

A-00107235F1

APPLICATION

F1 AMC

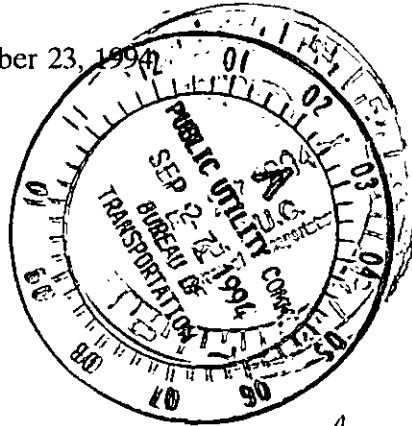
LAW OFFICES  
**DAVIS AND DAVIS**

103 SOUTH CENTER STREET  
EBENSBURG, PA  
15931 - 0064

CLARENCE E. DAVIS (1887-1973)  
LAWRENCE L. DAVIS

TELEPHONE: (814) 472-9740  
FAX: (814) 472-9750

September 23, 1994



RECEIVED  
PA. P. U. C.  
INFO. CONTROL DIV.  
23 SEP 26 AM 10:21

PA Public Utilities Commission,  
Application Section  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

Re: Application for Motor Carrier Certificate or Permit  
Tri-County Transportation, Inc.  
t/a Happy Times Charter, Inc.

A-107235  
F. 1, Am-C

Ladies/Gentlemen:

Enclosed is the original Application for Motor Carrier Certificate or Permit and two (2) copies of the same.

Also enclosed is a Money Order in the amount of \$350.00, to cover filing fees.

If anything further is required, please advise.

Very truly yours,

DAVIS AND DAVIS

Lawrence L. Davis

LLD/dw

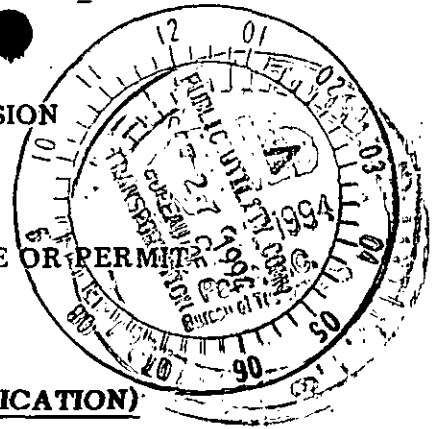
Enclosures

DOCUMENT  
FOLDER

MW

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT



(SEE INSTRUCTIONS BEFORE PREPARING APPLICATION)

In re: Application of  
Tri-County Transportation, Inc.

APPLICATION DOCKET

No. A-00107235

Folder No. F.1, Am-C

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 **PERSONS**.

RECEIVED  
PA. P. U. C.  
INFO. CONTROL DIV.  
SEP 26 10:21

(Check one only)

- Airport Transfer Service
- Group & Party Service
- Scheduled Route Service
- Call or Demand Service
- Limousine Service
- Paratransit Service

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

- Tri-County Transportation, Inc.  
(Full and correct name of applicant)
- Happy Times Charter, Inc.  
(Trade name, if any)

DOCKETED  
APPLICATION DOCKET  
OCT 13 1994  
ENTRY No. \_\_\_\_\_

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

Commonwealth on 3-28-90 (attach copy of stamped registration form).  
(date)

3. 404 19th Street P.O. Box 13  
(Business Street Address) (P.O. Box, if any)

Barnesboro Cambria PA 15714 (814) 948-6537  
(City) (County) (State) (Zip) (Telephone)

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

Lawrence L. Davis, 103 S. Center St., Ebensburg, PA (814) 472-9740  
(Name) (Address) (Telephone)

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

Lawrence L. Davis, 103 S. Center St., Ebensburg, PA 15931  
(Name) (Address)

DOCUMENT  
FOLDER

6. Applicant does hold Pa. PUC authority under Docket No. A 00107235  
(does or does not)  
and operates as a Common carrier.  
(common or contract)

7. Applicant does hold Interstate Commerce Commission authority  
(does or does not)  
at Docket No. MC 232592.

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 PA and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on 4-17-87 (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 form.
- C  Certificate of Incorporation or Authority.
- D  Statement of corporate charter purpose.
- E  List of corporate officers and stockholders.
- F  Map for Scheduled Route Service.

