A-00107087F1
APPLICATION
F1AMA

SHEARER, METTE, EVANS & WOODSIDE

A PROFESSIONAL CORPORATION

WALTER W. SHEARER JAMES W. EVANS CHARLES B. ZWALLY LLOYD R. PERSIIN JAMES A. ULSH C. PETER CARLUCCI, JR. TIMOTHY I. MARK DANIEL L. SULLIVAN CHRISTOPHER C. CONNER ELYSE ROGERS KEINTZ ANDREW H. DOWLING

MICHAEL D. REED

PAULA J. LEICHT

HOWELL C. METTE ROBERT MOORE PETER J. RESSLER CRAIG A. STONE JACK M. STOVER R. SCOTT SHEARER JAMES J. KUTZ STEVEN D. SNYDER THOMAS M. FRATICELLI ROBERT P. HAYNES III PAULA J. McDERMOTT

ATTORNEYS AT LAW 1801 NORTH FRONT STREET P. O. BOX 729 HARRISBURG, PA 17108-0729

July 28, 1988



Applications of Independent Freightway, Inc. A.00107087, F.I, sm. A

RECEIVED

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

JUL 2 8 19**88**

SECRETARYS OFFICE **Public Utility Commission**

Dear Sir:

We file herewith on behalf of Independent Freightway, Inc. the original and two copies of its Application for Emergency Temporary Authority, Temporary Authority and Permanent Authority to transport property in common carrier service in the territory described Applicant's check in the amount of \$225.00 is enclosed therein. to pay the filing fee.

LLOYD R. PERSUN

LRP:hmc

Enclosures

HAND DELIVERED



111 58 1888

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JUL 2 8 1988

SECRETARYS OFFICE Public Utility Commission

In Res Application of : Independent Freightway, Inc. : for amendment to its common : carrier certificate SO AS TO : PERMIT the transportation of : equipment, parts and supplies: used in manufacturing stero : speakers from points in : Pennsylvania to the facilities of Sanyo Audio : Manufacturing (U.S.A.) : Corp. in Armaugh Township, : Mifflin County, Pennsylvania : and return.

Application Docket No. A.00107087, Folder / Am-A

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

Independent Freightway, Inc. 2330 23rd Avenue P.O. Box 7013 Rockford IL 61125-7013 815-395-1112

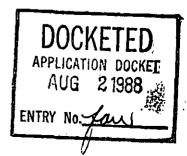
2. The name, address and telephone number of

Applicant's attorneys are:

Lloyd R. Persun. Esquire Shearer. Mette. Evans & Woodside 1801 North Front Street P.O. Box 729 Harrisburg. PA 17108-0729 717-232-5000

DOCUMENT FOLDER

PAMENDMENT



3. Applicant is a Delaware corporation which possesses a Certificate of Authority to do business in the Commonwealth of Pennsylvania. Exhibit "A" attached hereto and made a part hereof is a true and correct copy of Applicant's Certificate of Incorporation, as amended, as filed with the Secretary of the State of Delaware. Exhibit "B" attached hereto and made a part hereof is a true and correct copy of Applicant's Certificate of Authority to do business in the Commonwealth of Pennsylvania as filed with the Secretary of the Commonwealth.

- 4. Applicant designates George J. Renna, its
 Terminal Manager, at Independent Freightway, Inc., Route 655,
 Box 484, Reedsville, PA 17084 as the person upon whom service
 of any notice, process or order of your Commission may be made
 for it.
- 5. Applicant holds a Certificate of Public
 Convenience at A.00107087, and various folders and amendments
 thereunder, authorizing Applicant to transport as a Class D
 carrier certain property and in certain territory described in
 your Commission's Orders entered May 12, 1987 and February 19,
 1988 authorizing the issuance of its Certificate of Public
 Convenience. Applicant is presently providing such
 transportation service. The operating authority proposed by

Applicant herein will supplement its existing operating authority.

- 6. Applicant also possesses operating authority in the transportation of property as a common carrier from the Interstate Commerce Commission. The operating authority herein proposed will coordinate with Applicant's interstate operating authority.
- 7. Attached hereto as Exhibit "C" and made a part hereof are Applicant's internally prepared balance sheet as of December 31, 1987 and June 30, 1988 and also its statement of income for the year ended December 31, 1987 and the six months ended June 30, 1988. Applicant's financial condition has not changed materially since those dates. Applicant continues to operate at a profit and is financially fit to provide the proposed service.
- 8. Applicant proposes to transport as a Class D carrier equipment, parts and supplies used in manufacturing of stero speakers from points in Pennsylvania, to the facilities of the two of Sanyo Audio Manufacturing (U.S.A) Corp. located in Armaugh, with Virial transport and return. Applicant does not propose to duplicate its existing operating authority.

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

- 10. Applicant is not now engaged in any intrastate transportation of persons or property for compensation in Pennsylvania except as authorized by Certificate of Public Convenience issued to Applicant by your Commission.
- 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 is experienced in rendering to the public common carrier service for the transportation of property by motor vehicle;
 - (b) The proposed service will serve a useful public purpose, responsive to a public demand or need.

WHEREFORE, Applicant prays that your Commission issue

Applicant a Certificate of Public Convenience or amend

Applicant's Common Carrier Certificate under provisions of the Public Utility Code, evidencing approval of Applicant's transportation of property as a Class D carrier as proposed herein.

APPLICANT:

INDEPENDENT FREIGHTWAY, INC.

Vice President

[CORPORATE SEAL]

STATE OF ILLINOIS

:

COUNTY OF WINNEBAGO

SS:

Personally appeared before me a notary public in and for the aforesaid state and county. Michael Stopka, who, being duly sworn according to law, deposes and says that he is a Vice President of Independent Freightway, Inc.; that he is authorized to make this affidavit on behalf of the said corporation; that the facts set forth in the aforegoing Application are true and correct to the best of his knowledge, information and belief and that he expects the said corporation to be able to prove the same at—any hearing hereof.

Michael Stopka

SWORN TO AND SUBSCRIBED before me this 15th day of July, 1988.

Notary Public

My Commission Expires: 5-22-89

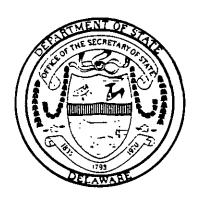
(SEAL)



State of **DELAWARE**

Office of SECRETARY OF STATE

I, Michael Harkins, Secreta	ry of State of the State of Delaware
do hereby certify that the a	ttached is a true and correct copy of
Certificate of	Incorporation
filed in this office on	July 13, 1981



DATE: November 7, 1985

CERTIFICATE OF INCORPORATION

of

NATIONWIDE EXPRESS SYSTEM, INC.

