, stators, and motors are made to points in Pennsylvania, such as Lester and Philadelphia. The witness for Westinghouse testified that it has experienced difficulty in acquiring the type of equipment needed to safely transport its products, and some carriers possess "incomplete authority" and are unable to meet all of its service needs (Applicant's Exhibit 11).

On cross-examination, the witness testified that approximately four shipments move, per month, on the average, from Westinghouse's East Pittsburgh plant to points in Pennsylvania. Two of the four shipments move on regular flat trailers (238-239). Westinghouse has a 130,000 pound shipment that recently moved to Shelocta, Indiana County, in addition to the shipment that moved to Lester and Philadelphia (241).

Westinghouse has not used the services of Moore-Flesher for approximately ten years because Moore-Flesher has allegedly not solicited Westinghouse's traffic (243). Moore-Flesher has delivered shipments to Westinghouse in East Pittsburgh (244).

The witness testified that Moore-Flesher handled a 135,000 pound rotor for Allegheny Power Systems from Westinghouse's East Pittsburgh facility; this service was provided satisfactorily by Moore-Flesher (244-245). The witness testified that Moore-Flesher's terminal is located in the Pittsburgh area, and it has size or weight equipment (245).

Westinghouse handled some size or weight shipments in its own vehicles (247-248). The last shipment to Lester, PA requiring a heavy hauler was transported by David Graham, and consisted of a 126,000 pound component that required special equipment (248). David Graham also handled the size or weight previously shipped to Lester, which was at least several months earlier (249). The witness for Westinghouse did not know when Westinghouse last shipped to Philadelphia (249). The shipment to Shelocta, Indiana County, was transported by "Moss & Moss or Casey" (250). The shipment was transported on a flatbed trailer (250).

Westinghouse's inbound shipments from Homestead are transported by AAA Transport; the witness could not testify who handled inbound shipments from Bethlehem, PA (253). The primary truckers from Coatesville on inbound shipments are A. Duie Pyle and Tornetta (253).

The witness for Westinghouse testified that Moore-Flesher's service was used years ago for interstate shipments, but discontinued when Moore-Flesher sold its interstate authority (255). The witness' "perception" was that Moore-Flesher had "retrenched themselves to a few local customers" (255-256). The witness for Westinghouse is convinced that it needs the services of Lomma because "we really haven't been able to secure the equipment, generally, on a moment's notice" (262). The witness, on further cross-examination, testified that he perceived the Moore-Flesher sale of its interstate operating authority had some effect on the ability of Moore-Flesher to provide intrastate transportation since he thought that "they might have sold their authority (PUC) and some of their equipment" (264). Moore-Flesher has never called on Mr. Guinto in the past ten years to secure business from Westinghouse and, therefore, Moore-Flesher's service has not been used (264).

On further cross-examination about the Westinghouse need for service "on a moment's notice," the witness testified that it needed such service from East Pittsburgh to a point in Pennsylvania two weeks ago, presumably the shipment to Lester (265-266). Prior to the shipment to Lester, it needed service "on a moment's notice" in connection with the shipment to Shelocta that required a flatbed trailer (267). On both of these shipments, Westinghouse performed the loading and the consignee performed the unloading services at their respective facilities. The shipper's definition of an emergency would be any situation where Westinghouse needed a flatbed trailer loaded at the origin by the shipper and unloaded at the destination by the consignee (269).

11. Schramm, Inc., a manufacturer of heavy drilling equipment, compressors and other machinery, has its facilities in Westchester, PA (Applicant's Exhibit 12). In addition, the witness testified for Pneumatic Electric & Equipment Company, a wholly owned subsidiary of Schramm. This shipper requires the services of a heavy hauler two to five times per month to Pennsylvania destinations, including such representative destinations as Clearfield, Oil City, Uniontown, Harrisburg, Downingtown and Westchester (Applicant's Exhibit 12). The witness stated that this company believes there is a need for additional carrier service within Pennsylvania.

On cross-examination, the witness testified that its primary carrier is Daily Express (277). The witness could not recall when it last had a shipment to Clearfield, nor any other destination point in Pennsylvania, and the witness had no underlying documentation to support its alleged volume and frequency of shipments to Pennsylvania destinations (280). The witness was not aware of any other heavy hauler carrier that can provide service from its Westchester facilities to points in Pennsylvania, and the witness made no effort to check with the Pennsylvania Public Utility Commission to determine what carriers are available (284). The services of Lomma would be used only when the services of Daily are not available (284).

12. Seco/Warwick Corporation, a manufacturer of industrial furnaces, has its facilities in Meadville, Crawford County, PA. Seco ships approximately three heavy hauling shipments per month

to Pennsylvania destinations, principally to York, Philadelphia and Pittsburgh (Applicant's Exhibit 13). It presently utilizes the services of Daniel Transfer for deliveries within Pennsylvania. Seco supports the application of Lomma because it does not have available an intrastate heavy hauler service, and it has allegedly declined certain Pennsylvania business because of the absence of an intrastate heavy hauler service (Applicant's Exhibit 13). Seco anticipates that it will double the amount of fabrication performed at Meadville due to the transfer of its Illinois manufacturing facility to Meadville (287-288). The witness conceded, however, that he would be speculating if he were to attempt to give the amount of heavy hauling traffic that would move to Pennsylvania destinations from Meadville in the future.

With respect to its past traffic, the witness testified that of the 4,500,000 plus pounds that were shipped from Meadville in 1983, "very little of that traffic went to Pennsylvania points" (295-296). Conrail was used for virtually all of its intrastate traffic in 1983, and that service was supplemented by John Benkart, a heavy hauler (296). Accordingly, the shipper has changed its shipping patterns and has reduced the size of its shipments so that ordinary flatbed trailers can be used and jobsite and field erection is performed (296). The witness testified that Seco would prefer to ship in larger pieces so that less field erection would be involved; none of the 1983 traffic required a heavy hauler (296).

In 1984, it has made heavy hauling shipments to Bloomsburg, in addition to York, Philadelphia and Pittsburgh. It made one heavy hauling move to Meadville Forge, about ten miles from its Meadville facility, which was transported in private carriage because the shipper could not find any carrier to move it (297). On further cross-examination, the witness for Seco testified that it has not used any heavy hauler service within Pennsylvania, which seems to contradict his prior testimony (298). The witness testified that he has contacted the PUC to find out about available heavy haulers, and was advised to contact Daily Express.

The witness testified that Daily Express was contacted twelve times in the past twelve months, and each time, no equipment was available (301). The PUC did not advise the shipper about any other heavy hauling service (301). The witness has never heard of Moore-Flesher Hauling Company nor Reinsfelder (302).

On further cross-examination, the witness stated that the last furnace shipped to York moved twelve to thirteen months ago, but did not require a heavy hauler because it was shipped in smaller parts (306). Its last shipments to Philadelphia were moved by Halls Motor's special commodities division, and did not require specialized equipment (306). The shipment to Philadelphia moved about nine months ago (307). The last shipment to Pittsburgh moved approximately eight months ago, and was transported by Overseas Packaging in their own private equipment (307).

With respect to the alleged refusals by Daily to provide service to Seco, the witness was unable to identify a single point in Pennsylvania to which Daily's service was requested and equipment not provided (316). The witness never recontacted the PUC to obtain the names of additional heavy haulers after the alleged refusals by Daily (312).

13. H. H. Robertson Company, a manufacturer of metal building products and components, has its facility in Ambridge, Beaver County, PA. H. H. Robertson ships corrugated steel roofing, steel beams, steel sheets and building construction sections to various points in Pennsylvania, including Philadelphia, Pittsburgh, Reading, Allentown, Upper Merion, Horsham, Enon, Erie, Shippingport, University Park, Ebensburg, Altoona, Johnstown and Midland (Applicant's Exhibit 14). The average weight of an outbound shipment was 20,852 pounds. The witness for Robertson believes that it requires the services of Lomma because it has been pleased with the Lomma service on interstate traffic (Applicant's Exhibit 14).

On cross-examination, the witness for H. H. Robertson testified that Robertson is basically a "flatbed shipper" (320). All shipments move on flatbed trailers. All inbound traffic also moves on flatbed trailers (321). Outbound traffic, as well as inbound traffic, is loaded by Robertson and unloaded by the consignee (320-321).

On redirect examination, the witness testified that flatbed trailers were used by choice, but that the choice was unsatisfactory since Robertson ships "by weight" and prefers to load stretch trailers or lowboy trailers, when available (326). The witness testified that the availability of longer trailers, or lowboy trailers, would enable Robertson to take advantage of a reduction in transportation costs (328). However, the witness testified that, if this application is granted, Robertson would continue to use flat trailers and has been shipping via flatbed trailers since the company began operations in 1906 (330).

14. Pittsburgh-Des Moines Corporation (PDM), a steel fabricator and erector, has facilities in Pittsburgh, PA (which are closed). It ships such steel items as flat bottom cone roof tanks, flat bottom dome roof tanks, bridges, natural gas tanks, spheres, elevated water storage tanks and construction equipment. PDM had approximately four outbound shipments per month to points in Pennsylvania moving to such points as Shippingport, Neville Island, Warren, New Sewickley, Bradford, Elrama and Ardara. PDM requires the services of Lomma because it anticipates an increase in the amount of traffic that will be moving between points in the application area, if its Neville Island (Pittsburgh) facility is reopened (Applicant's Exhibit 15).

One of every five loads to a Pennsylvania destination requires a heavy hauler (344-345). Heavy hauling service is provided by Moore-Flesher, which provides drop deck and double drop trailers (345). Inbound shipments originating in steel mills move on regular flatbed trailers (347).

The service of Moore-Flesher is satisfactory (348). PDM used the services of Daily and Frank W. Hake (348). It uses the services of Moore-Flesher from the Pittsburgh plant to its Warren facility, on flatbed trailer equipment, and to other points in connection with heavy hauling service (349). The Neville Island (Pittsburgh) facility has been shut down for two to three years, and there is no definite date for reopening (350). The shipments originating presently from the Neville Island facility originate at the tool house, and not from the Pittsburgh manufacturing facility (351).