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

[SEE ATTACHED]

11. Applicant is not now engaged in any intrastate transportation of persons 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**

SEAL

Tri-County Transportation, Inc.  
(Print Name of Corporation, Partnership, Trade-Name  
or Individual)\*

By:

*William M. Zebert*

(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 :  
\_\_\_\_\_ County : ss:

\_\_\_\_\_, 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.

\_\_\_\_\_  
Signature of Affiant

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

\_\_\_\_\_  
Signature of Official Administering Oath

**AFFIDAVIT OF APPLICANT (Corporation)**

COMMONWEALTH OF PENNSYLVANIA :  
CAMBRIA County : ss:

WILLIAM M. TIBBOTT, being duly sworn (affirmed) according to law, deposes and says that he is Vice-President of Tri-County Transportation, (Office of Affiant)

Inc. \_\_\_\_\_; that he is authorized to and does make this (Name of Corporation)

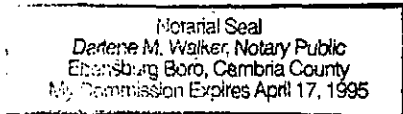
affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said Tri-County Transportation, Inc. to be able to prove the same (Name of Corporation)

at the hearing hereof.

*William M Tibbott*  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 23rd  
day of September 19 94  
My Commission Expires \_\_\_\_\_

*Darlene M Walker*  
\_\_\_\_\_  
Signature of Official Administering Oath



## **Tri-County Transportation, Inc.**

9. *Statement of corporate charter purpose.*

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

The purposes for which it is to be organized are: To engage in the manufacturing, fabrication, assembly, merchandising, and distribution of various items; printing; processing; research and development; to act as a surety or guarantor; as well as to engage in and do any lawful act concerning any or all lawful business for which corporations may be organized under the business corporation law.

*List of corporate officers and stockholders.*

Girard W. Tibbott — President/Secretary/Treasurer

1911 Chestnut Avenue

Barnesboro, PA 15714

Shares of Stock held - 40

Mr. William M. Tibbott — Vice-President

404 19th Street

Barnesboro, PA 15714

Shares of Stock held - 60

10.

To transport, as a common carrier, by motor vehicle, groups and parties of persons, and persons on special excursions and tours or sightseeing trips between points in the County of Cambria, and from points in said County to points in Pennsylvania and return.

Subject to the following conditions:

1. That the service herein authorized is limited to transportation in vehicles having a seating capacity not to exceed fifteen (15) persons, including the driver.
2. That the service herein authorized shall be rendered in vehicles without the use of taximeters or dome lights.
3. That no right, power or privilege is granted to provide transportation in school busses.
4. That no right, power or privilege is granted to transport relief engine and train crews and other employees of Consolidated Rail Corporation for that corporation, its successors or assigns from points in Cambria County, except as presently authorized:

*SO AS TO PERMIT THE REMOVAL OF CONDITION 1, WHICH READS AS FOLLOWS:*

1. That the service herein authorized is limited to transportation in vehicles having a seating capacity not to exceed fifteen (15) persons, including the driver.

*AND SO AS TO PERMIT THE REMOVAL OF CONDITION 3, WHICH READS AS FOLLOWS:*

3. That no right, power or privilege is granted to provide transportation in school busses.

# Commonwealth of Pennsylvania



## Department of State

To All to Whom These Presents Shall Come, Greeting:

**Whereas**, In and by Article VIII of the Business Corporation Law, approved the fifth day of May, Anno Domini one thousand nine hundred and thirty-three, P. L. 364, as amended, the Department of State is authorized and required to issue a

### CERTIFICATE OF AMENDMENT

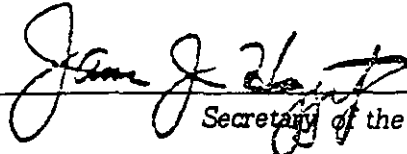
evidencing the amendment of the Articles of Incorporation of a business corporation organized under or subject to the provisions of that Law, and

**Whereas**, The stipulations and conditions of that Law pertaining to the amendment of Articles of Incorporation have been fully complied with by

TRI-COUNTY TRANSPORTATION & LEASING, INC. (a close corporation)  
name changed to  
TRI-COUNTY TRANSPORTATION, INC. (a close corporation)

**Therefore, Know Ye**, That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, extend the rights and powers of the corporation named above, in accordance with the terms and provisions of the Articles of Amendment presented by it to the Department of State, with full power and authority to use and enjoy such rights and powers, subject to all the provisions and restrictions of the Business Corporation Law and all other applicable laws of this Commonwealth.