- The name of the corporation is Nationwide Express System,

 Inc.
- 2. The address of its registered office in the State of Delaware is No. 100 West Tenth Street, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.
- 3. The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware
- 4. The total number of shares of stock which the corporation shall have authority to issue is twenty thousand (20,000) and the par value of each of such shares is One Hundred Dollars (\$100.00) amounting in the aggregate to Two Million Dollars (\$2,000,000).
- 5. The name and mailing address of the incorporator is as follows:

Name

Mailing Address

Marsha Cassidy

1500 Walnut Street
Philadelphia, Pennsylvania 1910

- 6. The corporation is to have perpetual existence.
- 7. In furtherance and not in limitation of the powers conferred by statute, the board of directors is expressly authorized:

To make, alter or repeal the by-laws of the corporation.

8. Elections of directors need not be by written ballot unless the by-laws of the corporation shall so provide.

Meetings of stockholders may be held within or without the State of Delaware, as the by-laws may provide. The books of the corporation may be kept (subject to any provision contained in the statutes) outside the State of Delaware at such place or places as may be designated from time to time by the board of directors or in the by-laws of the corporation.

- 9. The corporation reserves the right to amend, alter, change or repeal any provision contained in this certificate of incorporation in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.
- I, THE UNDERSIGNED, being the incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Delaware, do make this certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and accordingly have hereunto set my hand this 10 day of July, 1981.

Marsha Cassidy
Marsha Cassidy



State of DELAWARE

Office of SECRETARY OF STATE

I, Michael Harkins, Secretary of State of the State of Delaware,		
do hereby certify that th	e attached is a true and correct copy of	
Certificate of	Amendment	
filed in this office on	April 21, 1982	



	Huliel Horhins
BY:	Michael Harkins. Secretary of State U. Whaplor
DATE:	November 7, 1985

CERTIFICATE OF AMENDMENT

OF

CERTIFICATE OF INCORPORATION

Nationwide Express System, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said Corporation, by the unanimous written consent of its members, filed with the minutes of the Corporation, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said Corporation:

RESOLVED, that Article 1 of the Certificate of Incorporation of this Corporation be and it hereby is amended to read in its entirety as follows:

"1. The name of the corporation is Nationwide Express Service, Inc."

SECOND: That the said amendment has been consented to and authorized by the holders of all the issued and outstanding stock, entitled to vote, by written consent given in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware, and filed with the Corporation.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Section 242 and 228

of the General Corporation Law of Delaware.

IN WITNESS WHEREOF, said Nationwide Express System, Inc. has caused this Certificate of Amendment to be signed by its President and attested to by its Secretary, and its corporate seal to be hereunto affixed this 14th day of April, 1982.

NATIONWIDE EXPRESS SYSTEM, INC.

(Corporate Seal)

By: A. C. Kullman

brian C. Kuliman

President

Attest: 17

M. Ellen Dixon

Secretary



State of DELAWARE

Office of SECRETARY OF STATE

I, Michael Harkins, Secretary of State of the State of Delaware		
do hereby certify that the	e attached is a true and correct copy of	
Certificate of	Amendment	
filed in this office on	June 29 1982	



Muliel Horhins		
BY:	Michael Harkins. Secretary of State	
DATE:	November 7, 1985	

CERTIFICATE OF AMENDMENT

OF

CERTIFICATE OF INCORPORATION

Nationwide Express Service, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

PIRST: That the Board of Directors of said Corporation, by the unanimous written consent of its members, filed with the minutes of the Corporation, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said Corporation:

RESOLVED, that Article 1 of the Certificate of Incorporation of this Corporation be and it hereby is amended to read in its entirety as follows:

"1. The name of the corporation is Independent Freightway, Inc."

SECOND: That the said amendment has been consented to and authorized by the holders of all the issued and outstanding stock, entitled to vote, by unanimous written consent given in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware, and filed with the Corporation.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of Delaware.

IN WITNESS WHEREOF, said Nationwide Express Service, Inc. has caused this Certificate of Amendment to be signed by its President and attested to by its Secretary, and its corporate seal to be hereunto affixed this 28^{+6} day of June, 1982.

NATIONWIDE

Brian C. Kullman

NATIONWIDE EXPRESS SERVICE, INC.

President

Attest:

M. Ellen Dixon

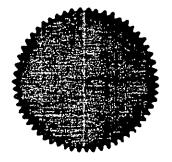
Secretary



Office of SECRETARY OF STATE

J. Michael Harkins, Secretary of State of the State of Delaurare, do hereby certify that the above and foregoing is a true and correct copy of certificate of Change of Location of Registered Office of the companies represented by "THE CORPORATION TRUST COMPANY", as it applies to "INDEPENDENT FREIGHTWAY, INC.", as received and filed in this office the twenty-seventh day of July, A.D. 1984, at 4130 o'clock P.M.

In Testimony Whereof, I have	e hexeunto set my hand
and official seal at Dover this_	seventh day
of November	
one thousand nine hundred	



fulled Abrhein
Michael Harkins. Secretary of State

+ | L E D 4:30
JUL 27 1534 P.M.

CERTIFICATE OF CHANGE OF ADDRESS OF

REGISTERED OFFICE AND OF REGISTERED AGENT

Sider C. Keylor

PURSUANT TO SECTION 134 OF TITLE 8 OF THE DELAWARE CODE

To: DEPARTMENT OF STATE
Division of Corporations
Townsend Building
Federal Street
Dover, Delaware 19903

Pursuant to the provisions of Section 134 of Title 8 of the Delaware Code, the undersigned Agent for service of process, in order to change the address of the registered office of the corporations for which it is registered agent, hereby certifies that:

- 1. The name of the agent is: The Corporation Trust Company
- 2. The address of the old registered office was:

100 Wost Tenth Street Wilmington, Delaware 19801

3. The address to which the registered office is to be changed is:

Corporation Trust Center 1209 Orange Street Wilmington, Delaware 19801

The new address will be effective on July 30, 1984.

4. The names of the corporations represented by said agent are set forth, on the list annexed to this certificate and made a part hereof by reference.

IN WITNESS WHEREOF, said agent has caused this certificate to be signed on its behalf by its Vice-President and Assistant Secretary this 25th day of July, 1984.