15. Metropolitan Edison Company, a utility company, services an area in eastern Pennsylvania in the Gettysburg-Allentown-Stroudsburg corridor (41-42). It requires heavy hauling service in connection with the transportation of large transformers, ranging in size from 8,000 pounds to 200 tons (42), 10 or 15 times per year (43). Such transportation is generally required in emergencies. Service would be required from the site of the transformer in the service territory to maintenance facilities in Pennsylvania, such as Philadelphia, Pittsburgh and Canonsburg (44-45). Emergency shipments would be required two to five times a year (48).

Transportation service is presently provided by Daily Express within Pennsylvania; Metropolitan Edison also uses the services of Frank Hake and David Graham Company, but not for heavy hauling service within Pennsylvania (48-49). The witness for the shipper was not familiar with Liedtka and Moore-Flesher (49). The services of Daily were satisfactory (50). However, the witness for Metropolitan testified that the services of Lomma would offer an alternative service (50-51).

The witness could not recall the last time that Daily provided service within Pennsylvania (51). There were no instances in 1984 when Metropolitan's customers were deprived of electricity because of failure to have a transformer moved; there were no such failures in 1983 (51). The witness could not identify any transformers weighing in excess of 50 tons that were moved in 1983 or 1984 (52). The last transformer weighing in excess of 50 tons that was transported by carrier was handled by Kreitz, which was performed without complaint (53). Kreitz has also transported transformers weighing less than 50 tons (54). Carriers are selected on the basis of the lowest bid (56).

Appendix B

ABSTRACT OF TESTIMONY OF W. DENNIS KERR,  
PRESIDENT, MOORE-FLESHER HAULING COMPANY,  
MOORE-FLESHER TRUCKING, INC. AND  
W. D. KERR & SONS, INC.

Moore-Flesher Hauling Corporation (hereinafter referred to as MFH) has been a heavy hauler domiciled in western Pennsylvania for approximately 80 years (465). Mr. Kerr, the President of MFH, is also the President and joint stockholder (with his wife) of Moore-Flesher Trucking, Inc. (hereinafter referred to as MFT), and W. D. Kerr & Sons, Inc. (hereinafter referred to as Kerr). MFH holds authority to transport size or weight shipments in the following areas:

- (1) between all points in Pennsylvania in and west of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford; and
- (2) as a Class D carrier, from points in the City of Pittsburgh, Allegheny County, and within a radius of fifty miles thereof, to points in Pennsylvania east of the eastern boundaries of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford.

In addition, MFH is authorized to transport iron and steel and iron and steel articles and products and related materials, equipment and supplies from the facilities of U. S. Steel located in Falls Township, Bucks County, to points in Pennsylvania, and vice versa, and between points in the City of Pittsburgh, Allegheny County, and within an airline distance of fifty miles of the limits of said City, and from said area to all points in Pennsylvania, and vice versa. In addition, MFH is authorized to transport property from the facilities of General Electric Company located in the Counties of Erie and Mercer to points in Pennsylvania and vice versa (MFH Exhibit 1, 471-473).

MFH has entered into an agreement with MFT whereby MFT will purchase that portion of the MFH operating authority authorizing transportation of size or weight shipments between points in and west of the Counties of McKean, Cameron, Clearfield, Cambria and Bedford; property from the facilities of General Electric Corporation

to points in western Pennsylvania; and transportation of iron and steel and iron and steel articles and related materials, equipment and supplies from Pittsburgh and points within 50 miles, to points in western Pennsylvania. The precise authority being acquired by MFT is summarized in MFH Exhibit 2 (474-475).

MFH has entered into an agreement with Kerr whereby Kerr will acquire the operating authority of MFH which authorizes transportation of size or weight shipments from a fifty mile radius of the City of Pittsburgh to points east of the boundaries of McKean, Cameron, Clearfield, Cambria and Bedford Counties; from the facilities of General Electric Corporation to points in eastern Pennsylvania, and in connection with the transportation of iron and steel and iron and steel articles and related materials, equipment and supplies, from Pittsburgh and points within 50 miles, to points in eastern Pennsylvania and for U. S. Steel from Falls Township, Bucks County (MFH Exhibit 3; 475-476).

Mr. Kerr testified that MFH is a union company, and that MFT will continue the business of MFH in western Pennsylvania, since that is the area in which its union employees have served historically for many years (475-476). MFT will acquire all of MFH employees and all of its equipment (476). Historically, MFH has used non-union owner-operators for its west-east operation, and Kerr, a non-union carrier, will continue to provide the west-east service using the owner-operators. In addition, Kerr will handle size or weight shipments from western Pennsylvania to eastern Pennsylvania by leasing equipment from MFT (477-479).

MFH presently has four company drivers, and approximately thirty owner-operators (477). Service is available twenty-four hours a day, seven days a week (478). MFH also employs two mechanics and seven full-time and part-time employees in the office (478).

Kerr also leases an additional twenty tractors and trailers which are used in connection with its nationwide interstate operating authority (478-479). Kerr engages in heavy hauling transportation in interstate commerce and leases equipment from MFH for that purpose (479).

MFH Exhibit 10 shows the company owned equipment operated by MFH within Pennsylvania. MFH operates fourteen tractors, three 7.5 ton flat body trucks, and thirty-five trailers, including special equipment for size or weight shipments. MFH operates tractors capable of hauling between thirty-five and one hundred ton shipments, as well as lighter shipments, which may also require special equipment because of height or width. MFH operates special trailer equipment, including drop decks, lowboys, sliding tandem flats, extendable flats, spread trailers, extendable tank trailers (for hauling heavy tanks) and steerable trailers. All equipment is licensed in Pennsylvania, except for the two Sterling trailers which are so large that they are not capable of being licensed by Pennsylvania, and must be permitted by PennDOT to be used over the highways (481-482). MFH also performs rigging work in the field, including the tearing down or building up of machinery (482).

The four drivers employed presently by MFH presently have approximately 100 years of collective experience in performing heavy hauling and rigging service (483). At one time, MFH had thirty-six company drivers. Due to extremely depressed economic conditions in western Pennsylvania, MFH has been required to reduce its force to four drivers, although it has retained all of its equipment in the event that the economy improves (483). MFH has eight part-time experienced heavy hauling drivers available who are called on, from time to time, when needed (553).

Mr. Kerr presented extensive evidence of the services provided by MFH over the years in connection with the transportation of a variety of size or weight shipments (MFH Exhibits 4-9). The exhibits depicted the transportation of such items as a thirty-five ton mining locomotive, subway cars, draglines, boilers, and machinery (490-492). MFH advertises its services in the Pittsburgh telephone directory under "Trucking" with a quarter column ad showing that it provides twenty-four hour heavy hauling service (MFH Exhibit 11). MFH Exhibit 11 also depicts other heavy haulers operating in western Pennsylvania, including Haser Trucking, Inc., John W. Brown, Jr., Inc., W. J. Dillner Transfer Co. and George Transfer & Rigging Co., Inc., among others (496-497).

MFH presented Exhibit 13, which depicts representative shipments transported by MFH which are within the scope of this application. MFH Exhibit 13 shows that MFH transported twenty-one size or weight shipments in November, 1983, at about the time this application was filed, between various points and places in Pennsylvania. The shipments shown on page 1 of MFH Exhibit 13 do not depict the incidental shipments that were transported in connection with the size or weight shipments; for example, Mr. Kerr testified that a single move of a size or weight shipment might involve twelve loads, three or four of which are size and weight, and the rest are transported on normal flatbed equipment (504-505). In addition, the November, 1983 study does not show shipments of iron or steel coming out of the primary mills that were overwidth and required special equipment (499). Page 2 of MFH Exhibit 13 depicts a random sampling of size or weight shipments transported by MFH during the months of February through May, 1984, which is also restricted to size or weight shipments, and did not include the incidental non-size or weight shipments that moved in conjunction with those shown on page 2 of MFH Exhibit 13 (505). The total revenue of the shipments shown on MFH Exhibit 13, page 1, was \$17,690.25; the total revenue for page 2 of MFH Exhibit 13 was \$11,019.15 (503).

Mr. Kerr testified that western Pennsylvania has experienced a large number of plant closings that have had a serious effect on MFH's size or weight transportation business (MFH Exhibit 15). MFH Exhibit 15 shows twenty-two major plants which have closed in western Pennsylvania which Mr. Kerr depicts as a partial list of closings. All of the companies shown on MFH Exhibit 15 are companies for which MFH performed size or weight transportation service (507). In addition to those shown on MFH Exhibit 15, Mr. Kerr testified that such companies as Johnson Bronze in New Castle, Pittsburgh Rolls, Union Steel Castings and Allis Chalmers in Pittsburgh have also closed (508). The effect of these closings has been to reduce MFH to the point where it is operating only twenty-five percent of its total equipment (509).

MFH Exhibit 14 shows a list of companies that operate in western Pennsylvania who compete with MFH for size or weight shipments. Many of these companies were named by the witnesses in support of the application as being carriers used for size or weight shipments. For example, collectively, the public witnesses mentioned Haser Trucking, Reinsfelder, Daily Express, Gottry and Hardinger Transfer, as carriers being utilized. Mr. Kerr also noted that many of the companies shown on MFH Exhibit 14 are also listed in MFH Exhibit 11 as carriers advertising in the Yellow Pages in western Pennsylvania (see Ed Chadderton Trucking, Fayette Trucking, Inc., Dietz Trucking, Inc., DeBolt Transfer, Inc., George Transfer & Rigging Co., Inc. and Daily Express, Inc.)