**Given** under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 17th day of April in the year of our Lord one thousand nine hundred and eighty-seven and of the Commonwealth the two hundred eleventh.

  
Secretary of the Commonwealth

CORPORATION BUREAU  
 DEPARTMENT OF STATE  
 308 NORTH OFFICE BUILDING  
 HARRISBURG, PENNSYLVANIA 17120

FILING FEE: Corporation \$40.00  
 Individual \$25.00  
 Check Enclosed  
 Charge Account # \_\_\_\_\_

In compliance with the requirements of Section 311 of Act 1982-295 (54 Pa. C.S. §311), this undersigned entity(ies) desiring to carry on or conduct a business in this Commonwealth under an assumed or fictitious name, style or designation, does (do) hereby certify that:

1. Fictitious Name: Happy Times Charter

2. Address of the principal place of business: (including street and number)  
404 - 19th Street, Box 13, Barnesboro, Pennsylvania 15714

3. Brief statement of the character or nature of the business:  
Transportation

4. Individual or individuals interested in the business: (name and address)

(NAME)	(NUMBER)	(STREET)	(CITY)	(STATE)	(ZIP CODE)

5. Entity other than an individual interested in the business:

(NAME)	(FORM OF ENTITY)	ORGANIZING JURISDICTION	ADDRESS IN JURIS.	REGISTERED OFFICE (if any)
<u>Tri-County Transportation, Inc.</u>	<u>Corporation</u>	<u>PA</u>	<u>404-19th St., Barnesboro, PA</u>	<u>15714</u>

6. I am familiar with the provisions of Section 332 of the Fictitious Names Act and understand that filing under the Act does not create any exclusive or other right to the fictitious name.

7. Agent, if any, authorized to execute amendments, withdrawals, or cancellations.

IN TESTIMONY WHEREOF, the undersigned have caused this registration to be executed this 26th day of March, 1990

Individual \_\_\_\_\_

Individual \_\_\_\_\_

Corporate Seal \_\_\_\_\_

Ann D. Harwell  
 Secretary or Assistant Secretary

Corporate Seal \_\_\_\_\_

Secretary or Assistant Secretary

Individual \_\_\_\_\_

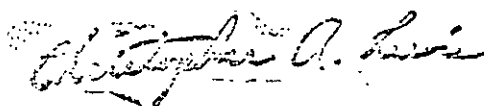
Individual \_\_\_\_\_

TRI-COUNTY TRANSPORTATION, INC.  
 Name of Corporation

By William M. Zickel  
 President or Vice President

\_\_\_\_\_  
 Name of Corporation

\_\_\_\_\_  
 President or Vice President

C30 FILED MAR 28 1990  Secretary of the Commonwealth Department of State Commonwealth of Pennsylvania	002 CODE	003 REV BOX	SEQUENTIAL NO.	100 MICROFILM NUMBER <b>9015 638</b>	
	REVIEWED BY <i>[Signature]</i>	004 SIC	AMOUNT	001 CORPORATION NUMBER <b>1559058</b>	
	DATE APPROVED		\$		
	DATE REJECTED	CERTIFY TO <input type="checkbox"/> REV. <input type="checkbox"/> L & I <input type="checkbox"/> OTHER	INPUT BY	LOG IN	LOG IN (REFILE)
	MAILED BY DATE		VERIFIED BY	LOG OUT	LOG OUT (REFILE)

November 10, 1994

Lawrence L. David  
Attorney at Law  
103 South Center Street  
Ebensburg, PA 15931

In Re: A-00107235, F.1, Am-C - Tri-County Transportation, Inc.t/d/b/a Happy Times Charter, Inc.

Dear Sir:

The application cited above has been captioned as attached and will be submitted for review provided no protests are filed on or before December 5, 1994. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the the Pennsylvania Bulletin of November 12, 1994.