THE CORPORATION TRUST COMPANY

(Name of Registered Agent)

(Vice-President)

ATTEST:

(Assistant Secretary)

Commonwealth of Pennsylvania



CERTIFICATE OF AUTHORITY

To All to Mhom These Presents Shall Come, Greeting:

Hereas, Under the provisions of the Corporation Law, a Foreign Corporation is required to obtain a "Certificate of Authority" before it may do business in the Commonwealth and

Mhereus,

INDEPENDENT FREIGHTWAY, INC.

has presented to the Department of State an Application for the same, and in accordance with the requirements of the law, has designated as its registered office in this Commonwealth

> C/O C T CORPORATION SYSTEM 123 SOUTH BROAD STREET PHILADELPHIA, PA 19109

Do By These Presents, issue unto such Therefore, Know Ye, J corporation, this Certificate of Authority to transact in the Commonwealth of Pennsylvania the business of

TRANSPORTATION SERVICES

Given under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 14th in the year of

of July our Lord one thousand nine hundred and and of the Commonwealth the two hundred

eighty-six eleventh

0930460

EXHIBIT "B"

CAPITOL PARALEGAL SERVICES ATTN: JAMIE OLITSKY 401 N 2ND ST

INDEPENDENT FREIGHTWAY, INC. BALANCE SHEET (\$000 UNAUDITED)

	DEC 1987	JUNE 1988
ACCOUNTS RECEIVABLE (NET)	\$12,712	\$13,594
SUNDRY RECEIVABLES	95 3	1,353
PREPAID / OTHER CURRENT	566·	1,039
TOTAL CURRENT ASSETS	14,231	15,986
P.P. & E. (NET)	•	6,061
OTHER LONG TERM ASSETS	987	990
TOTAL ASSETS	\$21,032	\$23,037
ACCOUNTS PAYABLE	\$6,513 ¹	\$6,224
OTHER CURRENT LIABILITIES	4,033	3,916
PAYABLE TO PARENT	1,615	3,912
TOTAL CURRENT LIABILITIES	12,161	14,052
LONG TERM LIABILITIES	536	700
TOTAL EQUITY	8,335	8,285
TOTAL LIABILITIES & EQUITY	\$21,032 =======	\$23,037

INDEPENDENT FREIGHTWAY; INC. INCOME STATEMENT (\$000 UNAUDITED)

	1987 Y EA R	1988 SIX MTHS
REVENUE	\$116,767	\$62,497
COST OF OPERATIONS	103,690	56,151
	13,077	6,346
G & A EXPENSES	9,064	5,218
OPERATING PROFIT	\$4,013 =======	\$1,128

PUC 182 (Revised 11/86)

RECEIVED

PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF TRANSPORTATION

JUL 2 8 1988

SECRETARYS OFFICE Public Utility Commission

See Instructions before Completing Application

_	-187
Αp	eplication For: EMERGENCY TEMPORARY AUTHORITY A. 10 7087 F. 10 7087 F. 10 7087
	EMERGENCY TEMPORARY AUTHORITY
x	TEMPORARY AUTHORITY
	EXTENSION OF EMERGENCY TEMPORARY AUTHORITY
1.	Independent Freightway, Inc., a Delawage corporation
	(Name of applicant) (Trade name, if any) 2330 23rd Avenue, P.O. Box 7013 Rockford, IL 61125-7013
	(Street address) (City) (State & Zip Code) Lloyd R. Persun, Esquire
2.	Shearer, Mette Evans & Woodside, P.O. Box 729, Harrisburg, PA 17108-0729 717-232-5000
	(Name, Address & Telephone Number of Applicant's Attorney, if any)
3.	Applicant is an <u>individual</u> partnership x corporation.
4.	Applicant requests authority to provide service as a x common or contract carrier by motor vehicle, broker or freight forwarder in intrastate commerce; or is proposing to acquire authority by transfer. Give a description of type of service to be provided and area to be served:
	To transport, as a Class D carrier, equipment, parts and supplies used in manufacturing stero speakers from points in Pennsylvania to the facilities of Sanyo Audio Manufacturing (U.S.A.) Corp. located in Armaugh Township, Mifflin County, Pennsylvania and return vice versions entering authority.
	Applicant is not seeking to duplicate its existing operating authority. By these Applications and the Permanent Application filed simultaneously herewith, Applicant seeks to extend its existing Class D authority in Pennsylvania.

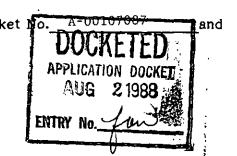
5. Applicant does hold Pa. PUC authority under Docket No.

(does or does not)

operates as a gommon carrier.

DOCUMENT common or contract)

FOLDER



- 6. If this application is for temporary authority, applicant <u>x</u> does does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have a pending permanent application currently on file, application for permanent authority <u>must</u> be enclosed. The permanent authority Application was filed simultaneously herewith.
- 7. If this application is for emergency temporary authority, and not accompanied by applications for corresponding temporary and permanent authority, state when the applications for temporary and permanent authority will be filed.

 The corresponding temporary and permanent authority Applications were filed simultaneously herewith.
- 8. "Applicant's Statement" shall be prepared by the applicant or authorized representative of the applicant and shall contain the information as stated at Appendix A. Appendix A is attached hereto and incorporated herein by reference.
- 9. "Statements of Supporting Shippers or Witnesses" shall be prepared by the shipper or witness, or an authorized representative of the shipper or witness and shall contain the information as stated at Appendix B. Appendix B is attached hereto and incorporated herein by reference.

Applicant further declares that:

- 10. It is aware that a grant of the requested authority will create no presumption that corresponding permanent authority will be granted.
- 11. If the requested authority is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.

INDEPENDENT FREIGHTWAY, INC.

Vice President

(Corporate Title)

July 25, 1988

(Date)

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 of19	
My Commission Expires	
. '	· Signature of Official Administering Oath
	Signature of Citizen Hammerstand Care
A PRIDANCE OF	ABLICANT (Correction)
AFFIDAVII OF A	APPLICANT (Corporation)
STATE OF ILLINOIS	
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	; ·
OGLE County	: ss:
MICHAEL STOPKA	, being duly sworn (affirmed) according to
	ice President of Independent Freightway, Inc ce of Affiant)
	_; that he is authorized to and does make this
(Name of Corporation)	
affidavit for it; and that the facts above se	t forth are true and correct; or are true and correct
to the best of his knowledge, information	ation and belief and that he expects the said
Independent Freightway, Inc. (Name of Corporation)	to be able to prove the same
at the hearing hereof.	
at the hearing hereer.	
	W Shill be The
•	Signature of Affiant
Sworn and subscribed before me this 25th	
	
My Commission Expires <u>S-22-88</u>	De Trache
	Signature of Official Administering Oath
	Diminio or Attiend Hamming Office

APPENDIX A

APPLICANT'S STATEMENT

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF MIFFLIN

GEORGE J. RENNA, being duly sworn according to law, deposes and says:

- 1. He is an adult individual who is employed by Applicant as the Terminal Manager at its terminal which is located on Route 655, Reedsville, Mifflin County, Pennsylvania. He is familiar with Applicant's day-to-day operations and is authorized to make this affidavit on its behalf. Applicant is a Delaware corporation which is authorized to do business in Pennsylvania.
- 2. Applicant's existing Pennsylvania operating authority is described in detail on Exhibit "A" attached hereto and made a part hereof. Applicant currently is providing service in Pennsylvania in accordance with this authority. Applicant also provides the transportation as a common carrier of property in interstate commerce. The proposed operating authority will not duplicate Applicant's existing operating authority.