Although MFH Exhibit 13 shows only one shipment transported by MFH from a point in western Pennsylvania to a point in eastern Pennsylvania (Zelienople, PA to Lock Haven, PA on March 2, 1984), Mr. Kerr testified that MFH has never refused a shipment moving to eastern Pennsylvania and is not tendered such traffic, as a rule, because PennDOT does not allow such transportation where railroad service is available (511-512). However, MFH has participated in west-east shipments, and presented evidence of such transportation in addition to MFH Exhibit 13 (512).

Mr. Kerr testified at length about service that has been provided for the supporting shippers, and of the errors and omissions in the testimony of the public witnesses. MFH has solicited Zurn Industries, but has never received any traffic, and has been advised by Zurn that it uses the services of Gottry and has also supported Hardinger Transfer for statewide authority (513). Mr. Kerr testified that the facility of Fuller Company, in Sharon, is closed, although MFH did perform service for that company at one time, and has never refused service (513). MFH performs services for Pennsylvania Electric Coil presently, and was scheduled to transport a shipment the day following Mr. Kerr's testimony on December 6, 1984 (514). Mr. Kramer, the witness for Pennsylvania Electric Coil, is not the Traffic Manager, and MFH is solicited for service by Mr. Bob Devine, who is the Traffic Manager (514). MFH has performed service for Pennsylvania Electric

Coil for nearly thirty years, and Mr. Kerr has never had any contact with Mr. Kramer, who is the Sales Manager, and not the Traffic Manager (515). MFH produced evidence of shipments transported for Pennsylvania Electric Coil in the years 1982, 1983 and 1984; there were a total of four or five shipments in 1983, and one in 1984 (516). MFH has never declined service for Pennsylvania Electric Coil, and has equipment available to handle additional traffic for that company (516).

Mr. Kerr testified that Kerr has provided service to Ionics in interstate commerce, but that MFH has not been requested to transport any traffic for Ionics in the past three or four years (517). MFH is capable of handling the one to two shipments per month to points in Pennsylvania that Ionics' witness testified would be shipped in the future (517).

Mr. Kerr's testimony regarding the witness for Duquesne Electric and Manufacturing Company demonstrates the lack of credibility of the witness for this shipper. MFH has provided service for Duquesne Electric and Manufacturing Company, and Mr. Casey, the witness for this shipper, was well aware of MFH's service, since his plant was located one and a half blocks from MFH's terminal for approximately ten years (518). The only traffic tendered to MFH by this shipper was four small motors, none of which were size or weight shipments (518). As to Mr. Casey's testimony that carriers that have been serving him have either ceased operating or no longer provide the type of equipment that this shipper requires, Mr. Kerr testified that MFH has not only provided transportation for this shipper, but lacks none of the equipment that would be required to provide any service that this shipper might require in Pennsylvania (519). Moreover, Reinsfelder, Inc., the heavy hauler who purchased the size or weight rights of John Benkart & Sons, is located in the adjacent borough of Duquesne Electric and Manufacturing Company (519).

MFH has provided service for Tippins Machine Company, and Mr. Kerr is well acquainted with Mr. White, the witness for Tippins (519). MFH transported seven shipments for Tippins in 1984, many of which were size or weight shipments. Included

were shipments weighing in excess of 165,000 pounds (520). MFH produced a document showing that it transported a heavy hauling for Tippins on April 16, 1984, which weighed 252,700 pounds. The significance of this shipment is that it was the last time that MFH was required to use its 125 ton trailer, since there was no other business for that trailer (522).

Mr. Kerr testified that he is familiar with the Erie Strayer Company, that MFH has provided service for that company, but that the last shipment handled was approximately ten years ago. Mr. Kerr called on this company and was advised that MFH's service would be used when Erie Strayer's own trucks were not busy. Mr. Kerr testified that he has waited ten years for a shipment from this company and is "still waiting" (522-523).

Mr. Kerr's testimony regarding service for Westinghouse Electric Company also demonstrates the lack of credibility of the witness for Westinghouse. Mr. Kerr testified that MFH has handled size or weight shipments for Westinghouse in 1984, and for many years prior. It recently handled an armature from the East Pittsburgh plant (where Mr. Guinto is located) to Masontown, weighing 130,000 pounds (523-524). Mr. Kerr spoke to Mr. Guinto "eight or ten times on this particular shipment" (524). MFH services all of the plants of Westinghouse Electric in western Pennsylvania, although some are not presently open, and MFH has never refused service for Westinghouse from any of its plants (524-525). Mr. Guinto made special arrangements with Mr. Kerr in connection with the armature shipment, and is well aware of the special services provided by MFH (525). Mr. Kerr testified that Mr. Guinto's statement that he thought MFH sold their operating authority and was no longer available is absolutely unbelievable, considering the recent service provided by MFH for Westinghouse. This testimony demonstrates the fact that Mr. Guinto attempted to leave the erroneous impression that MFH was not in business (526). Mr. Kerr testified that Mr. Guinto's statement that some carriers possess incomplete authority does not refer to MFH, since MFH can provide a statewide service for all Westinghouse plants in western Pennsylvania (526).

Mr. Kerr testified that he was not familiar with Seco/Warwick Corporation in Meadville, but was familiar with Daniels Transfer, who is the carrier providing service for that shipper from Meadville; Daniels Transfer has heavy hauling equipment (527). MFH could provide service from Seco/Warwick to all points in western Pennsylvania under the authority to be acquired by MFT from MFH (527).

Mr. Kerr testified that, in the past fifteen years, MFH has transported approximately 1,000 shipments for H. H. Robertson, and none required special equipment and none were size or weight shipments (527-528). MFH has never been requested to transport a size or weight shipment by H. H. Robertson, and Mr. Kerr testified that H. H. Robertson never ships anything that requires special equipment (528). Mr. Kerr testified that Mr. Ackerman's expressed need for 45 foot trailers does not require the services of a heavy hauler (528).

Mr. Kerr testified that MFH has provided service for Pittsburgh-Des Moines Steel Company for twenty-two years, but that the western Pennsylvania plant (Neville Island) of PDM has been closed for three or four years (528-529). MFH has transported size or weight shipments out of Neville Island when the plant was open; little, if any, of the traffic from PDM's Warren plant requires size or weight service (529). MFH is ready, willing and able to provide size or weight service to PDM if the Neville Island plant reopens, since MFH is only operating twenty-five percent of its equipment (529).

MFH opposes this application because of the tremendous investment it has in motor vehicle equipment, because only twenty-five percent of its equipment is presently in operation, because it has work for only four drivers, and because, if the size or weight traffic deteriorates any further, MFH will either sell all of its heavy hauling equipment or be unable to maintain it (529-530). MFH estimates that thirty percent of its revenue is derived from heavy hauling traffic. Its gross revenues in 1983 were \$1,300,000. Its operating ratio in 1983 was 102% (531-532). The size or weight revenue is extremely important to MFH, because many customers tender MFH regular flatbed trailer shipments because MFH is able to offer special equipment whenever needed (532).

Kerr doesnot believe that the fact that MFH has only four full-time drivers and fully depreciated equipment is the reason that shippers are not requesting additional service from MFH (536). Mr. Kerr believes that most customers are not aware of the reduction in MFH's force of company drivers, and Mr. Kerr stressed that all of its equipment is in excellent operating condition, some of it totally rebuilt, and that the age of its equipment is no deterrent to its ability to provide size or weight service. MFH demonstrated, through its traffic study, and through Mr. Kerr's testimony, that MFH is capable of transporting shipments weighing nearly one quarter of a million pounds. There is absolutely no evidence that MFH is incapable of handling any size or weight shipment.

On cross-examination, counsel for Lomma attempted to imply that MFH was going out of business. Although MFH intends to sell all of the operating authority to MFT and Kerr, the evidence is clear that the successor companies will continue to provide the same service provided by MFH for nearly eighty years, using the same equipment and employees that have provided dependable and adequate service, and about which there is not a single complaint in the record in this proceeding.

# Local plant closing

(Continued from Page 1)  
 ments in public funds, you need to pay attention to individual production facilities."

The city's Urban Redevelopment Authority, for example, helped Pitt prepare the study on growth industries in 1983, and at the same time

