



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

IN REPLY PLEASE
REFER TO OUR FILE

September 13, 1993

LLOYD R PERSUN
ATTORNEY AT LAW
PO BOX 729
HARRISBURG PA 17108

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

Dear Mr. Persun:

The above referenced application has been assigned for review without an oral hearing. In order to reach a determination on the application, you are being required to file verified statements in accordance with 52 Pa. Code §3.381(e)(1). You will be required to file:

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENTS IN SUPPORT OF APPLICATION.

The verified statements should be in paragraph form. Each heading contained in the attached minimum outline should be a separate section or paragraph.

You should be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Bluebird Coach Lines, Inc. A-00088807, F. 2, Am-K, which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application including requests for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description.

You are being granted an initial thirty (30) days to file verified statements. They will be due on or before October 13, 1993.

If additional time is required, it may be requested by telephone but must be followed in writing with the reasons for the extension stated.

Questions about your application should be directed to Tim Zeigler, 717-783-5946.

Very truly yours,

Tim Zeigler
Technical Review Section
Bureau of Transportation

DOCKETED
APPLICATION DOCKET
SEP 20 1993

ENTRY No. *[Signature]*

DOCUMENT
FOLDER

TZ:lg

METTE, EVANS & WOODSIDE

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
3401 NORTH FRONT STREET
P.O. BOX 5950
HARRISBURG, PA 17110-0950

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93 OCT -5 AM 9:26

HOWELL C. METTE
JAMES W. EVANS
ROBERT MOORE
CHARLES B. ZWALLY
PETER J. RESSLER
LLOYD R. PERSUN
CRAIG A. STONE
JAMES A. ULSH
MARIA P. COGNETTI
DANIEL L. SULLIVAN
STEVEN D. SNYDER
GLEN R. GRELL
CHRISTOPHER C. CONNER
ELYSE E. ROGERS
ANDREW H. DOWLING

MICHAEL D. REED
ROBERT P. HAYNES III
PAULA J. LEICHT
STEVEN C. PARMER
DAVID A. FITZSIMONS
GUY P. BENEVENTANO
MICHAEL D. PIPA
KAREN N. CONNELLY
ROBYN J. KATZMAN
JAYSON R. WOLFGANG
SCOTT D. MOORE
ANDREW J. OSTROWSKI
ELIZABETH M. CALCAGNO
EMILY L. LONG

ROBERT E. WOODSIDE
RETIRED
TELEPHONE
(717) 232-5000
FAX
(717) 236-1816
IRS NO.
23-1985005

October 1, 1993

Re: Application of Independent Freightway, Inc
A.107087, F.1, Am-E

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INFO. CONTROL DIV.
F. U. C.
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Secretary
Pennsylvania Public Utility
Commission
North Office Building
Harrisburg, PA 17105-3265

Dear Sir:

In accordance with Mr. Zeigler's September 13, 1993 letter, we file herewith on behalf of the Applicant the original and two copies of the following Verified Statements in support of this Application:

1. Applicant's Verified Statement acknowledged by George J. Renna, its Vice President of its Eastern Region;
2. The Verified Statement of Republic Engineered Steel, Inc., the supporting shipper, acknowledged by James E. Winterfeldt, its General Traffic Manager.

Very truly yours,

Lloyd R. Persun
Lloyd R. Persun

LRP:hmc
Enclosures
HAND DELIVERED

**DOCUMENT
FOLDER**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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OCT 5 AM 9:26

PA PUC
BUREAU OF
TRANSPORTATION

In Re: Application of : Application Docket No.
Independent Freightway, Inc. : A.00107087, F.1, Am-E

AFFIDAVIT

STATE OF NEW JERSEY :
: SS:
COUNTY OF GLOUCESTER :

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OCT 5 1993
PA PUC
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TRANSPORTATION

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

1. He is an adult individual who is employed by Applicant as Vice President of its Eastern Region. He is familiar with Applicant's day-to-day operations in Pennsylvania including the operations at Applicant's Beaver Falls, Pennsylvania Terminal. He is authorized to make this affidavit on Applicant's behalf.

2. Applicant is a Delaware corporation which is authorized to do business in Pennsylvania. Its 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 transportation as

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a common carrier of property in interstate commerce, subject to the jurisdiction of the Interstate Commerce Commission. The proposed operating authority will not duplicate Applicant's existing operating authority. No dual operations will result.