- 3. Applicant's Reedsville terminal is located approximately five miles from the plant of Sanyo Audio Manufacturing (U.S.A.) Corp. (Sanyo) at Fisher Park in Armaugh Township, Mifflin County. Applicant employes two dispatchers, a receptionist and a terminal manager at the terminal.
- Applicant's fleet available in Pennsylvania consists of more than 100 trailers and 50 tractors. trailers are 48 feet long, 96 inches wide and 13 feet 6 inches high. Seventeen of these tractors and trailers are in use providing common carrier service to Sanyo, transporting its finished stereo speakers from the Sanyo plant in Armaugh Township to Kenwood, New Jersey, Somerset, New Jersey and Compton, California. This transportation consists on the average of four full trailer loads each day, 5 days a week, Monday through Friday. Applicant backhauls on about 25% of its return trips corrugated boxes from New York City and plastic bags from Patterson, New Jersey. The remaining return trips to the Reedsville terminal are empty. The proposed operating authority enables Applicant to transport raw materials on return to the plant, thereby maximizing the use of equipment and personnel. Sanyo has requested the proposed service on an emergency basis.

- 2 -

- The commodities proposed to be transported are styrofoam, corrugated boxes, fiberglass insulation and speaker drive parts. Each movement will be a full trailer and there will be two to three movements each day Monday through Friday The origin points are located in Williamsport, each week. Allentown, Philadelphia, Pittsburgh, Bloomsburg, Harrisburg and Mount Carmel. The transportation is frequently required on short notice to Applicant. Because Applicant already provides service to Sanyo under Applicant's existing interstate operating authority, the proposed intrastate traffic will coordinate conveniently with its existing operations for Sanyo. Sanyo and its predecessor, Fisher Controls Corporation, and Inway and its predecessor, Noerr Motor Freight, Inc., have enjoyed a satisfactory commercial relationship for 25 years. Because of the rapport which has developed between carrier and shipper over this time and the proximity between the plant and terminal, Applicant as the carrier is familiar with and uniquely qualified for Sanyo's shipping needs.
- 6. Applicant's fleet is inspected monthly as of course at Hunter's Garage in Maitland, Pennsylvania near its terminal. The drivers' daily writeups for inspection and repair are serviced there daily. Four times each year, Applicant conducts safety meetings with its drivers. There are

- 3 -

50 drivers. Neither Applicant nor its drivers nor its equipment are under citation or were convicted of any motor vehicle violation. Neither the drivers nor Applicant are under any safety investigation or suspension.

- 7. As rates for the proposed service, Applicant proposes to charge the rates and apply the rules contained in its currently effective tariff which is on file with your Commission and effective, as amended from time to time according to law. No rates, fares or charges are under suspension. There has not been granted or denied any special permission request to file rates, fares or charges on less than 30 days' notice in connection with any application covering the same territory.
- 8. There are no labor unions which represent or which in the past 12 months have requested or which have filed a petition to represent the employees of Applicant with the National Labor Relations Board or the Pennsylvania Labor Relations Board. There is no threatened or existing labor dispute which affects Applicant or its employees.
- 9. The instant Applications were not filed as a result of any warning road check or investigation by the Commission.

10. Applicant's Certificate of Insurance is on file with your Commission. Its Certificate of Public Convenience never was suspended or revoked. Applicant is in compliance with all rules and regulations of your Commission and the requirements of the Public Utility Code.

George J. Renna

SWORN TO AND SUBSCRIBED before me this act day

of July, 1988.

Notary Public

My Commission Expires:

(SEAL)

JOHN M. AMICK, NOTARY PUBLIC DERRY TOWNSHIP, MIFFLIN COUNTY MY COMMISSION EXPIRES ACT. 31, 1989 Member, Pennsylvania Association of Notaries PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF

INDEPENDENT FREIGHTWAY, INC., a corporation of the State of Delaware

CERTIFICATE
OF
PUBLIC CONVENIENCE

A. 00107087 Folder 1

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 Testimonp 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

1st day of

JULY, 1987.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Attest:

Social Ty

EXHIBIT "A"

PENNSYLVANIA PUBLIC UTILITY COMMISSION Harrisburg, PA 17120

Public Meeting held May 7, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman Frank Fischl Bill Shane

Application of Independent Freightway, Inc., a corporation of the State of Delaware, for approval of the transfer to it of part of the rights held by Noerr Motor Freight, Inc. at A-00075088, consisting of all the transferor's Class D authority, subject to the same limitations and conditions.

A-00107087

John E. Fullerton for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 13, 1986. Corresponding applications for emergency temporary authority and temporary authority were also filed. By order adopted September 18, 1986, we granted emergency temporary authority. Public notice of the application was given in the Pennsylvania Bulletin of September 20, 1986.

On December 4, 1986, we adopted a tentative decision that denied the transfer to Independent Freightway, Inc. (IFI or applicant) of part of the operating authority of Noerr Motor Freight, Inc. (Noerr or transferor). The Commission found that as Noerr was to retain six (6) Class A rights while transferring forty-four paragraphs of Class D rights, numerous conflicts and duplications of authority would occur. At least thirty (30) of the Class D rights would impinge on the retained Class A rights and require thirty (30) restrictive paragraphs to be lodged on the six (6) rights retained by Noerr. This result was deemed to be against the public interest and the application was denied. However, the Tentative Decision advised that should Noerr desire to transfer all of its rights to IFI or file an application for discontinuance of its Class A authority, the Commission's objection to the transfer could be overcome.

On December 23, 1986, Noerr filed its application at A-00075088, Folder 2, Amendment P, to discontinue its Class A authority. Simultaneously, Noerr filed an application with the Bankruptcy Court for approval of the abandonment. In its application before this Commission, Noerr indicates that it has not rendered any service under its Class A authority since at least 1983 and there is no present demand for service thereunder. IFI has no desire to purchase the Class A authority and Noerr has not been able to sell the authority to any other entity. On February 2, 1987, the United States Bankruptcy Court for the Middle District approved Noerr's action to discontinue the Class A authority.

IFI attempted to file exceptions to the Commission's Tentative Decision denying the proposed transfer by letter filed December 31, 1986. Unfortunately, they were filed one day after the time period had run. By letter filed February 2, 1987, IFI withdrew its exceptions and requested that the letter filed December 31, 1986, be treated as a petition for reconsideration.

By order adopted February 19, 1987, we granted IFI's petition for reconsideration. Since Noerr has filed an application for discontinuance of its Class A rights and since we have already found IFI to be fit and since no issue of dormancy is indicated in the record with regard to the Class D rights, we shall approve the transfer.