## An inventory of plant closings and layoffs

### Plant closings

| Company, location                          | Employees at closing | Peak employment | Date of closing |
|--|----------------------|-----------------|-----------------|
| <b>Allegheny County</b>                    |                      |                 |                 |
| Mesta Machine Co., West Homestead          | 489                  | 600             | 10/82           |
| Fesco Plastics Corp., McKees Rocks         | 400                  |                 | 4/30/82         |
| Fisher Controls Intl., Coraopolis          | 263                  |                 | 1983            |
| Armour Food Co., Pittsburgh                | 260                  | 434             | 12/17/83        |
| Blaw-Knox Machine Co., Pittsburgh          | 150                  | 1,400           | 3/82            |
| Copperweld Corp., Glassport                | 123                  |                 | 10/83           |
| Union Carbide, Duquesne                    | 63                   |                 | 8/82            |
| Edgecomb Metals Co., Glenshaw              | 60                   | 160             | 6/83            |
| Continental Can Co., West Mifflin          | 51                   | 325             | Mid 1982        |
| Tygart Industries, McKeesport              | 45                   | 90              | 1/84            |
| W.G. Johnson Co., Pittsburgh               | 40                   |                 | 5/20/82         |
| Model Box Co., Pittsburgh                  | 34                   |                 | 5/31/82         |
| A.B. Murray Co., McKeesport                | 14                   | 23              | 12/82           |
| Reliance Steel, McKeesport                 | 12                   | 225             | 10/30/83        |
| Yankee Roller Guides, Bethel Park          | 12                   |                 | 5/14/84         |
| General Refractories, Pittsburgh           | NA                   |                 | 1/03/84         |
| Pittsburgh-Des Moines, Pittsburgh          | NA                   | 400             | Early 1983      |
| <b>Armstrong County</b>                    |                      |                 |                 |
| Apollo Fabricators, Apollo                 | NA                   | 20              | 1/03/84         |
| Mesta Machine Co., Apollo                  | 55                   | 55              | 10/82           |
| <b>Beaver County</b>                       |                      |                 |                 |
| Crucible Steel Co., Midland                | 2,318                |                 | 10/82           |
| Wyckoff Steel, Ambridge                    | 125                  | 375             | 2/29/84         |
| Crucible Steel Co., Midland                | 100                  | 181             | 10/82           |
| D-M-E Co., Darlington                      | 23                   | 60              | 4/83            |
| United States Steel, Ambridge              | NA                   | 915             | 6/84            |
| Hydril Co., Rochester                      | 6                    | 440             | 4/83            |
| <b>Butler County</b>                       |                      |                 |                 |
| Pullman Standard, Butler                   | 2,000                |                 | 2/03/82         |
| Saxonburg Ceramics, Saxonburg              | 130                  | 240             | 12/84           |
| <b>Greene County</b>                       |                      |                 |                 |
| Bishoff-Waynesburg Creamery, Waynesburg    | 2                    | 19              | 3/01/84         |
| <b>Lawrence County</b>                     |                      |                 |                 |
| Eilwood Knitting Mills, Eilwood City       | 250                  |                 | 10/82           |
| Universal Rundle, New Castle               | 200                  | 400             | 6/84            |
| Bessemer Cement Co., Bessemer              | 174                  |                 | 10/82           |
| Rockwell International, New Castle         | 160                  | 500             | 5/82            |
| Mesta Machine Co., New Castle              | 150                  |                 | 6/82            |
| Townsend Fastenings, Eilwood City          | 150                  | 350             | 8/31/83         |
| Eilwood Steel Casting Corp., Eilwood City  | 90                   | 117             | 11/82           |
| National Steel Service Center, New Castle  | 59                   | 83              | 1983            |
| Shenango Phenolics, New Wilmington         | 12                   |                 | 12/82           |
| <b>Washington County</b>                   |                      |                 |                 |
| Brockway Glass, Washington                 | 600                  | 900             | 3/30/84         |
| Tri-State Engineering, Washington          | 81                   | 170             | 12/82           |
| Abex Corporation, Meadowlands              | 50                   | 194             | 3/84            |
| National Annealing Box Co., Washington     | 50                   | 150             | 1/31/84         |
| J&L Marine Ways, Florette                  | 15                   | 32              | Fall 1983       |
| Maintenance Welding, Donora                | 13                   | 40              | 6/84            |
| O'Brien Steel Construction Co., Washington | NA                   | 20              | 1/31/84         |
| <b>Westmoreland County</b>                 |                      |                 |                 |
| Westmoreland Glass, Grapeville             | 150                  | 235             | 5/82            |
| Gibson Electric, Delmont                   | 125                  | 340             | 8/21/84         |
| Townsend Fastenings, West Newton           | 60                   | 80              | 12/82           |
| Hanlon & Wilson Co., Jeannette             | 40                   | 98              | 11/83           |
| American Chain & Cable, Monessen           | 37                   |                 | Late 1983       |
| <b>Location unknown</b>                    |                      |                 |                 |
| Crucible Spring                            | 70                   |                 | 12/83           |
| Bobbie Brooks Inc.                         | 50                   | 300             | 10/82           |
| Berwick Forge & Fabricating                | NA                   | 330             | 1/3/84          |

Appendix "C"

# gs plus layoffs add u

tried to sell its programs and services to small- and medium-sized firms that appeared to have either development potential or problems.

"We had a very positive response without any exception. They were very happy to see somebody from the city," said Evan Stoddard, the

## offs

### Work force reductions

#### Allegheny County

| Company, location                        | 1984<br>employment | Work<br>force<br>reduction |
|--|--------------------|----------------------------|
| Shenango Furnace Inc., Pittsburgh        | 662                | 129                        |
| J&L Steel Co., Pittsburgh                | 900                | 81                         |
| Power Piping, Pittsburgh                 | 80                 | 160                        |
| National Valve & Mfg., Pittsburgh        | 77                 | 441                        |
| Ingersoll-Rand, Pittsburgh               | 15                 | 193                        |
| Penn Machine Co., Pittsburgh             | 87                 | 53                         |
| E.W. Bliss, Pittsburgh                   | 159                | 13                         |
| Mackintosh-Hemphill, Pittsburgh          | 165                | 61                         |
| Hercules Inc., West Elizabeth            | 156                | 25                         |
| PPG Industries, Creighton                | 500                | 200                        |
| Universal Cyclops, Mt. Lebanon           | 317                | 128                        |
| U.S.S. Christy Park, McKeesport          | 181                | 135                        |
| U.S.S. Clairton, Clairton                | 1,758              | 1,154                      |
| U.S.S. National Tube, McKeesport         | 622                | 3,322                      |
| U.S.S. Homestead, Homestead              | 2,785              | 1,600                      |
| U.S.S. Duquesne, Duquesne                | 1,705              | 885                        |
| U.S.S. Carrie Furnace, Rankin            | 58                 | 264                        |
| U.S.S. Edgar Thomson, Braddock           | 738                | 113                        |
| J&L Steel, Hazelwood                     | 1,088              | 279                        |
| Columbia-Summerill, Carnegie             | 270                | 114                        |
| Combustion Engineering, East Monongahela | 435                | 265                        |
| Pittsburgh Forgings, Coraopolis          | 330                | 130                        |
| Union Electric Steel, Carnegie           | 141                | 26                         |
| U.S.S., McKees Rocks                     | 116                | 21                         |
| Homestead Industries, Coraopolis         | 72                 | 14                         |
| Duer Spring & Mfg., Coraopolis           | 76                 | 19                         |
| Westinghouse, Large                      | NA                 | 100                        |
| Phillips Mine & Mill, Bridgeville        | 8                  | 28                         |
| American Shear Knife, Homestead          | 53                 | 33                         |
| Westinghouse Air Brake, Wilmerding       | 3,000              | 950                        |

#### Beaver County

| Company, location                 | 1984<br>employment | Work<br>force<br>reduction |
|-----------------------------------|--------------------|----------------------------|
| Armco Inc., Ambridge              | 925                | 1,067                      |
| J&L Steel, Aliquippa              | 3,418              | 3,242                      |
| Moltrup Steel Corp., Beaver Falls | 51                 | 60                         |
| Republic Steel, Beaver Falls      | 118                | 66                         |
| Pittsburgh Tool Steel, Monaca     | 69                 | 19                         |
| Vasco Colonial, Monaca            | 69                 | 13                         |
| Pittsburgh Tube Co., Monaca       | 158                | 11                         |
| H.H. Robertson Co., Ambridge      | 195                | 62                         |
| Babcock & Wilcox, Beaver Falls    | 1,977              | 1,775                      |
| Colona Thread, Monaca             | 67                 | 133                        |

#### Lawrence County

| Company, location                        | 1984<br>employment | Work<br>force<br>reduction |
|--|--------------------|----------------------------|
| Anchor Hocking Corp., New Castle         | 783                | 272                        |
| Aetna Standard Engineering, Ellwood City | 11                 | 246                        |

#### Washington County

| Company, location                        | 1984<br>employment | Work<br>force<br>reduction |
|--|--------------------|----------------------------|
| Jessop Steel Co., Washington             | 443                | 79                         |
| Wheeling-Pittsburgh Steel Co., Allenport | 617                | 933                        |
| Tactel Systems, Meadowslands             | 100                | 300                        |
| McGraw-Edison, Canonsburg                | 749                | 1,519                      |

#### Westmoreland County

| Company, location             | 1984<br>employment | Work<br>force<br>reduction |
|-------------------------------|--------------------|----------------------------|
| Welland Chemical Inc., Newell | 52                 | 86                         |
| Wean United, Vandergrift      | NA                 | 50                         |
| Modulus Corp., Mt. Pleasant   | 68                 | 218                        |
| Carrier Corp., Jeannette      | 613                | 812                        |
| Westinghouse, Waitz Mill      | NA                 | 350                        |

#### Location unknown

| Company                      | 1984<br>employment | Work<br>force<br>reduction |
|------------------------------|--------------------|----------------------------|
| Standard Steel Specialty Co. | 91                 | 16                         |

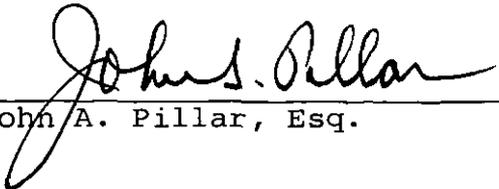
Source: University of Pittsburgh

"C" continued

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Brief on all parties of record in this proceeding, in accordance with the Rules of Practice.

Dated at Pittsburgh, PA, this 27<sup>th</sup> day of February, 1985.

  
\_\_\_\_\_  
John A. Pillar, Esq.

**ORIGINAL**

EDWARD C. FIRST, JR.  
ROBERT H. GRISWOLD  
MOSES K. ROSENBERG  
ARTHUR L. BERGER  
FRANCIS B. HAAS, JR.  
G. THOMAS MILLER  
DONALD R. WAISEL  
RICHARD R. LEFEVER  
J. THOMAS MENAKER  
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  
F. MURRAY BRYAN  
RICHARD W. STEVENSON  
WILLIAM A. CHESNUTT  
HENRY R. MACNICHOLAS  
WILLIAM M. YOUNG, JR.