3. Applicant's Beaver Falls Terminal is located just moments from the facilities of Republic Engineered Steel, Inc. (Republic) in the City of Beaver Falls, Beaver County. At this terminal, Applicant employs two dispatchers, a receptionist and support clerical personnel. No deadhead or empty miles are expected from the proposed operations.

4. Applicant's fleet available in Pennsylvania consists of 120 van trailers, 180 flatbed trailers and 300 tractors. The van trailers are 48 feet long, 3 feet 6 inches high and 102 and 96 inches wide respectively. The flatbed trailers are 48 feet and 45 feet long respectively and 96 inches wide. This fleet will be available for use in providing common carrier service for Republic from its manufacturing plant in Beaver Falls, Beaver County.

5. Applicant proposes to transport as a Class D carrier for Republic steel bars and steel coil rods from Republic's facilities in Beaver Falls, Beaver County to points

in Pennsylvania. Applicant has received demands for this service weekly during the last four months. The demands were received by telephone from Republic whose personnel called Applicant's terminal. Republic has filed a verified statement in support of this Application.

6. Republic manufactures steel bars and steel coil rods at its Beaver Falls plant. Applicant proposes to use flatbed trailers to transport these products to points in Pennsylvania for Republic. The transportation will be available on 24 hours' notice or less. Applicant is prepared to make multiple deliveries at multiple destination points in a single truckload as requested by Republic.

7. Applicant presently provides transportation service to Republic by flatbed between points in interstate commerce. Republic is satisfied with this service. Applicant has not received any complaints about it.

8. The proposed service will coordinate at times with Applicant's traffic from its Baltimore, Maryland terminal. This traffic is destined for points in western Pennsylvania and in Ohio. On return, the tractor and trailer

may be used to service Republic's transportation demands from Republic's Beaver Falls plant.

9. Applicant's fleet is inspected monthly as of course. Drivers' daily write-ups for inspection repair also are serviced regularly. At least four times each year, Applicant conducts regularly scheduled safety meetings with its drivers. There are 300 such drivers. Neither Applicant nor its drivers nor its equipment are under any citation or were convicted of any motor vehicle violation. The drivers and Applicant are not under any safety investigation or suspension.

10. Applicant is financially fit to provide the proposed service. Exhibit "B" attached hereto and made a part hereof contains a true and correct copy of the balance sheet and income schedules filed by Applicant as part of its 1992 Interstate Commerce Commission Report Form M for the year ended December 31, 1992. Applicant's financial condition has not changed materially since December 31, 1992. Applicant continues to operate at a profit and is financially fit to provide the proposed service. Applicant has operated profitably in Pennsylvania subject to your Commission's jurisdiction continuously since early 1987 when it was originally certificated.

11. As rates for the proposed service, Applicant proposes to charge the rates and to apply the rules contained in its currently effective tariffs which are 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.

12. 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.

13. The instant Applicant was not filed as a result of any warning, road check or investigation by the Commission.

14. 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

George J. Renna

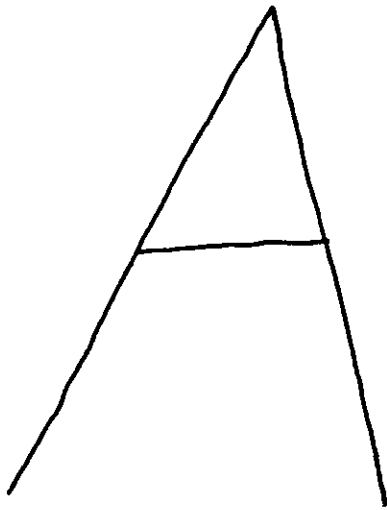
SWORN TO AND SUBSCRIBED
before me this 21st day
of September, 1993.

Elaine Alestra

Notary Public

My Commission Expires:

ELAINE ALESTRA
NOTARY PUBLIC OF NEW JERSEY
(SEAL) My Commission Expires September 6, 1994



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 Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 1st day of JULY, 1987.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Attest:


SECRETARY

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.

O R D E R

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:

1. 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:

1. 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 traveled 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 containers 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 Krentzman & 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 clay 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.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$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

ORDER ENTERED: ^F May 12, 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 11, 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.

O R D E R

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 Tsch
Secretary

(SEAL)

ORDER ADOPTED: February 11, 1988

ORDER ENTERED: February 19, 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 29, 1988

Commissioners Present:

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

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.