After a complete review of the record before us, we find that:

- I. The applicant is fit to receive a certificate of public convenience.
- 2. The applicant seeks to obtain by transfer all of the transferor's Class D operating authority.
- 3. The transferor has applied for the discontinuance of its remaining Class A operating authority.
 - 4. A continuing need exists for the service involved herein.
- 5. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of part of the rights held by Noerr Motor Freight, Inc. at A-00075088, Folder 2, and all of the rights at Folders 3, 4, 6, 7 and 8, be and is hereby approved and that a certificate of public convenience be issued to the applicant granting the following rights:

 To transport, as a Class D carrier, property for the Great Atlantic and Pacific Tea Company from the borough of Lewistown, Mifflin County, to its stores in the counties of Mifflin, Juniata, and Perry;

- 2. To transport, as a Class D carrier, property between points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough:
- 3. To transport, as a Class D carrier, household goods in use from points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough to other points in Pennsylvania and vice versa;
- 4. To transport, as a Class D carrier, rayon and rayon products from points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, to points in Pennsylvania, east of a north and south line from the center of the City of Harrisburg, Dauphin County, and the return of accessories;
- 5. To transport, as a Class D carrier, milk from points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, to the city of Lancaster, Lancaster County, and the city and county of Philadelphia;
- 6. To transport, as a Class D carrier, groceries and returned milk cans from the city and county of Philadelphia, to points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough;
- 7. To transport, as a Class D carrier, castings and machinery parts from the Standard Steel Works Division of Baldwin Locomotive Works in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually travered highways of the limits of the said borough to other points in Pennsylvania in emergencies only, provided that emergency trips shall be reported to the Commission immediately after they are made;
- 8. To transport, as a Class D carrier, artificial silk and artificial silk products and accessories from the American Viscose Corporation, in the borough of Marcus Hook, Delaware County, and

from points in the township of Granville, Mifflin County to points in Pennsylvania, east of the line running north and south through the borough of Huntingdon, Huntingdon County, and vice versa, excluding transportation from the borough of Marcus Hook, Delaware County, to the city of Lancaster, Lancaster County;

- 9. To transport, as a Class D carrier, builders' equipment, steel, brick and lumber for P. M. Rhodes of Lewistown, Mifflin County, from points in the county of Mifflin, to points in Pennsylvania and vice versa, provided such transportation shall either originate or terminate at points of construction;
- 10. To transport, as a Class D carrier, rayon, rayon products, cotton and cotton products, wool or wool products, or intermixtures of said materials for Cluett, Peabody and Company, Inc., from its plant in the borough of Lewistown, Mifflin County, to points in the borough of Shamokin, Northumberland County, and the return of damaged or refused merchandise;
- 11. To transport, as a Class D carrier, finished and unfinished products, materials and supplies, armaments and munitions from the Standard Steel Works Division of Baldwin Locomotive Works in the borough of Burnham, Mifflin County, to points in Pennsylvania and vice versa;
- 12. To transport, as a Class D carrier, oil, grease, and other petroleum products from points in the city of Philadelphia, and within thirty-five (35) miles of the Philadelphia City Hall to mines of Rochester and Pittsburgh Coal Company in the villages of Ernest, McIntyre and Luzerne, Indiana County, Helvetia, Clearfield County, and Yatesboro, Armstrong County, and the return of empty contagners and accessories;
- 13. To transport, as a Class D carrier, fibrous glass textiles, containers and accessories for the Owens-Corning Fiberglass Corporation from points in the borough of Huntingdon, Huntingdon County, to points in the cities of Allentown, Lehigh County, Easton, Northampton County, Hazleton and Wilkes-Barre, Luzerne County, and Sunbury, Northumberland County, and the borough of Kingston, Luzerne County, and the return of shipping containers

and accessories from said cities and boroughs to points in the borough of Huntingdon;

- 14. To transport, as a Class D carrier, doors and other products of Overhead Door Company and Modern Doors, Inc., from the borough of Lewistown, Mifflin County, to points in Pennsylvania and merchandise, material, hardware, and supplies from points in Pennsylvania to Overhead Door Company and Modern Doors, Inc., in the borough of Lewistown;
- 15. To transport, as a Class D carrier, farm machinery and parts thereof for the Hertzler and Zook Company, the New Holland Machine Company and the New Holland Machine Division of the Sperry-Rand Corporation from their plant in the village of Belleville, Mifflin County; to points in Pennsylvania;
- 16. To transport, as a Class D carrier, supplies and materials for the Hertzler and Zook Company, the New Holland Machine Company and the New Holland Machine Division of the Sperry-Rand Corporation from points in Pennsylvania to the plant of the said companies in the village of Belleville, Mifflin County;
- 17. To transport, as a Class D carrier, ferrous scrap, non-ferrous scrap, non-metallic scrap and salvage materials for Joe Krentzman & Sons, Inc., from points in the county of Mifflin to points in Pennsylvania;
- 18. To transport, as a Class D carrier, ferrous scrap, non-ferrous scrap, non-metallic scrap and salvage materials for Joe Krentsman & Sons, Inc., from points in Pennsylvania to points in the county of Mifflin;

with right number 18 subject to the following condition:

That no right, power or privilege is granted to transport scrap metal from points in the city of Williamsport, Lycoming County;

19. To transport, as a Class D carrier, property, from the facilities of C. H. Masland & Sons in the borough of Carlisle, Cumberland County, to its facilities in the township of Granville, Mifflin County, and vice versa;

- 20. To transport, as a Class D carrier, property, from the facilities of C. H. Masland & Sons in the borough of Carlisle, Cumberland County, to the facilities of Volkswagen Manufacturing Corp. of America in the township of East Huntingdon, Westmoreland County, and vice versa;
- 21. To transport, as a Class D carrier, property, from the facilities of C. H. Masland & Sons in the township of Granville, Mifflin County, to the facilities of Volkswagen Manufacturing Corp. of America in the township of East Huntingdon, Westmoreland County, and vice versa;

with rights numbers 20 and 21 subject to the following restriction:

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

- 22. To transport, as a Class D carrier, property, for Corning Glass Works, from its facilities located in the township of College, Centre County, to the facilities of RCA, located in the borough of Dunmore, Lackawanna county, and vice versa;
- 23. To transport, as a Class D carrier, property from the facilities of Cerro Metal Products located in the borough of Bellefonte and the township of Spring, Centre County, to points in Pennsylvania and vice versa;
- 24. To transport, as a Class D carrier, carpet, carpeting and metal racks from the facilities of Magee Carpet Co. in the town of Bloomsburg, Columbia County to the facilities of Volkswagen Corp. of America in the township of East Huntingdon, Westmoreland County and vice versa with the right to use shipper trailers;
- 25. To transport, as a Class D carrier, property from the facilities of Carlisle Tire & Rubber Co. and Carlisle Syntec Systems in the county of Cumberland to points in Pennsylvania and vice versa;
- 26. To transport, as a Class D carrier, property from the facilities of C. H. Masland & Sons in the borough of Carlisle, Cumberland County and the township of Granville, Mifflin County to the facilities of Magee Carpet Co. in the town of Bloomsburg, Columbia County and vice versa:

27. To transport, as a Class D carrier, scrap metal for Thalheimer Bros. Inc. from its facilities in the city and county of Philadelphia to points in the counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland and vice versa;

28. To transport, as a Class D carrier, property, for Jones and Hunt, Inc., from its facilities located in the township of West Brunswick, Schuylkill County, to points in Pennsylvania, and vice versa;

with right number 28 subject to the following condition:

That no right, power or privilege is granted to transport petroleum products in bulk, in tank vehicles.