ROBERT M. CHERRY  
DAVID B. DISNEY  
M. LEE ROUSSEL  
MAURICE A. FRATER  
C. GRAINGER BOWMAN  
JOHN S. OYLER  
DELANO M. LANTZ  
HARVEY FREEDENBERG  
EDWARD J. RIEHL  
JASON S. SHAPIRO  
ERIC L. BROSSMAN  
ROBERT D. STETS  
TERRY R. BOSSERT  
MARY JANE FORBES  
JEFFREY B. CLAY  
DAVID M. KLEPPINGER  
NEAL S. WEST  
JESSIE L. SMITH  
BRUCE A. FELDMAN  
RANDOLPH M. BAKER  
FRANKLIN A. MILES, JR.  
MICHAEL A. DOCTROW  
PETER A. LATTA

**McNEES, WALLACE & NURICK**  
ATTORNEYS AT LAW

100 PINE STREET  
P. O. BOX 1166  
HARRISBURG, PA. 17108-1166  
TELEPHONE (717) 232-8000

STERLING G. MCNEES  
1923-1959

DAVID M. WALLACE  
1942-1967

GILBERT NURICK  
JAMES H. BOOSER  
HARRY H. FRANK  
JEFFERSON C. BARNHART  
JAMES W. HAGAR  
JAMES H. KING

OF COUNSEL

March 1, 1985

HAND DELIVERED

Re: DOCKET NO. A.00105101  
APPLICATION OF J. F. LOMMA, INC.

**RECEIVED**

**MAR 1 1985**

**SECRETARY'S OFFICE**  
**Public Utility Commission**

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, PA 17120

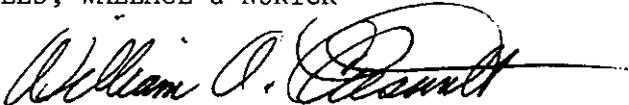
Dear Sir:

Enclosed for filing please find an original and nine copies of the Main Brief of Protestant Daily Express, Inc. in the above-referenced matter. Copies of the foregoing Brief have been served on all parties of record.

Please acknowledge receipt hereof by date-stamping the enclosed copy of this letter of transmittal.

Respectfully submitted,

McNEES, WALLACE & NURICK

By:   
William A. Chesnutt

WAC/nas

Enclosures

cc: The Honorable Joseph J. Klovekorn  
All Parties of Record

**DOCUMENT**  
20 1985

RECEIVED

MAR 1 1985

SECRETARY'S OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF  
J. F. LOMMA, INC.

:  
: DOCKET NO. A.00105101

MAIN BRIEF OF PROTESTANT  
DAILY EXPRESS, INC.

---

WILLIAM A. CHESNUTT, ESQUIRE  
McNEES, WALLACE & NURICK  
100 PINE STREET  
P. O. BOX 1166  
HARRISBURG, PA 17108-1166  
TELEPHONE: (717) 232-8000

ATTORNEYS FOR DAILY EXPRESS, INC.

DATED: MARCH 1, 1985

DOCKETED

MAR 4 - 1985

TABLE OF CONTENTS

|  | <u>Page</u> |
|--|-------------|
| STATEMENT OF THE CASE.....             | 1           |
| SUMMARY OF PERTINENT EVIDENCE.....     | 2           |
| Applicant.....                         | 2           |
| Supporting Shippers and Receivers..... | 4           |
| Protestant Daily Express, Inc.....     | 14          |
| SUMMARY OF ARGUMENT.....               | 16          |
| ARGUMENT.....                          | 16          |
| CONCLUSION.....                        | 23          |

TABLE OF CITATIONS

|  | <u>Page</u> |
|--|-------------|
| <u>Application of Richard L. Kinard, Inc. ....</u>               | 17, 18      |
| Docket No. A.95829, F.1, Am-D                                    | 20, 21      |
| PUC Opinion and Order (October 22, 1984)                         |             |
| ALJ Initial Decision (January 5, 1984)                           |             |
| <br>   |             |
| <u>Rule Against W. J. Dillner Transfer Company.....</u>          | 22          |
| 30 Pa. PUC 362 (1952)  |             |
| <br>   |             |
| <u>Western Pennsylvania Intrastate Steel Haulers' Conference</u> |             |
| <u>v. John P. Sorice Trucking.....</u>                           | 22          |
| 42 Pa. PUC 110 (1965)  |             |

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF :  
J. F. LOMMA, INC. : DOCKET NO. A.00105101

MAIN BRIEF OF PROTESTANT  
DAILY EXPRESS, INC.

---

Protestant Daily Express, Inc., by its counsel, McNeese, Wallace & Nurick, hereby submits its Main Brief to Administrative Law Judge Joseph J. Klovekorn.

STATEMENT OF THE CASE

J. F. Lomma, Inc., in an application filed September 23, 1983, seeks to begin the exercise of the right and privilege of operating motor vehicles as a common carrier for the transportation of

Property, which because of size or weight, requires the use of rigging, special handling or special equipment between points in Pennsylvania.

Notice of the filing of the application was published in the Pennsylvania Bulletin on Saturday, November 26, 1983. Daily Express, Inc. filed a timely protest against the application.

An initial hearing was held Thursday, March 8, 1984 at Philadelphia. Subsequent hearings were held June 26 and 27, October 9 and December 6, 1984 at Philadelphia, and on August 20, 1984 at Pittsburgh. Evidence was presented on behalf of applicant, 15 shipper and/or receiver witnesses and witnesses for four protesting carriers, including Daily.

At the conclusion of the hearing the parties agreed to submit main briefs on or before March 1, 1985, and reply briefs on or before March 15, 1985.

The only amendment offered by applicant affecting the scope of authority as originally sought consists of two restrictions which read as follows:

Provided that, no right, power or privilege, is granted:

1. To provide service in connection with any shipment weighing less than thirty-five (35) tons to or from the Monroe County facilities of:
  - a. Pocono Fabricators, Division of Patterson-Kelly Company, Inc.
  - b. Patterson-Kelly Company, Inc. Division of Harsco Corp.
  - c. International Boiler Works
2. To transport bulldozers, graders, draglines and other earth moving and coal moving equipment between points in and west of the counties of Potter, Clinton, Centre, Blair and Bedford.  
(Applicant's Exh. 2)

#### SUMMARY OF PERTINENT EVIDENCE

##### Applicant

J. F. Lomma, Inc. is a New Jersey corporation (Applicant's Exh. 1, p. 1). On an interstate basis Lomma is authorized to operate between all points in a 15-state area (plus the District of Columbia) bounded by Maine on the north, Virginia on the south, and West Virginia and Ohio on the west. In addition, Lomma is authorized to operate from all points in that 15-state area to points throughout the contiguous continental United States, and vice versa (Applicant's Exh. 1, Appendix 1). Applicant's stated purpose in filing this application is to obtain the right "to transport heavy and bulky articles required to be handled on specialized vehicles such as pole trailers, winch trucks, low-boys, drop-decks and the like, or which

require the carrier to employ special rigging or handling devices to load or unload the lading" (Applicant's Exh. 1, p. 2).

During 1984 Lomma claims to have originated interstate shipments at 19 points in Pennsylvania and delivered interstate shipments to 19 destinations in Pennsylvania. Allentown and Philadelphia appear both on the origin and destination list (Applicant's Exh. 1, p. 3). Lomma is described as better known for its services involving the transportation of super heavy loads -- loads in the 40 ton to 400 ton range" (Applicant's Exh. 1, p. 4).

Lomma maintains its principal terminal in South Kearny, New Jersey. It also maintains facilities in Shrewsbury, Massachusetts and Baltimore, Maryland, both of which are used in connection with heavy hauler operations. Lomma has located two available terminal facilities in Pittsburgh and expected to have that operation in place by July 15, 1984 (Applicant's Exh. 1, pp. 4-5). A terminal was opened by Lomma at Bridgeville (Tr. 167).

Applicant as of January 1, 1984 operated 38 power units and a variety of trailer equipment including highly specialized units especially adaptable to the transportation of over-dimensional and over-weight lading. (Applicant's Exh. 1, Appendices 2 and 3). During calendar year 1983, Lomma generated revenues of \$2,813,226, a net pretax profit of \$204,575 and a net profit after taxes of \$174,735. The company's current assets substantially exceed current liabilities and as of December 31, 1983 Lomma had retained earnings of \$950,803. The financial statements reflect no ownership of vehicular equipment (Applicant's Exh. 1, Appendices 4 and 5).

Supporting Shippers and Receivers

Metropolitan Edison Co. (Tr. 41-62) supported the application through its traffic administrator Joseph H. Kuhn (Tr. 41). Metropolitan Edison is concerned with the movement of transformers generally to and from an area circumscribed by a line drawn beginning at a point 20 miles west of Gettysburg and proceeding on a 45 degree angle from there to Stroudsburg, with the exception of a small corridor in the Allentown area (Tr. 42). The larger transformer units "are the ones that fit into heavy hauling category", and such larger units weigh 50 tons or more (Tr. 42, 46). For transportation of units of this size, the shipper looks to a carrier to supply both the rigging and transportation services (Tr. 46). Movement of the large transformer units can involve from two to seven loads per year. For the first half of 1984, there were no such units moved and for 1983 the witness did not "recall the weights of the transformers" (Tr. 52).

Metropolitan Edison has used the services of Daily Express and has found them to be "generally satisfactory" (Tr. 48). Despite generally satisfactory service from Daily, the witness expressed a need for backup service, although he acknowledged that Kreitz is specifically authorized to provide service for Metropolitan Edison (Tr. 48, 53). If this application were to be granted, Metropolitan Edison would not limit its use of Lomma to transformer units weighing more than 50 tons (Tr. 55). The last load handled by Lomma in interstate commerce for Metropolitan Edison was awarded on the basis of Lomma having submitted a low "bid" to perform the service. There was, however, no contract executed between Metropolitan Edison and Lomma for the transportation services (Tr. 56-57).