A-00107087
F. 1
Am-A

Shearer, Mette, Evans & Woodside, by Lloyd R. Persun, for the protestant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 28, 1988. Public notice of the application was given in the Pennsylvania Bulletin of August 20, 1988. No protests were filed and the application is now certified to the Commission for its decision without oral hearing. The record consists of verified statements submitted on behalf of the applicant and the supporting shipper.

Corresponding applications for emergency temporary and temporary authority were also filed. By Tentative Decision adopted August 18, 1988, we denied the applicant's request for emergency temporary authority. The application for temporary authority is still pending.

Independent Freightway, Inc. (IFI or applicant), is a Delaware corporation, with its corporate headquarters in Rockford, Illinois. The applicant was initially certificated in 1987 and currently operates under forty-five paragraphs of rights. IFI also holds common carrier authority from the Interstate Commerce Commission. By this application, IFI seeks authority to serve one additional shipper.

The proposed operation will be conducted from the applicant's terminal; located in Reedsville, Mifflin County. IFI has a fleet of fifty tractors and one hundred trailers available for service in Pennsylvania. A comprehensive safety program for drivers and vehicles is currently in operation. As evidence of its financial capacity to perform the additional service, the applicant reports assets of \$21,032,000, with liabilities of \$12,697,000, leaving a shareholders' equity of \$8,335,000. Gross intrastate operating revenue in 1987 was \$517,000.

William P. McCoy, manager of material control, production control and traffic for Sanyo Audio Manufacturing (U.S.A.) Corp. (Sanyo or shipper), submitted a verified statement in support of the application. Sanyo, formerly Fisher Corporation, manufactures stereo speakers at a plant in Armaugh Township, Mifflin County, approximately five miles from the applicant's terminal. The shipper plans to discontinue its private carriage operation and have all inbound and outbound shipments transported by common carrier. Raw materials and supplies are delivered to the factory at a rate of two or three full trailer loads each business day. Current Pennsylvania origins for inbound freight include Allentown, Bloomsburg, Harrisburg, Mount Carmel, Philadelphia, Pittsburgh and Williamsport. Much of the inbound freight will be moved as a backhaul for earlier intrastate and interstate outbound traffic of finished products.

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

1. That the applicant has shown that there is a public need for the proposed service.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on July 1, 1987, be amended to include the following right:

To transport, as a Class D carrier, 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.

IT IS FURTHER ORDERED: That the exceptions filed to the tentative decision, adopted August 18, 1988, at A-00107087, F. 602, be and are hereby dismissed.

IT IS FURTHER ORDERED: That, upon compliance with the conditions set forth in this order, the application for temporary authority be and is hereby dismissed.

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 the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

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.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 29, 1988

ORDER ENTERED: OCT 5 1988

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held August 1, 1991

Commissioners Present:

Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner

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 from the facilities of Carlisle Tire & Rubber Co. and Carlisle Syntec Systems in the county of Cumberland to points in Pennsylvania, and vice versa: SO AS TO PERMIT the transportation of roofing materials and roofing accessories from the facilities of Goodyear Tire & Rubber Co., in the borough of Carlisle, Cumberland County, to points in Pennsylvania; and metal building products from the facilities of Billy Penn Corporation in the city and county of Philadelphia, to points in Pennsylvania.

A-00107087
F. 1
Am-B

Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This application, filed December 13, 1990, is before the Commission for its decision without oral hearing. Public notice of the application was given in the Pennsylvania Bulletin of February 9, 1991. There were no protests and the record, which consists of statements entered by the applicant and the two supporting shippers is now certified to the Commission for its decision.

The applicant, Independent Freightways, Inc., is a Delaware corporation with terminals located on Route 665, Reedsville, Mifflin County and 641 North Easton Road, Glenside, Montgomery County. The shippers, Goodyear Tire & Rubber Co., Carlisle, Cumberland County and Billy Penn Corporation, city and county of Philadelphia, will be served by these terminals. Applicant's available fleet consists of fifty (50) tractors, seventy-five (75) flatbed trailers and one hundred (100) van trailers. Applicant employs two dispatchers and clerical support personnel at each terminal.

Applicant's fleet is inspected monthly at Hunter's Garage in Maitland, Mifflin County. The drivers' daily write-ups for inspection and repair are also serviced there. Four times each year, applicant conducts safety meetings with its drivers. Equipment is dispatched by telephone and communications with shippers is by phone. An unaudited balance sheet submitted by the applicant shows total assets of \$41,571,000 with total liabilities of \$23,638,000 leaving stockholders' equity of \$17,933,000. An income statement shows total net income for the first three months of 1991 to be \$336,000.