- 29. To transport, as a Class D carrier, fire brick and other clay products from brick plants in the boroughs of Mount Union and Alexandria, Huntingdon County, the villages of Claysburg and Sproul, Blair County, and the village of Vandyke, Juniata County, to the plant of the Bethlehem Steel Company in the city of Bethlehem, Lehigh and Northampton Counties, and the return of empty shipping facilities;
- 30. To transport, as a Class D carrier, fire brick and other clay products on flatbed trailers for Haws Refractories Company from its plant in the village of Hawstone, Mifflin County, to points in Pennsylvania;
- 31. To transport, as a Class D carrier, empty shipping facilities, materials and supplies used or useful in the manufacture of fire brick and other clay products on flat trailers from points in Pennsylvania to the Haws Refractories Company plant in the village of Hawstone, Mifflin County;
- 32. To transport, as a Class D carrier, fire brick and can brick on flatbed trailers from the General Refractories Company plants in the borough of Mt. Union, Huntingdon County, and the villages of Sproul and Claysburg, Greenfield Township, Blair County, to points in Pennsylvania; and the return of shipping facilities and damaged or refused shipments;
- 33. To transport, as a Class D carrier, fire brick and clay brick on flatbed trailers from the

Harbison-Walker Company plant in the borough of Mt. Union, Huntingdon County, to points in Pennsylvania; and the return of shipping facilities and damaged or refused shipments;

- 34. To transport, as a Class D carrier, fire clay for the General Refractories Company from its plants located in the villages of Sproul and Claysburg, Greenfield Township, Blair County, to points in Pennsylvania, and the return of shipping facilities and damaged or refused shipments:
- 35. To transport, as a Class D carrier, fire brick and clay products for the United States Steel Company from the villages of Sproul and Claysburg, Greenfield Township, Blair County, to its plant in the township of Falls, Bucks County, and the return of shipping facilities and damaged or refused shipments;
- 36. To transport, as a Class D carrier, fibrous glass products and materials used in the manufacture, processing and shipment of such products and supplies for Owens-Corning Fiberglass Corporation from its plant located in the borough of Huntingdon, Huntingdon County, and from its warehouse located within five (5) miles of the limits of said borough to points in Pennsylvania, and vice versa;
- 37. To transport, as a Class D carrier, fiberglass reinforced plastic products and materials and supplies used in the manufacture, processing and shipment of said products from the facilities of Owens-Corning Fiberglass Corporation located in the township of Shirley, Huntingdon County, and within an airline distance of ten (10) statute miles of the limits thereof to points in Pennsylvania, and vice versa;
- 38. To transport, as a Class D carrier, glass and glass products, from the facilities of Chromalloy American Corporation, located in the township of Granville, Mifflin County, to points in Pennsylvania;
- 39. To transport, as a Class D carrier, glass and property used in the manufacture, processing and production of glass and glass products, from points in Pennsylvania, to the facilities of Chromalloy American Corporation, located in the township of Granville, Mifflin County;

with rights numbers 38 and 39 subject to the following condition:

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

- 40. To transport, as a Class D carrier, property, from the facilities of Owens-Corning Fiberglass Corporation, in the counties of Dauphin and Cumberland, to points in Pennsylvania, and vice versa;
- 41. To transport, as a Class D carrier, property, for Georgia Pacific Corporation, from its facilities in Richland Township, Bucks County, to points in Pennsylvania, and vice versa;

with right number 41 subject to the following condition:

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

42. To transport, as a Class D carrier, property for Avtex Fibers, Inc., from its facilities located in Pennsylvania, to points in Pennsylvania, and vice versa:

with right number 42 subject to the following conditions:

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

That no right, power or privilege is granted to transport property, to or from the facilities of New Enterprise Stone & Lime Co., Narehood Limestone, Inc., Detwiler Industries, Inc., Martin Limestone, Inc., Anthracite Industries, Inc., National Gypsum Company, Asbury Graphite Mills, Inc., McKesson Chemical Co., Mid-State Chemicals and Lumax Industries, Inc.

- 43. To transport, as a Class D carrier, fire brick and other refractory articles on flatbed trailers for E. J. Lavine & Company from its plant in the township of Plymouth, Montgomery County, to the city of Harrisburg, and the borough of Steelton, Dauphin County, and the city of Johnstown, Cambria County, and the return of empty shipping facilities and refused or rejected shipments.
- 44. To transport, as a Class D carrier, fire brick and other silica and clay products, on flatbed

trailers, from the plants of General Refractories Company in Worth Township and the borough of Port Matilda, Centre County, to points east of the eastern boundary of the counties of McKean, Cameron, Clearfield, Cambria and Somerset, and the return of refused or rejected articles and shipping containers.

with all of the rights above 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.
- 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, \$17,500, 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 certificate holder shall comply with all of the provisions of the Public Utility Code as now existing or as may hereafter be amended, and 52 Pa. Code \$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 66 PA C.S.A. \$1102(3).

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 the applicant shall not engage in any transportation granted herein until it has complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff adoption supplement in accordance with 52 Pa. Code §23.13(c).

IT IS FURTHER ORDERED: That, with the adoption of the instant order, the temporary authority application is hereby dismissed.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1986 Annual Report of the transferor.

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, Noerr Motor Freight, Inc., at A-00075088, Folders 2, 3, 4, 6, 7 and 8 be cancelled and the record be marked closed.

BY THE COMMISSION.

Jerry Rich Secretary

(SEAL)

ORDER ADOPTED: May 7, 1987

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ORDER ENTERED: May 12, 1987

PENNSYLVANIA PUBLIC UTILITY COMMISSION Harrisburg, PA 17120

Public Meeting held February !1, 1988

Commissioners Present:

Bill Shane, Chairman William H. Smith, Vice-Chairman Linda C. Taliaferro Frank Fischl

Application of Independent Freightway, Inc., for the right to begin to transport, property, from the facilities of Atlas Energy Products, Division of Atlas Roofing Corporation, in the borough of Camp Hill, Cumberland County, to points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport property in bulk.