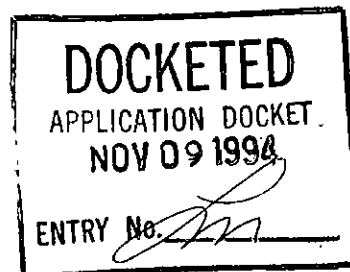
Very truly yours,

**DOCUMENT  
FOLDER**

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:rp

cc: Applicant  
404 19th Street  
P. O. Box 13  
Barnesboro, PA 15714



A-00107235, Folder 1, Am-C TRI-COUNTY TRANSPORTATION, INC.,  
t/d/b/a HAPPY TIMES CHARTER, INC. (404 19th Street, P.O. Box 13,  
Barnesboro, Cambria County, PA 15714), a corporation of the  
Commonwealth of Pennsylvania - for the removal of the following  
conditions from its operating authority at A-00107235, Folder 1,  
Am-B. The conditions reads as follows: (1) That the service  
herein authorized is limited to transportation in vehicles having  
a seating capacity not to exceed fifteen (15) persons, including  
the driver; and (3) That no right, power or privilege is granted to  
provide transportation in school buses. Attorney: Lawrence L.  
Davis, 103 South Center Street, Ebensburg, PA 15931.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

Published in Pennsylvania Bulletin

NOV 12 1994

BUREAU OF TRANSPORTATION  
COMMON CARRIER  
OCTOBER 1994

A-00107235  
F. 1  
Am-C

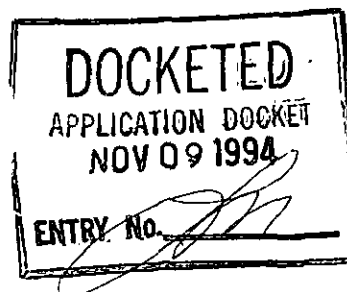
Application of Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Inc., a corporation of the Commonwealth of Pennsylvania, for the removal of the following conditions from its operating authority at A-00107235, Folder 1, Am-B. The conditions reads as follows: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity not to exceed fifteen (15) persons, including the driver; and (3) That no right, power or privilege is granted to provide transportation in school buses.

MW:rs/rn

10/21/94

Application Received: 9-27-94  
Application Docketed: 10-13-94

NH



**DOCUMENT  
FOLDER**

Protests due

DEC 5 1994



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

KJR

October 13, 1994

IN REPLY PLEASE  
REFER TO OUR FILE

R-16

■  
LAWRENCE L DAVIS ESQUIRE  
103 SOUTH CENTER STREET  
EBENSBURG PA 15931  
■

DOCUMENT  
FOLDER

Re: A-00107235, F. 1, Am-B

Dear Mr. Davis:

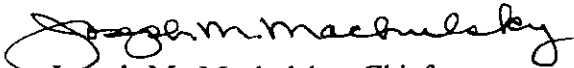
Under date of 9-16-94, the Secretary's office transmitted to you the Commission's compliance order adopted 9-9-94, evidencing approval of the above application which is in effect a transfer of the rights formerly held by Greater Johnstown Yellow Cab, Inc. at A-00098496, F. 5. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

Pa. Code, Title 52, Section 23.13(c) provides that in the case of change of ownership, etc., if feasible to do so, the tariffs of the former operator shall be adopted by the new operator, and no change in rates is permitted to cover the transfer of rights.

In this instance it is not possible to meet the tariff requirements by the adoption of the former tariff for the reason that the present tariff's description of operating authority does not conform with the approval of this application.

It will be necessary, therefore, to file a new tariff which should be designated Group and Party Pa. P.U.C. No. 3. The tariff should name the same rates, rules and regulations as were filed by the former operator and may be issued to become effective on one day's notice under authority of Pa. Code, Title 52, Section 23.42.

Very truly yours,  
Barry L. Ernst, Director  
Bureau of Transportation

  
By: Joseph M. Machulsky, Chief  
Financial Document Section

cc: Tri-County Transportation Inc.  
t/a Happy Times Charter  
404 19th Street Box 13  
Barnesboro, PA 15714

Contact Person: M. Dove  
(717) 787-5945

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

The addressee named here has paid PA P.U.C. for the following bill

RECEIVED  
94 OCT 26 AM 11:35  
PA. P. U. C.  
INFO. CONTROL DIV

LAWRENCE L DAVIS ESQ  
103 S CENTER STREET  
EBENSBURG PA 15931

DATE 10/25/94

RECEIPT # 190229

DOCKETED  
OCT 26 1994

DOCUMENT  
FOLDER

In re Application of TRI COUNTY TRANSPORTATION INC  
T/A HAPPY TIMES CHARTER, ET AL  
A-00107235, F.1, AM-C.....\$350.00

REVENUE ACCOUNT: 001780-017601-102

CHECK NUMBER: 23469

CHECK AMOUNT: \$350.00

C. Joseph Meisinger  
(for Dept. of Revenue)