Eric Hersh, controller of Billy Penn Corporation submitted a verified statement on its behalf. Billy Penn is engaged in the business of manufacturing and selling residential metal building products such as downspouts, gutters, heating-ventilating-air conditioning (HVAC) products and accessories thereto. Billy Penn requires the transportation of four full truckloads of residential metal building products each week, using vans. Movements will originate at its warehouse in the city of Philadelphia. The destination points are over two hundred retail lumber yards at points throughout the Commonwealth of Pennsylvania. Each truckload involves up to ten stops for delivery at various lumber yards. Damaged or rejected merchandise is returned to the shipper.

Louis R. Macedo, warehouse manager of Goodyear Tire & Rubber Co., Carlisle, Cumberland County, submitted a verified statement on its behalf. Goodyear ships roofing materials, adhesives, screws, flashings and fasteners on flatbed equipment. The roofing materials and accessories are distributed from this facility to points throughout Pennsylvania. Goodyear requires the transportation of six to seven full truckloads of roofing materials and accessories each week. Among the destination points are Philadelphia, Pittsburgh, Milford, Concordville, McKees Rock, New Castle, Greensburg, Bethlehem, Washington, Altoona, Duncansville, Ambridge, Bakerstown, Beaver Falls, Roaring Springs, West Mifflin and Cheswick. Shipments often require multiple stops enroute to the final destination. Damaged and rejected merchandise is returned to the shipping point.

A review of the record shows that the applicant has the ability, equipment, experience and fitness necessary to provide the proposed service. The supporting shipper has demonstrated a need for the services of the applicant.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted July 1, 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, and that the certificate issued on July 1, 1987, as amended, be further amended to include the following rights:

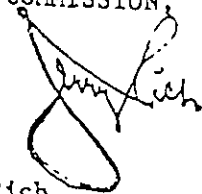
1. To transport, as a Class D carrier, roofing materials and roofing accessories from the facilities of Goodyear Tire & Rubber Co., in the borough of Carlisle, Cumberland County, to points in Pennsylvania;
2. To transport, as a Class D carrier, metal building products from the facilities of Billy Penn Corporation, in the city and county of Philadelphia, to points in Pennsylvania.

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 the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 1, 1991

ORDER ENTERED: August 2, 1991

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held November 5, 1992

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner

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, from the facility of Owens-Corning Fiberglass Corporation, in the counties of Dauphin and Cumberland, to points in Pennsylvania, and vice versa: the transportation of (1) manufactured pre-cast concrete units from the facilities of Beavertown Cast Stone, Inc., located in the township of Franklin, Snyder County, to points in Pennsylvania; (2) industrial water treatment chemicals from the facilities of Betz Laboratories, Inc., located in the township of Middletown, Bucks County, to points in Pennsylvania; (3) feed grade pre-mixes for livestock in bags, not in bulk, from the facilities of Precise Agri-Products, Inc., located in the township of Middlecreek, Snyder County, to points in Pennsylvania; and (4) vitamins and minerals in bags, not in bulk, from points in the borough of Braddock, Allegheny County and the borough of Lititz, Lancaster County to the facilities of Precise Agri-Products, Inc., located in the township of Middlecreek, Snyder County.

A-00107087
F. 1
Am-C

Mette, Evans & Woodside by Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 11, 1992. Public notice of the application was given in the Pennsylvania Bulletin of July 4, 1992 and no protests were received.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and three (3) supporting parties.

Independent Freightway, Inc. (applicant or Freightway) is a corporation of the State of Delaware with Pennsylvania facilities located at Beavertown, Snyder County and Coatesville, Chester County. Both facilities are located less than one-half hour's drive from the three supporting shippers herein. At each terminal applicant employs two dispatchers, a receptionist and support clerical personnel. Freightway's fleet available in Pennsylvania consists of 120 van trailers, 180 flatbed trailers and 300 tractors. A comprehensive safety and maintenance program is in effect.

The balance sheet of the applicant for the period ended December 1991 shows total current assets of \$39,322,000, total assets of \$46,117,000, total current liabilities of \$11,151,000, long-term debt of \$12,023,000, total equity of \$20,540,000 and total liabilities of \$25,577,000. The statement of income and expenses for the same period of time shows total revenue of \$158,656,000, cost of operations totaling \$142,919,000, an operating profit of \$7,616,000 was reported, and a net income of \$2,943,000 was shown.