Keeler/Dorr-Oliver (Tr. 66-89; Applicant's Exhs. 3, 4) supported the application with testimony and documentary evidence presented by traffic manager William A. Miller (Tr. 66). Shipments by this company are made from a facility at 238 West Street in Williamsport, Lycoming County (Tr. 66, 67). The commodities shipped consist of boilers and stokers (Applicant's Exhs. 3, 4; Tr. 67). These items range in weight from 40,000 to 120,000 pounds. The dimensions of the smallest unit are 11 feet 6 inches in width; 12 feet 6 inches in height; and 17 feet in length. The dimensions of the largest such units are 12 feet 2 inches in width; 14 feet 2 inches in height; and 36 feet in length (Tr. 71). Even the smallest of these units requires a lowboy trailer (Tr. 72).

Shipments to points in Pennsylvania consist of one unit every two or three months (Tr. 72). Daily Express has been used by this shipper, but not for the largest loads (Tr. 75). Daily has not been used for the large pieces because the rate quotations furnished by Daily have not been the lowest. On this type of traffic the witness stated "there are so few built so far that I haven't had to use that many carriers" (Tr. 76). Nevertheless, the witness supports Lomma so as "to have available for my needs more than one carrier or even two carriers that I can depend upon" (Tr. 78). McCormick Dray Lines, Inc. and Dan Barkley have been used to handle large loads within Pennsylvania (Tr. 84). The shipper would always give traffic to the carrier quoting the lowest rate (Tr. 86).

Zurn Industries Energy Division (Tr. 89-111) supported the application through its traffic manager Robert L. Frye (Tr. 89). This shipper is a competitor of Keeler/Dorr-Oliver and ships from a location at 1422 East Avenue in Erie (Tr. 89-90). The boilers of Zurn range in weight

from 40,000 to 300,000 pounds (Tr. 92). The dimensions of the boilers range from 8 feet in width, 10 feet in height, and 15 feet in length; to 15 feet in width, 20 feet in height and 45 feet in length (Tr. 92-93). Even the smallest of such units require double-drop lowboy trailers (Tr. 93).

The witness testified: "We have a good working relationship with Daily but once we exceed 21 foot we do have problems because when you stretch out the trailers normally you lose in your overall weight capacity that you can place on that platform" (Tr. 94). The witness believes that the availability of service from Lomma would give him the possibility of shifting units exceeding 14 feet in height, 25 feet in length and 65,000 pounds in weight from rail service to the highway service of Lomma (Tr. 96-97). The witness estimates that Zurn has available 12 heavy hauler shipments per year destined to points in Pennsylvania (Tr. 98).

The majority of heavy hauler shipments moving to points in Pennsylvania have been routed via Daily and Gottry Corporation, with the majority of such shipments moving via Gottry, and a possibility of some use of Harding Transfer (Tr. 99, 102). This shipper's support of Lomma is based on a perception that the availability of that service will provide more competition, both in terms of price and equipment availability (Tr. 99).

Fuller Company/GATX Company (Tr. 112-135) supported the application through testimony by its corporate traffic manager Joseph Paul Presto (Tr. 112). Fuller is engaged in the manufacture and shipment of industrial processing equipment from locations at Allentown and Catasauqua, Lehigh County (Tr. 113, 116). A major item for heavy hauler transportation is kiln shells ranging from ten to seventeen feet in diameter, up to 40 or 50 feet in length and weighing between 50 and 90 tons. There are 25 to

50 loads of this material moving each year to points in Pennsylvania (Tr. 115-116).

The witness describes Daily as "a good quality carrier but there are times that they can't handle certain types of service, but they are a good carrier" (Tr. 121). In addition to Daily, Bob Young and David Graham are the primary carriers used in Pennsylvania intrastate commerce (Tr. 125). The witness is impressed with the availability from Lomma of the super specialized trailers for very large loads. Adjectives such as "special-special, super-large and super-super" are used by the witness to describe the loads for which service by Lomma is desired (Tr. 128-129).

Ecolaire Heat Transfer Company (Tr. 137-160) supported the application through testimony by its traffic manager Charles Cochran (Tr. 137). This company is a welding fabricator of steam condensers, heat exchangers and related types of vessels (Tr. 138). The company's facilities at 1550 Lehigh Drive, West Easton, Northampton County, is the only shipping point (Tr. 137, 139). The steam condensor units are the only ones requiring "special handling or special equipment" (Tr. 140). The only Pennsylvania intrastate shipments the witness could recall the company moving were the condensers furnished to the generating station at Three Mile Island and to the nuclear generating station of Pennsylvania Power & Light Company at Berwick (Tr. 144). The witness believed that Daily had been used on heavy hauling traffic to points in Pennsylvania (Tr. 149). The witness is especially interested in a trailer operated by Lomma that is capable of handling loads of 95,000 to 100,000 pounds (Tr. 153). The company has not made a heavy hauling shipment to a point in Pennsylvania since the witness became traffic manager at the beginning of 1983 (Tr. 157).

Pennsylvania Electric Coil, Inc., a subsidiary of Siemens-Allis, Inc. (Applicant's Exhs. 5, 6; Tr. 166-183) supported the application through testimony by its sales manager James H. Kramer. The company manufactures and ships coils from two facilities in the city of Pittsburgh, Allegheny County (Applicant's Exh. 5, p. 1; Tr. 171). The motors, generators and transformers shipped range in size from 12 to 20 feet in diameter and in weight from 15 to 60 tons (Tr. 174).

Shipments falling in the "heavy hauling" category are "irregular and unpredictable -- ranging from zero to four shipments per month" (Applicant's Exh. 5, p. 2). At the time of the witness's testimony in August 1984, the last heavy hauler shipment made by the company occurred in January 1984 (Tr. 175). Prior to that time there were two other heavy hauler shipments -- one in May and one in June of 1983 (Tr. 176). Protestant Moore-Flesher transported the January 1984 shipment and one of the spring 1983 shipments (Tr. 175-177). The other spring 1983 shipment was handled by Benkhart -- a carrier no longer in business (Tr. 178). The witness believed that Daily had been used once or twice, but was not sure whether that service was in intrastate commerce. The service of Moore-Flesher has been satisfactory (Tr. 179).

Ionics, Inc. (Applicant's Exh. 7; Tr. 183-192) supported the application through testimony by its traffic manager James Melani. Ionics manufactures steel weldments used by the nuclear power industry. Shipments are made outbound from Bridgeviola, Allegheny County (Applicant's Exh. 7, p. 1).

Ionics makes one or two heavy hauling shipments per month outbound in Pennsylvania intrastate commerce. The opening of applicant's Pittsburgh facility is attractive to this shipper (Applicant's Exh. 7, p. 2).

Shipments tendered to heavy haulers would weigh 50,000 pounds or more and the shipper is not supporting applicant for flatbed trailer equipment accommodating shipments weighing less than 50,000 pounds (Tr. 185-186). The services of applicant have never been used by this shipper (Tr. 187). For this shipper's one heavy hauling shipment per month within Pennsylvania (Tr. 187), the services of protestant David Graham are utilized (Tr. 188). Prior to utilizing the services of David Graham, Ionics relied on Benkhart (Tr. 188-189). This shipper has not utilized the services of either Daily or Moore-Flesher (Tr. 189).

Duquesne Electric & Manufacturing Co. (Applicant's Exh. 8; Tr. 192-205) supported the application through testimony by its vice president of sales Robert J. Casey, Jr. The company is located at 475 Butler Street in the City of Pittsburgh and is a large dealer of used electrical equipment such as transformers and generators (Applicant's Exh. 8, p. 1). Duquesne Electric has three shipments per month that require special handling or special equipment. Two of those three shipments consist of inbound loads. An average "heavy hauling" shipment for this company ranges in weight between 30,000 and 60,000 pounds, and in width between 8 and 10 feet (Applicant's Exh. 8, p. 2).

For heavy hauling traffic, Duquesne Electric uses Haser Trucking (Tr. 199-200). In the past the company also used Benkhart (Tr. 200-201). The witness also recognized Moore-Flesher as a heavy hauler, but has never called on that carrier for service (Tr. 203-204). The witness was not familiar with Daily Express (Tr. 204). Duquesne Electric's support for Lomma is "for specialty equipment -- primarily, if not exclusively, for the double-drop lowboy trailers" (Tr. 197-198). Duquesne has no experience in utilizing the services of Lomma (Tr. 197).

Tippins Machinery Co. (Applicant's Exh. 9; Tr. 206-214)

supported the application through testimony by its traffic manager John M. White. Tippins is a manufacturer and dealer of equipment utilized by metal processors (Applicant's Exh. 9, p. 1). The company ships outbound from two locations in the city of Pittsburgh and from Etna, Allegheny County (Tr. 207-208). The 12 "heavy hauler" shipments per year to points in Pennsylvania consist both of overweight and overdimensional commodities (Applicant's Exh. 9, p. 2; Tr. 208).

The witness had had no experience with the services of Lomma, and indeed had no knowledge of the carrier prior to a sales call soliciting his support for this application (Tr. 208). Services on "heavy hauler" shipments to points in Pennsylvania have been furnished by Haser and Moore-Flesher with Haser serving as the primary carrier. Previously, this shipper utilized the services of Benkhart, which carrier he was aware had been acquired by Reinsfelder. The witness has also used Reinsfelder since that acquisition and recognizes that carrier as a heavy hauler (Tr. 209). Service by Moore-Flesher has been satisfactory (Tr. 212). Movement of some of the heavy pieces involve related parts, equipment and supplies which are loaded on flatbed trailers and move in a coordinated fashion with the primary "heavy hauler" load. Moore-Flesher has supplied flatbed trailers for this purpose (Tr. 212-213). The witness recognized Daily "as a heavy hauler for interstate loads" (Tr. 214), but apparently was unaware of Daily's authorization to perform such services on an intrastate basis (Tr. 213-214).

Erie Strayer Company (Applicant's Exh. 10; Tr. 215-224) supported the application through testimony by its materials manager Edward Haynor. The company is a fabricator of heavy construction equipment including concrete batching and mixing plants, material handling conveyors and claimshell buckets. Shipments are made outbound from a facility in the city of Erie (Applicant's Exh. 10, p. 1). The company's support for this application by Lomma is limited to heavy hauling outbound from Erie (Tr. 219). The special requirements for heavy hauling pertain to overdimensional, rather than overweight characteristics (Tr. 219-220).