A-00107087 F. 2

John E. Fullerton for the applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission through an application filed March 13, 1987. Public notice of the application was given in the Pennsylvania Bulletin of April 4, 1987. There were no protests and the record is now certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and the supporting shipper.

Independent Freightway, Inc. currently operates the sought authority under emergency temporary authority granted April 2, 1987. The applicant also holds authority granted May 7, 1987, to operate the authority formerly held by Noerr Motor Freight, Inc.

Applicant conducts its Pennsylvania operations out of facilities located at Lewistown, PA. These facilities include a maintenance and repair garage. Applicant conducts a comprehensive safety program and a strict preventative maintenance and inspection program is in effect. The applicant has 15 tractors and 25 semi trailers in use in its Pennsylvania operation.

The unaudited balance sheet submitted by the applicant shows a net operating profit in 1986 of \$2,688 and in the first six months of 1987 \$2,053.

The authority sought here is necessary since the authorization in the above mentioned transfer grants the right to perform service from the facilities of Owens-Corning Fiberglass Corporation (O-C) (Emphasis added). O-C has sold the facilities to Atlas Energy Products, Division of Atlas Roofing Corporation (Atlas). The same operations will be conducted by Atlas as previously were performed by O-C. Emergency temporary authority was granted so that Atlas could continue the O-C operation without lack of carrier service.

A review of the record shows that the applicant has the equipment, experience, ability and fitness necessary to provide the service proposed. The previous use of the carrier by O-C has demonstrated that there is a need for the service requested.

We find:

- 1. That the applicant currently operates pursuant to a common carrier certificate granted May 7, 1987.
- 2. That the applicant has the equipment, experience and fitness necessary to provide the proposed service; THEREFORE,

IT IS ORDERED: That the application be, and is, hereby approved so that the right No. 45 entered by supplemental order August 20, 1987, shall be amended to read as follows:

To transport, as a Class D carrier, by motor vehicle, property, from the facilities of Atlas Energy Products, Division of Atlas Roofing Corporation, in the borough of Camp Hill, Cumberland County, to points in Pennsylvania and vice versa;

subject to the following condition:

No right, power or privilege is granted to transport property 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 Code 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,

Jerry Rich Secretary

(SEAL)

ORDER ADOPTED: February 11,1988

ORDER ENTERED: Fabruary 19, 1988

APPENDIX B

STATEMENT OF SUPPORTING WITNESS

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF MIFFLIN

WILLIAM P. McCOY, being duly sworn according to law, deposes and says:

- Sanyo Audio Manufacturing (U.S.A.) Corp. (Sanyo) as its Manager of Material Control, Production Control and Traffic. Sanyo operates a plant at Fisher Park in Armaugh Township, Mifflin County, Pennsylvania, where it manufactures stero speakers. These stero speakers are distributed for sale to the public throughout the United States and the world. He is authorized to make this affidavit on behalf of Sanyo and is familiar with its day-to-day operations at the plant.
- 2. Sanyo was formerly Fisher Corporation. He has been employed by Sanyo and Fisher Corporation for the last 27 years. He has served as Manager of Material Control.

 Production Control and Traffic at the plant since 1974. He is responsible for arranging for transportation service for the

delivery of raw materials to the plant and also its finished products from the plant.

- 3. When at full production, the plant operates eight production lines. During two weeks of the summer, only four lines are in operation. This year, those two weeks are the weeks of July 18 and July 25. Beginning August 1, 1988, all eight production lines will be in operation at full capacity. At the moment, the plant is operating at half capacity.
- 4. When the stero speakers are completed, Sanyo delivers them by common carrier and company truck to distribution facilities in Somerset, New Jersey, Mt. Olive, New Jersey, and Compton, California. To satisfy this transportation need, Sanyo and its predecessor, Fisher Corporation, have used the services of Independent Freightway, Inc. (Inway) and its predecessor, Noerr Motor Freight, Inc. for the past 25 years. Inway became the successor to Noerr Motor Freight, Inc. during 1986.
- 5. The services rendered by Inway and Noerr Motor Freight, Inc. are most satisfactory and are provided in trailers which are 48 feet long, 96 inches wide and 13 feet 6 inches high. Inway provides the traffic to the New Jersey points on an average of two full trailer loads a day although

at times during each month the traffic is as frequent as five trailer loads each day. The traffic provided by Inway to California is of equal frequency. About three quarters of the return trips are empty. On approximately 25% of the return trips, Inway backhauls corrugated boxes and plastic bags from New York City and Patterson, New Jersey to the plant.

- for manufacture into stero speakers. Sanyo until now has maintained its own fleet. The fleet until recently consisted of two tractors, a yard jockey which previously was used as a power unit and eight trailers. The yard jockey operates at full power on only six cylinders, two cylinders having failed operating at 50% of full power. One tractor has failed. The remaining tractor may not last more than a few months. Sanyo has determined that owning or leasing its own fleet has become too costly and, instead of its fleet, desires to use the transportation services of Inway to transport inbound raw materials to its plant from origin points throughout the Commonwealth of Pennsylvania.
- 7. As soon as the yard jockey fails, Sanyo will place its only remaining over-the-road tractor in the yard. No other tractor will be acquired in replacement. The trailers will be disposed of promptly thereafter. At that point, which

- 3 -

could occur almost any day. Sanyo will need Inway's services on a daily basis. Such services will be coordinated with the interstate services which Inway presently provides to Sanyo.

Raw materials are delivered to Sanyo's plant in 8. Armaugh Township, Mifflin County at the rate of two or three full trailer loads each business day Monday through Friday, using trailers which are 48 feet long, 96 inches wide and 13 feet 6 inches high. These raw materials are styrofoam, corrugated boxes, fiberglass insulator and speaker drive parts which Sanyo purchases from 60 different vendors. The vendors ship in bulk to the plant. There are seven different origin points for the shippers within the Commonwealth of Pennsylvania -- Williamsport, Allentown, Philadelphia, Pittsburgh, Bloomsburg, Harrisburg and Mount Carmel. All origin points ship styrofoam and corrugated boxes. The fiberglass insulation, which is inserted inside the speaker as a sound resonator adding to the quality of the transmission, is shipped from Philadelphia. The speaker drive parts or sound production equipment will be shipped from Harrisburg. Damaged equipment, parts and supplies must be returned to their points of origin. This traffic is expected to continue at the rate of two to three full trailer loads each day and will be provided on return from Inway's outbound traffic from the plant to points . in New Jersey and California.

- 4 -

approximately five miles from the plant, just 15 minutes in travel time under worst conditions. The closest other carriers are located in Dubois, Harrisburg and York. Their response time is at least two hours away under best conditions. They do not provide interstate common carrier service to Sanyo which will coordinate with the proposed service. Sanyo is thoroughly satisfied with Inway, having enjoyed a successful rapport and business relationship with Inway and its predecessor during the last 25 years.