Beavertown Cast Stone, Inc. (supporting shipper or Beavertown) is a manufacturing plant located in Franklin Township, Snyder County, engaged in the manufacture of architectural and structural precast concrete units. These units consist principally of columns, double T's, copings and fascia. The supporting shipper manufactures the precast concrete units to customer specifications. As part of Beavertown's contract with its customers, it is required to deliver the units to construction sites. Beavertown is downsizing its fleet as it wants to get out of the trucking business. Beavertown was required to make deliveries of its product during 1991 on 251 days. These shipments involved 923 separate full truckloads on drop deck trailers and flatbed trailers. During 1992 the same level of traffic has continued and is expected to continue hereafter. It is anticipated that Beavertown will tender applicant approximately two (2) full truckloads per day. Transportation is required from the

supporting shipper's plant in Franklin Township, Snyder County to construction sites located throughout Pennsylvania. Representative points of destination include: Norristown, Philadelphia, Chester, Levittown, West Chester, Reading, Allentown, Scranton, Wilkes-Barre, Lancaster, Williamsport, State College, Altoona, Johnstown, Milton and Hazleton.

Betz Laboratories, Inc. (supporting shipper or Betz) is engaged in the business of manufacturing and selling industrial water treatment chemicals. Betz maintains plant and warehouse facilities in Middletown Township, Bucks County. The industrial water treatment chemicals must be delivered to the customers in containers. The containers are polytanks (plastic) and stainless steel tanks; each container holds approximately 300 gallons of product. Betz's private fleet is inadequate to meet its demands to its customers. The supporting shipper will tender applicant three to four (3-4) full truckloads per week. Betz requires flatbed trailers because it is easy to load and unload without a loading dock. Forklifts simply remove the product from the flatbed. Traffic will originate from Betz's plant and warehouse in Middletown Township, Bucks County, destined to such customers in Pennsylvania as steel mills, paper mills, hospitals and electricity generating plants. Representative points of destination include: Saint Marys, DuBois, Erie, Pittsburgh, Altoona, York, Allentown, Scranton, Wilkes-Barre, Philadelphia, Steelton and Monongahela.

Renaissance Nutrition, Inc. (supporting shipper or RNI) is engaged in the business of manufacturing and selling feed grade pre-mixes for livestock. RNI's feed grade pre-mixes are manufactured at the plant of Precise Agri-Products, Inc. (PAP) which is located in the borough of Middle Creek (sic), Snyder County. The supporting shipper requires the transportation of its product from PAP's plant to customers located in Pennsylvania which include RNI's distributors, large farms and feed mills. RNI requires the transportation of grade pre-mixes delivered in bags each holding approximately 50 pounds of product. Each movement consists of a flatbed fully underload. During the summer, applicant will be tendered three to four (3-4) outbound movements per week; during the fall, four to six (4-6) movements per week. Representative points of destination include: Butler, Carlisle, Ephrata, Philipsburg, Slippery Rock, Thompsontown, Tyrone, Hanover and Loganton. RNI also requires inbound movement to PAP's plant consisting of vitamins and minerals in bags, not in bulk. Service is required from RNI's suppliers located in the borough of Braddock, Allegheny County and the borough of Lititz, Lancaster County. These vitamins and minerals are ingredients used in the manufacture of RNI's feed grade pre-mixes. On the inbound movement applicant will be tendered four (4) flatbed loads per month.

DISCUSSION AND FINDINGS

Independent Freightway, Inc. is a common carrier currently certificated by this Commission to transport generally, under 49 grants of authority, various commodities for numerous shippers to and from their facilities located throughout Pennsylvania. Applicant seeks the additional rights to transport specific commodities from the facilities of two shippers and from and to named facilities for a third shipper. The application was published in the Pennsylvania Bulletin and no protests were filed.

Beavertown Cast Stone, Inc. and Betz Laboratories, Inc., supporting shippers, are both manufacturers requiring the transportation of specifically named commodities from their facilities to points in Pennsylvania. These two (2) shippers have demonstrated a requirement for the service as proposed under rights captioned (1) and (2).

