

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

AUG 4 1989

SECRETARY'S OFFICE
Public Utility Commission

(SEE INSTRUCTIONS BEFORE PREPARING APPLICATION)

In re: Application of GENE E. IRVIN

APPLICATION DOCKET

No. 00085899

Folder No.

for a certificate of public convenience or a permit evidencing the Commission's approval of the right and privilege of operating motor vehicles as a motor carrier for the transportation of PROPERTY.

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

- 1. Gene E. Irvin
(Full and correct name of applicant)
- 2. N/A
(Trade name, if any)

The trade name _____ been registered with the Secretary of the
(has or has not)

Commonwealth on _____ (attach copy of stamped registration form).
(date)

- 3. Hancock Street Extension _____
(Business Street Address) (P.O. Box, if any)
- Tyrone Blair PA 16686 (814) 684-4916
(City) (County) (State) (Zip) (Telephone)

4. Applicant's attorney (for this application) is:

James D. Campbell, Jr., Esq., 3631 N. Front St., Harrisburg, PA 17110
(Name) (Address) (Telephone) 717-232-7661

5. Any notice, process or order of the PUC should be served upon:

James D. Campbell, Jr., Esq., 3631 N. Front St., Harrisburg, PA, 17110
(Name) (Address)

6. Applicant does hold Pa. PUC authority under Docket No. 00085899
(does or does not)

and operates as a common carrier.
(common or contract)

7. Applicant does not hold Interstate Commerce Commission authority
(does or does not)

at Docket No. _____

8. Applicant is (check one):

Individual.

Partnership. Attach copy of partnership agreement and list names and addresses of partners below (use additional sheet if necessary).

(Name)

(Address)

Corporation. Organized under the laws of the State of _____ and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on _____ (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. Attach the following, as appropriate (check those attached):

- A Partnership Agreement.
- B Trade Name registration certificate.
- C Certificate of Incorporation or Authority.
- D Statement of corporate charter purpose.
- E List of corporate officers and stockholders.

10. That the nature and character of the service to be rendered by applicant is the transportation of property as a Common Contract carrier by means of motor vehicles as follows:

To transport, as a Class D Carrier, coal and stone, in dump vehicles for Northern Counties Coal Company, from points in the Counties of Centre and Clearfield to points in Pennsylvania and vice versa.

11. Applicant is not now engaged in any intrastate transportation of property for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 6) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.

CORPORATE SEAL

GENE E. IRVIN

(Print Name of Corporation, Partnership, Trade-Name or Individual)*

By:



(Signature)

(Signature)

(Signature)

*If a partnership, each partner must sign; if a corporation, at least one officer must sign, and corporate seal affixed.

THIS MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
Centre County : ss:

GENE E. IRVIN, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Gene E. Irvin
Signature of Affiant
GENE E. IRVIN

Sworn and subscribed before me this 2nd
day of August 19 89
My Commission Expires _____

NOTARIAL SEAL
MELVIN J. ARCHER, NOTARY PUBLIC
PHILIPSBURG BOROUGH, CENTRE COUNTY
MY COMMISSION EXPIRES APRIL 27, 1991

Melvin J. Archer
Signature of Official Administering Oath

Member, Pennsylvania Association of Notaries

AFFIDAVIT OF APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
_____ County : ss:

_____, being duly sworn (affirmed) according to law, deposes and says that he is _____ of _____
(Office of Affiant)

_____ ; that he is authorized to and does make this
(Name of Corporation)

affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said _____ to be able to prove the same
(Name of Corporation)

at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____
day of _____ 19 _____
My Commission Expires _____

Signature of Official Administering Oath

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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AUG 4 1989

In Re: Application of
Gene E. Irvin

:

: A-00085899 F. _____

SECRETARY'S OFFICE
Public Utility Commission

STATEMENT IN BEHALF OF NORTHERN COUNTIES COAL COMPANY

My name is James M. Stott, and I am the Owner of Northern Counties Coal Company. As owner of the company, I have full authority to support the present applications for emergency temporary authority and temporary authority which have been filed by Gene E. Irvin.

The transportation which we require is the transportation of coal and stone from our mines and stripping operations and processing plant, located in the counties of Clearfield and Centre, to our customers' locations throughout Pennsylvania. Although Irvin can provide service within part of our marketing area, and has provided good service to us in the past, he has no present authority to serve points in destination counties such as Blair, Cambria, Huntingdon, Indiana, Montour, and other market areas we have developed.

The need for immediate approval of the subject application arises because of expanded needs from our locations in Clearfield and Centre Counties to customers which Irvin cannot presently serve.

We need to ship a volume of 30,000 tons per month to customers located throughout the Commonwealth. We anticipate

that this need will continue in the future and we will support Mr. Irvin's application for permanent authority.

Unavailability of the proposed service of applicant sought by these applications will cause substantial difficulties in the marketing and distribution of our coal and stone. We have worked very closely with Mr. Irvin over many years in the territory which he can presently serve.

The immediate need for service, as I have indicated, is caused by our expanding volume into counties beyond Applicant's presently authorized territory.

Mr. Irvin knows our operation and has served all of our stripping operations and mines within his present territory and is uniquely capable of expanding his service further in order to meet the needs of our operations.

Irvin is the only carrier in this area who has a sufficient number of tri-axle dump equipment to handle our volume. We have been unable to secure sufficient equipment from other carriers to meet our needs.

Irvin is uniquely capable of handling our traffic based upon his previous service and experience with our operations. Further, we account for approximately 75% of his operating revenue, so that it is important to both of us for this application to be approved.

We previously supported an application by William C. Confer to provide service from our Clearfield and Centre County facilities, which was approved in October, 1988, at A.00073006,

F.2, Am-T; however, we need the additional capacity of Mr. Irvin in order to meet our transportation requirements. Further, Confer's authority to serve our company does not include transportation of stone.

We are not represented by a labor union.

VERIFICATION

STATE OF Pennsylvania

COUNTY OF Centre

I have read the foregoing statement, know the contents thereof and the same are true as stated.

[Handwritten Signature]
(SIGNATURE)

Subscribed and sworn to before me, a Notary Public, in and for the County of Centre and State of Pennsylvania this 2nd day of August, 1989.

Commission Expires:

NOTARIAL SEAL
MELVIN J. ARCHER, NOTARY PUBLIC
PHILIPSBURG BOROUGH, CENTRE COUNTY
MY COMMISSION EXPIRES APRIL 27, 1991
Member, Pennsylvania Association of Notaries

Melvin J. Archer
(NOTARY PUBLIC)