- 10. The only labor union which represents or which within the past 12 months has represented, or petitioned to represent Sanyo's employees with the National Labor Relations Board or the Pennsylvania Labor Relations Board is Local 2115 of the International Brotherhood of Electrical Workers, Milroy, PA 17063. There is not any existing or threatened labor dispute which affects Sanyo or its employees.
- ll. Sanyo has not supported any other application for permanent, temporary or emergency temporary authority covering all or any part of Applicant's proposed service territory.

 Sanyo's support of these Applications will not be withdrawn.

 Immediate need exists for the service which Applicant proposes,

and Sanyo desires that the Applications be granted immediately. Need for the proposed service is expected to continue on a permanent basis.

William William

SWORN TO AND SUBSCRIBED before me this 27^{2} day of July, 1988.

JUDITH A. CAMPBELL, Notary Public My Commission Expires: Readsville, Mifflin County, Pa.

My Commission Expires April 23, 1990

(SEAL)



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

August 18, 1988

IN REPLY PLEASE REFER TO OUR FILE

International Brotherhood of Electrical Workers Local 2115 Milroy, PA 17063

Re: Application of Independent Freightway, Inc. at A-00107087, F.1, Am-A for Temporary Authority

TO WHOM IT MAY CONCERN:

Please be advised that the above applicant has filed an application for temporary authority to render service as a common carrier or contract carrier in the Commonwealth of Pennsylvania with the Pennsylvania Public Utility Commission. The requested authority is attached.

If you wish to protest this application, the protests are due on or before September 12, 1988 at the above Commission address; and shall conform with the Provisions as set forth in Section 3.383 (5)(ii)(B) of Title 52, PA Code, Chapter 3.

"A union which represents the employes of a motor carrier or supporting shipper, which may be affected by the approval of an application for Temporary Authority, may file a protest to the application. The protests shall be limited to the issue of whether a threatened or existing labor dispute precludes Commission consideration and approval of the Temporary Authority Application."

Very truly yours,

David Ehrhart

 ${\tt Supervisor-Application\ Section}$

Bureau of Transportation

DE:nk Enclosures



A-00107087, Folder 1, Am-A INDEPENDENT FREIGHTWAY, INC. (2330 23rd Avenue, P.O. Box 7013, Rockford, Illinois 61125-7013), a corporation of the State of Delaware, inter alia - property between points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough: SO AS TO PERMIT the transportation of equipment, parts and supplies used in the manufacturing of stereo speakers, from points in Pennsylvania, to the facilities of Sanyo Audio Manufacturing (U.S.A.) Corp. located in the township of Armaugh, Mifflin County, and vice versa. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00107087, F. 1, AM-A, SEEKING THE RIGHTS CITED ABOVE. Attorney: Lloyd R. Persun, 1801 North Front Street, P.O. Box 729, Harrisburg, Pennsylvania 17108-0729.

Lloyd R. Rersun Attorney at Law 1801 North Front Street P.O. Box 729 Harrisburg, PA 17108-1729

In re: A-00107087, F. 1, Am-A - Application of Independent Freightway, Inc.

Dear Sir:

The application of Independent Freightway, Inc. for permanent and temporary authority has been captioned as attached and will be submitted for review provided no protests are filed on or before September 12, 1988. 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 Pennsylvania Bulletin of August 20, 1988.

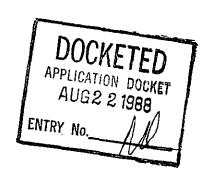
Very truly yours,

David Ehrhart Supervisor - Application Section Bureau of Transportation

DE:RP:rs

cc: Applicant
2330 23rd Avenue
P.O. Box 7013
Rockford, IL 61125-7013





A-00107087, Folder 1, Am-A INDEPENDENT FREIGHTWAY, INC. (2330 23rd Avenue, P.O. Box 7013, Rockford, Illinois 61125-7013), a corporation of the State of Delaware, inter alia - property between points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough: SO AS TO PERMIT the transportation of equipment, parts and supplies used in the manufacturing of stereo speakers, from points in Pennsylvania, to the facilities of Sanyo Audio Manufacturing (U.S.A.) Corp. located in the township of Armaugh, Mifflin County, and vice versa. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00107087, F. 1, AM-A, SEEKING THE RIGHTS CITED ABOVE. Attorney: Lloyd R. Persun, 1801 North Front Street, P.O. Box 729, Harrisburg, Pennsylvania 17108-0729.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE	SERVICE	AUG 2 0 1988
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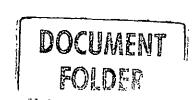
BUREAU OF TRANSPORTATION COMMON CARRIER AUGUST 1988

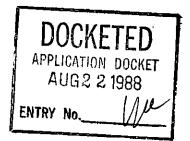
A-00107087 F. 1 Am-A

Application of Independent Freightway, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property between points in the borough of Lewistown, Mifflin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough: SO AS TO PERMIT the transportation of equipment, parts and supplies used in the manufacturing of stereo speakers, from points in Pennsylvania, to the facilities of Sanyo Audio Manufacturing (U.S.A.) Corp. located in the township of Armaugh, Mifflin County, and vice versa. APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00107087, F. 1, AM-A, SEEKING THE RIGHTS CITED ABOVE.

FW:rs 8/3/88

Application received: 7/28/88 Application docketed: 8/2/88





Protests due on No Hearings Protests due on Hearings - (5 days prior to date of hearing)

Notice of the above application was mailed to all certificate

holders and railroad companies in the service area as noted above.

PUC-240

PENNSYLVANIA PUBLIC UTILITY COMMISSION

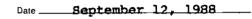


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RECEIPT

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

Independent Freightway, Inc. 2330 23rd Ave. P.O. Box 7013 Rockford, IL 61125-7013



CR 131004 A



DOCKETED SEP141988

In re application of Independent Freightway, Inc. A-00107087, F.1, Am-A......\$125.00

	Revenue accoun	001780-017601-102 (ck)
ck	033085s	\$125.00 Currency
	Utility account	50:26

C. Joseph Meisinger
For Department of Revenue

UC-240

PENNSYLVANIA PUBLIC UTILITY COMMISSION



RECEIPT

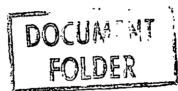
The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

Independent Freightway, Inc. 2330 23rd Ave. Rockford, IL 61125-7013

September 12, 1988

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CR 131005 A



In re application of Independent Freightway, Inc.



	Revenue account	001780-017601-102 g ck)	
Ck	033085	\$75.00 Currency	C. Joseph Meisinger For Department of Revenue
	Utility account	50:26	