Erie Strayer has never utilized the services of Lomma (Tr. 219). The witness stated: "There have been so few shipments, in the last 12 to 18 months, that we have used our own tractors and trailers [to points in Pennsylvania], as well as Hardinger Transfer, which is located in Erie (Tr. 220). The witness recognized that Daily Express is a "heavy hauler". The witness also recognized Gottry Corporation as a heavy hauler in Pennsylvania intrastate commerce; and noted that Gottry is building a terminal right now in Erie, and although we have not called on them for heavy hauling services, "we will" (Tr. 222). In conclusion, the witness noted "we will use the certified carrier that will give us the best rate" (Tr. 224).

Westinghouse Electric Corporation (Applicant's Exh. 11; Tr. 230-270) supported the application through testimony by Vincent G. Guinto, manager of traffic shipping and receiving for the large rotating apparatus plant. That facility is located at East Pittsburgh (Allegheny County). Westinghouse ships and receives turbine generators, turbine generator rotors and stators, electric motors and reactor coolant pump motors (Applicant's Exh. 11, p. 1). From Pittsburgh approximately four "heavy hauler" shipments are made per month in Pennsylvania intrastate commerce. Westinghouse also

receives inbound at East Pittsburgh "heavy hauler" shipments moving in Pennsylvania intrastate commerce (Tr. 238). Westinghouse has used David Graham (Tr. 232), but has not used Daily Express within the past two years because Daily has not "aggressively solicited the business and we found alternate carriers that can satisfy our needs" (Tr. 234-235). Westinghouse is interested in lowboy trailers, double-drop trailers and multi-wheeled vehicles (Applicant's Exh. 1, p. 2). Westinghouse is interested in service from Lomma because it had to wait a week for David Graham to get back from Texas with a tractor capable of pulling a 126,000 pound generator (Tr. 232-233).

Schramm, Inc. and Pneumatic Electric and Equipment Company (Applicant's Exh. 12, Tr. 270-285) supported the application through testimony by Charles W. Rhinier, who serves as manager-traffic shipping and packaging for Schramm, Inc. and traffic manager for Pneumatic Electric. Pneumatic Electric is a wholly-owned subsidiary of Schramm and functions as a sales and service organization. Schramm is engaged in the manufacture of heavy drilling equipment; portable, stationary and high-pressure air compressors; and Pneumatractors (Applicant's Exh. 12, p. 1). The company ships two to five "heavy hauling" shipments per month from its facilities at West Chester to points in Pennsylvania. The shipments aggregate 164,712 pounds (Exh. 12, p. 2). The purpose of this shipper's support is based on a need for "a second carrier that is a good carrier" (Tr. 274). Daily Express is the first good carrier. Prior to supporting Lomma, the witness had also supported Robbins Motor Transportation, but was not aware that Robbins had obtained the authority. (Tr. 277). The company has offered no traffic to Robbins (Tr. 278). The witness considers as "heavy

hauling traffic" those shipments consisting of "overdimensional traffic that cannot be handled on a flat bed or a normal general commodity trailer" (Tr. 281).

SECO/Warwick Corporation (Applicant's Exh. 13; Tr. 286-316) supported the application through testimony by its traffic manager J. R. Aylsworth. This company manufactures industrial furnaces used in heat treating (Applicant's Exh. 13, p. 1). Traffic originates exclusively at Meadville (Tr. 292). The company made no Pennsylvania intrastate "heavy hauling" shipments during 1983 (Tr. 296). The witness wants a carrier able to handle total movements consisting both of "heavy hauler" and "non-heavy hauler" loads moving in a coordinated fashion (Tr. 304).

H. H. Robertson Company (Applicant's Exh. 14; Tr. 318-340) supported the application through testimony by Eugene S. Ackerman, traffic manager for its Ambridge division. The Ambridge division is engaged in the development manufacture and shipment of non-residential metal building products. These commodities are shipped outbound from facilities in Ambridge, Beaver County (Applicant's Exh. 14, p. 1). Robertson's Pennsylvania intrastate traffic has moved exclusively on flatbed trailers with loading accomplished by consignor and unloading by the consignee (Tr. 320-321). The witness, on redirect examination, indicated a preference to "load either stretch trailers or lowboy trailers when available" (Tr. 326). However, the witness further noted that if a carrier cannot coordinate "heavy hauling" and flatbed loads in contemporaneous movement, the shipper's transportation needs would basically not be met (Tr. 333-334).

Pittsburgh-Des Moines Corporation (Applicant's Exh. 15; Tr. 341-352) supported the application through testimony by its traffic manager Walt F. McCann. This company is a steel fabricator and erector. (Applicant's Exh. 15, p. 1). Shipments are made inbound to and outbound from Neville Island, Allegheny County, and also directly from one job site to another (Tr. 342). The company has experienced no problems with the heavy hauler services furnished by protestants Moore-Flesher, Daily Express or Frank W. Hake; however, thinks "there may be a bigger demand in the future for special trailers" (Tr. 348). The types of "special trailers" used by the shipper are drop-deck and double-drop trailers (Exh. 15, p. 2).

Protestant Daily Express, Inc.

Daily Express, Inc. (Daily Exhs. 1-5; Tr. 417-464) presented evidence in opposition to a grant of this application by E. S. Moore, Jr., its corporate director, traffic and special projects (Daily Exh. 1, p. 1). As particularly pertinent to the application of Lomma, Daily asserts its authorization at A.85189, F.3, Am-J authorizing the transportation of property (including so-called "size or weight" commodities between all points in Pennsylvania, subject to restrictions not pertinent to its protest of this application (Daily Exh. 1, p. 2; Appendix A, p. 15-A). Daily operates a variety of power units numbering in total 829, and consisting of units with two to four axles (Daily's Exh. 1, Appendix B). As of July 1, 1984 Daily operated 952 trailer units of great variety and falling within the description "specialized equipment" (Daily Exh. 1, Appendix C; Exh. 2).

Daily maintains a Central Pennsylvania dispatch office at its headquarters in Carlisle, Cumberland County where a fleet of 110 tractors and all kinds of trailers are available (Daily's Exh. 1, pp. 2-3). In addition, there are complements of power and trailer equipment available at six strategically terminals throughout Pennsylvania, and at three locations in states bordering on Pennsylvania, from which equipment may be made promptly available to Pennsylvania customers (Daily's Exh. 1, p. 4).

Pennsylvania intrastate operations of Daily Express for the first ten months of 1984 involved 5,135 loads generating revenues in excess of \$1.7 million (Daily's Exh. 1, p. 6; Exh. 5). The traffic handled by Daily in Pennsylvania intrastate commerce involved service to approximately 161 shippers (Tr. 430). Daily is concerned about the vulnerability of such traffic to diversion by applicant Lomma in the absence of a restriction of Lomma's permissible service either by limiting that service to one provided for some or all of the shippers appearing in support of this application; or alternatively by limiting the commodities to be transported to those requiring rigging, special handling and special equipment (Tr. 431-433). Daily's witness expressed concern about the three qualifications of "rigging, special handling and special equipment" now being stated in the disjunctive, which would give rise to confusion about the scope of "special handling" (Tr. 433, 449-450).

## SUMMARY OF ARGUMENT

Daily Express, Inc. urges in the alternative, that

(1) the application be denied on the basis that applicant has failed to discharge its "burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need";

(2) if the application is granted, the service authorized be limited to three named shippers and/or receivers appearing in support of the application; or

(3) regardless of whether or not service is limited to named shippers and/or receivers, the commodities authorized to be transported be limited to "property, which because of size or weight, requires the use of rigging, special handling and special equipment".

## ARGUMENT

The criteria governing disposition of this application are codified at 52 Pa. Code §41.14:

(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.

(b) An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service, and, in addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

(c) The Commission will grant motor carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest.

These decisional standards were interpreted by Administrative Law Judge Robert A. Christianson in an Initial Decision dated January 5, 1984 in Application of Richard L. Kinard, Inc., Docket No. A.95829, F.1, Am-D. In an Opinion and Order entered October 22, 1984, in Kinard, the Commission found ALJ Christianson's "interpretation of section 41.14 to be consistent with our own understanding" of the "Transportation Regulatory Policy" (Opinion and Order, p. 3). The Commission continued: "we shall adopt the ALJ's decision as the definitive interpretation of the regulation, which shall heretofore [sic] be utilized for guidance in the adjudication of motor common carrier applications". (Ibid.)

#### Denial Of The Application In Its Entirety

This record sorely lacks a credible demonstration of public need for the services of Lomma, or even a showing that a useful public purpose would be served by institution of those services. One witness viewed the arrival of Lomma as furnishing him "another local outfit" (Tr. 167). Another stated that for the type of traffic involved in Lomma's proposal "there are so few built so far that I haven't had to use that many carriers" (Tr. 76). That same witness was not even certain he would use Lomma, if the application were granted: "It would depend upon their quotes" (Tr. 77-78). Another shipper is using Daily and Gottry to handle 12 loads per year (Tr. 99), is aware of Hardinger Transfer as an available carrier (Tr. 102), and is

still looking for more competition "price-wise" and "equipment-wise"  
(Tr. 99). No proposal of lower rates has been made by Lomma.

Ecolaire Heat Transfer Company simply had no credible prospect  
for making use of Lomma or any other Pennsylvania intrastate heavy  
hauler.

Q [By Mr. Ciemniecki] Is it foreseeable that you will  
have additional destinations within Pennsylvania?

A [By Mr. Cochran] It's possible, yes. There is no  
order in-house right now but of course as I said  
every order stands on its own and there potentially  
could be Pennsylvania shipments.