Renaissance Nutrition, Inc., supporting shipper, states it is a manufacturer and seller, requiring the transportation of its commodities in bags to and from the plant of Precise Agri-Products, Inc. (PAP), located in the borough of Middle Creek, Snyder County. In this instance, the supporting shipper is not giving support for service from its facilities. It is supporting service from the facilities of another business. As Renaissance Nutrition, Inc. is the supporting shipper and all service will be performed "for" it, we shall modify the grant of authority to read "for Renaissance Nutrition, Inc." from and to the facilities of Precise Agri-Products, Inc.

Renaissance Nutrition, Inc. sets forth in its verified statement that service is required from the plant of PAP, which is located in the borough of Middle Creek, Snyder County. By letter dated October 15, 1992, applicant verifies that PAP's facilities are located in the township of Middlecreek, Snyder County, as captioned.

Independent Freightway, Inc. has amply demonstrated a need for the service as modified. Applicant has the ability, experience and equipment to provide the service. Approval of the application as modified is in the public interest and is necessary for the accommodation and convenience of the public.

We find that:

1. Applicant currently operates pursuant to a common carrier certificate issued by the Commission on July 1, 1987, with amendments thereto.

2. Two (2) of the supporting shippers have demonstrated a need for the service as proposed.

3. The support of the third shipper, RNI, indicates that service will be rendered "for" it but from the facilities of another business; therefore, the authority should be modified to read "for RNI".

4. Applicant has the equipment, experience and fitness necessary to render the service as modified.

5. The evidence of record establishes necessity for the service as modified.

6. The applicant has established that approval of the application, as modified, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, as modified, and that the certificate issued on July 1, 1987 as amended, be further amended to include the following rights:

To transport, as a Class D carrier, manufactured pre-cast concrete units from the facilities of Beavertown Cast Stone, Inc., located in the township of Franklin, Snyder County, to points in Pennsylvania.

To transport, as a Class D carrier, industrial water treatment chemicals from the facilities of Betz Laboratories, Inc., located in the township of Middletown, Bucks County, to points in Pennsylvania.

To transport, as a Class D carrier, feed grade pre-mixes for livestock in bags, not in bulk, for Renaissance Nutrition, Inc., from the facilities of Precise Agri-Products, Inc., located in the township of Middlecreek, Snyder County, to points in Pennsylvania.

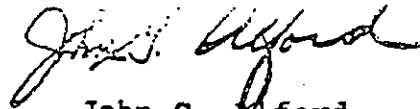
To transport, as a Class D carrier, vitamins and minerals in bags, not in bulk, for Renaissance Nutrition, Inc., from points in the borough of Braddock, Allegheny County and the borough of Lititz, Lancaster County to the facilities of Precise Agri-Products, Inc., located in the township of Middlecreek, Snyder County.

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 the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

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.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: November 5, 1992

ORDER ENTERED: NOV 13 1992

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 10, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
John Hanger

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, 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: SO AS TO PERMIT the transportation of steel, for Ingersoll Rand Company, from the facilities of Lukens Steel Corporation, located in the city of Coatesville, Chester County, and in the borough of Conshohocken, Montgomery County, to the facilities of Ingersoll Rand Company, located in the borough of Shippensburg, Franklin County, and return.

A-00107087
F. 1
Am-D

Lloyd R. Persun for the applicant.

O R D E R

BY THE COMMISSION:

This application was filed January 8, 1993. Public notice of the application was given in the Pennsylvania Bulletin of February 6, 1993. There were no protests and the record, which consists of statements entered by the applicant and the supporting shipper, is now certified to the Commission for its decision without oral hearing.

The applicant, Independent Freightway, Inc., is a Delaware corporation with terminals located in Coatesville, Chester County and Beavertown, Huntingdon County. Applicant's available fleet consists of three hundred (300) tractors, one hundred twenty (120) van trailers and one hundred eighty (180) flatbed trailers. Applicant employs two dispatchers and clerical support personnel at each terminal.

Applicant's fleet is inspected monthly, drivers' daily write-ups for inspection and repair are submitted. Four times each year, applicant conducts safety meetings with its drivers. Equipment is dispatched by telephone and communications with shippers is by phone. An unaudited balance sheet submitted by the applicant shows total assets of \$55,232,232 with total liabilities of \$30,700,650 leaving stockholders equity of \$24,531,582. An income statement shows total net income for 1992 to be \$4,106,915.