(Tr. 144)

The five witnesses appearing at Pittsburgh on August 20, 1984, are best  
summarized as "friends" of Lomma's local salesman, recently recruited away  
from International Transport (see Tr. 171-174, 185-187, 195-197, 208, 219).  
Four of the five testified on cross-examination to having had no experience  
in using Lomma's service in interstate commerce (Tr. 187, 197, 208, 219).  
Reminiscent of oath-swearers from an earlier day, these five witnesses  
clearly come within the view expressed by ALJ Christianson (and adopted by  
the Commission) that subparagraph (a) of 52 Pa. Code §41.14 will not be  
satisfied merely by shippers "appearing" in support of the application (Kinard  
Opinion and Order, p. 4). As former Chairman Susan M. Shanaman observed  
in dissenting against adoption of the Transportation Regulatory Policy,  
"Shippers will support virtually any and all applications without regard to  
overcapacity". 12 Pa. Bull, 4284 (December 18, 1982).

Illustrative of the phenomenon noted by former Chairman Shanaman is Schramm, Inc. whose witness testified here to a need for "a second carrier that is a good carrier" (Tr. 274), but who has already supported Robbins Motor Transportation, is not aware Robbins has been authorized, and has offered no traffic to Robbins<sup>1/</sup> (Tr. 277, 278). Another example of "the-more-the-merrier" philosophy is Zurn Industries who is looking for more competition "price-wise" and "equipment-wise", in addition to Gottry and Daily (Tr. 99), for the handling of one "heavy hauling" shipment per month to Pennsylvania (Tr. 98). Although the witness testified on June 27, 1984, only that Zurn "may have used Hardinger Transportation" (Tr. 102), this Commission's records at Docket No. A.96411, F.11, Am-C reflect another story.<sup>2/</sup>

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<sup>1/</sup> At Docket No. A.93552, F.1, Am-B, Robbins sought authorization to transport property which, because of size or weight, requires loading or unloading by special equipment or special handling between all points in Pennsylvania. See 14 Pa. Bull. 2091 (June 16, 1984).

<sup>2/</sup> As shown by the copy of the cover sheet from this Commission's order in Docket No. A.96411, F.1, Am-C (attached hereto as Appendix A), Hardinger Transfer Co., Inc. had, six days prior to the witness's appearance in this case, filed an application to transport all types of property, including size or weight commodities, from the facilities of Zurn to all points in Pennsylvania.

Neither quantity, nor quality of evidence from the shipping and receiving public in this record is sufficient to support a finding that the criteria of "need" and "useful public purpose" as stated in 52 Pa. Code §41.14(a) have been met.

Grant Of Authorization To  
Serve Certain Shippers

By no stretch of ingenuity can a rationale be found to support a grant for Lomma to serve: Keeler/Dorr-Oliver (Tr. 66-89); Zurn Industries (Tr. 89-111); Ecolaire Heat Transfer Company (Tr. 137-160); Pennsylvania Electric Coil, Inc. (Applicant's Exhs. 5, 6; Tr. 166-183); Ionics, Inc. (Applicant's Exh. 7; Tr. 183-192); Duquesne Electric (Applicant's Exh. 8; Tr. 192-205); Tippins Machinery Co. (Applicant's Exh. 9; Tr. 206-214); Erie Strayer Company (Applicant's Exh. 10, Tr. 215-224); Schramm, Inc. (Applicant's Exh. 12; Tr. 270-285); SECO/Warwick Corporation (Applicant's Exh. 13; Tr. 286-316); H. H. Robertson Company (Applicant's Exh. 14; Tr. 318-340); or Pittsburgh-Des Moines Corporation (Applicant's Exh. 15; Tr. 341-352).

Viewed most favorably to applicant, the evidence supports at most a grant of authority (the commodity scope of which is discussed in the next section of Argument) for Lomma to provide service for (1) Metropolitan Edison Company (Tr. 41-62); (2) Fuller/GATX Company (Tr. 112-135); and (3) Westinghouse Electric Corporation (Applicant's Exh. 11; Tr. 230-270). Service to these three shippers could conceivably be justified under the Commission-recognized "alternatives to 'inadequacy' as criteria for establishing the section 41.14(a) burden" Kinard Opinion and Order, p. 4.

Specifically, "alternatives-to-'inadequacy'" criteria (1) and (5), as set forth at p. 5 of Kinard Opinion and Order, have certainly been alluded to in the evidence of Met-Ed, Fuller and Westinghouse.

Met-Ed, for example, looks to carriers both for rigging and transportation services on shipments of 50 tons or more (Tr. 46). Lomma offers that "difference" in service and Daily does not. Accordingly, even assuming such services are available from Kreitz, Met-Ed would be entitled to have Lomma as a "backup" carrier (see Tr. 48, 53).

Fuller is looking to Lomma strictly for the "super-large" specialized trailers, which are not available from Daily, and about which this record is silent concerning Bob Young (see Tr. 125). Thus, even if such units are available from protestant David Graham, these are distinctive features of Lomma service that could justifiably be made available to Fuller on a "backup" carrier rationale. A similar analysis could be used to justify Lomma service to Westinghouse Electric (see Tr. 232-233).

An Appropriate Restriction Of Any  
Commodity Authorization

Irrespective of whether the Administrative Law Judge concludes that Lomma should be authorized to serve a limited or unlimited number of shippers, any grant here must be confined to transportation of "property", which because of size or weight, requires the use of rigging, special handling and special equipment" (emphasis added). The commodity description may not properly be framed, as applicant proposes in the disjunctive. This Commission has held:

We and our predecessors, the Public Service Commission, have always used the phrase to transport property, which because of its size or weight requires special handling and the use of special equipment or generally similar phrases to describe and limit the rights granted to carriers engaged in what has come to be known as 'heavy hauling'.

Rule Against W. J. Dillner Transfer Company  
30 Pa. PUC 362 (1952) (emphasis added)

The "generally similar phrases" alluded to in Dillner do not include the disjunctive phrasing used by applicant, but rather such alternatives as "heavy or bulky property requiring special equipment". See Western Pennsylvania Intrastate Steel Haulers' Conference v. John P. Sorice Trucking, 42 Pa. P.U.C. 110 (1965).

The Commission's focus in framing "heavy hauler" rights has been on the trailer equipment utilized: "the transportation of such property is a specialized transportation service, which requires for its efficient conduct inherently special vehicular equipment". Dillner, 30 Pa. PUC at 367. To the extent that other than trailer equipment is considered to be special -- for example, equipment used for loading and unloading -- the Commission requires that it be owned and/or operated by the carrier. Sorice, supra, 42 Pa. PUC at 116. But even if the carrier employs its special equipment to load and unload, heavy hauling is not accomplished with flatbed trailers: "there can be little question that ordinary flatbed equipment is not 'special equipment'". Sorice, supra, 42 Pa. PUC at 117.

Finally, the commodity description of any grant here must be framed as suggested by Daily because it comports with the only type of service which is both used by the supporting shippers and receivers and proposed to be rendered by applicant. Under 52 Pa. Code 41.14(c), the Commission has commotted itself only to granting that measure of authority which is "commensurate with the demonstrated public need".

CONCLUSION

WHEREFORE, protestant Daily Express, Inc. prays that the application be denied, or alternatively, be granted in the limited respects set forth above.

Respectfully submitted,

McNEES, WALLACE & NURICK

By: 

WILLIAM A. CHESNUTT

100 PINE STREET

P. O. BOX 1166

HARRISBURG, PA 17108-1166

TELEPHONE: (717) 232-8000

Attorneys for Daily Express, Inc.

Date: March 1, 1985

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

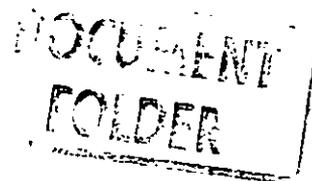
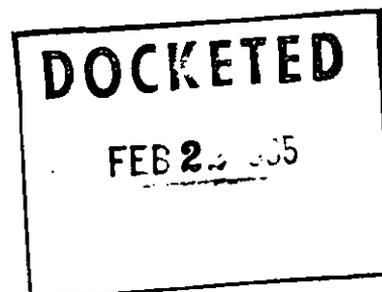
Public Meeting held February 15, 1985

Commissioners Present:

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

Application of Hardinger Transfer Co., Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport property, excluding the transportation of household goods and office furniture, in use, between points in the city of Erie, Erie County, and within ten (10) miles by the usually traveled highways of the limits of said city: SO AS TO PERMIT the transportation of property, excluding commodities in bulk, from the facilities of Zurn Industries, located in the county of Erie, to points in Pennsylvania, and vice versa; subject to the following condition: Provided that no right, power or privilege shall be granted to transport iron and steel and iron and steel articles from steel mills located in the city of Pittsburgh, Allegheny County, or from points within an airline distance of fifty (50) statute miles of the limits of said city.

A-00096411  
F. 1  
Am-C



\_\_\_\_\_  
Sally A. Davoren for the applicant.  
John E. Fullerton for protestant, Lake Erie Trucking.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed on June 21, 1984. Public notice of the proceeding was published

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Main Brief of Protestant Daily Express, Inc. was served by first class mail, postage prepaid, to the following parties of record, on this 1st day of March, 1985:

Edward L. Ciemniecki, Esquire  
James W. Patterson, Esquire  
Rubin, Quinn & Moss  
1800 Penn Mutual Tower  
510 Walnut Street  
Philadelphia, PA 19106

The Honorable Joseph J. Klovekorn  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Room G08A, North Office Building  
Harrisburg, PA 17120

John Pillar, Esquire  
Sally Davoren, Esquire  
Pillar & Mulroy  
1500 Bank Tower  
307 Fourth Avenue  
Pittsburgh, PA 15222

Alan Kahn, Esquire  
Abrahams & Lowenstein  
1430 Land Title Building  
Philadelphia, PA 19110

  
WILLIAM A. CHESNUTT

Dated: March 1, 1985