Don Gillen, traffic manager for Ingersoll Rand Company (Ingersoll), Shippensburg, Franklin County submitted a statement in support of the application. Ingersoll purchases steel from Lukens Steel Corporation (Lukens) at Lukens' plants which are located in Coatesville, Chester County, and in Conshohocken, Montgomery County. Ingersoll arranges for the transportation of that steel by flatbed trailers from Lukens' plants to Ingersoll's manufacturing plant in the borough of Shippensburg, Franklin County. Ingersoll desires the applicant to provide this transportation using its flatbed trailers. Ingersoll will offer applicant five full truckloads each week, averaging 20 truckloads per month. Thirty percent of the movements will originate in Coatesville and seventy percent of the movements will originate in Conshohocken. The destination point for each movement is Ingersoll's facilities in Shippensburg. Ingersoll also requires the return of damaged or rejected steel to its origin point.

Applicant presently transports Ingersoll's interstate finished products from its Shippensburg plant. These products consist of machinery such as forklifts, road construction equipment, pavers and milling machinery. Ingersoll is satisfied with this existing service. The proposed service will be coordinated with the existing service, conserving time and money and utilizing equipment and personnel to the maximum.

DISCUSSION AND FINDINGS:

The shippers statement sets forth a need to return damaged or rejected steel to its origin point. The application reads "and return". The term "and return" in the authority is unnecessary as 52 Pa. Code §31.37 authorizes all property carriers to transport refused, rejected or damaged shipments, in a return move, to their point of origin. Therefore, the words "and return" will be eliminated from the authority herein granted.

We find:

1. That the applicant currently operates pursuant to a common carrier certificate granted July 1, 1987.

2. That the authority granted be modified to remove the term "and return".

3. That the applicant has the equipment, experience and fitness necessary to provide the proposed service as modified.

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

IT IS ORDERED: That the application as modified be and is hereby approved, and that the certificate issued on July 1, 1987 as amended, be further amended to include the following right:

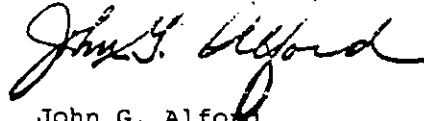
To transport as a Class D carrier steel, for Ingersoll Rand Company, from the facilities of Lukens Steel Corporation, located in the city of Coatesville, Chester County, and in the borough of Conshohocken, Montgomery County, to the facilities of Ingersoll Rand Company, located in the borough of Shippensburg, Franklin County.

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 the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

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

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.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: June 10, 1993

ORDER ENTERED: JUN 21 1993

B

SCHEDULE 100 — BALANCE SHEET — ASSETS

LINE NO.	ACCOUNT (a)	RESPONDENT ONLY		CONSOLIDATED	
		BALANCE CLOSE OF YEAR (b)	BALANCE BEGINNING OF YEAR (c)	BALANCE CLOSE OF YEAR (d)	BALANCE BEGINNING OF YEAR (e)
1	1010-1030 Cash, deposits and temporary investments	\$	\$	\$	\$
2	1111 Notes receivable; Officers, stockholders & employees				
3	1112 Notes receivable; Others				
4	1120 Receivable from affiliated companies	23,791,209	21,282,952		
5	1130 Accounts receivable customer and interline (net)	18,788,495	16,636,255		
6	1133 Accounts receivable; Officers, stockholders & empl.				
7	1132-1138 Accounts receivable, all other	3,278,898	2,819,814		
8	1140 Prepayments	422,817	428,767		
9	1151-1160 Materials, supplies and other current assets				
10	1170 Deferred income tax charges				
11	TOTAL CURRENT ASSETS	46,281,419	41,167,786		
12	1211-1245 Carrier operating property	7,633,180	4,791,800		
13	1214-1244 Less: Accumulated depreciation	(3,510,815)	(2,956,148)	()	()
14	1251 Carrier operating property—leased to others				
15	1252 Less: Accumulated depreciation	()	()	()	()
16	1261 Property used in other than carrier operations				
17	1262 Less: Accumulated depreciation & amortization	()	()	()	()
18	TOTAL TANGIBLE PROPERTY	4,122,365	1,835,652		
19	TOTAL INTANGIBLE PROPERTY	4,608,448	4,739,344		
20	1410 Investments and advances—affiliated companies				
21	1420 Undistributed earnings—certain investments in affiliated companies				
22	1430-1451 Investments & advances—Other				
23	NET-INVESTMENTS AND ADVANCES				
24	1512 Deferred debts	220,000	220,000		
25	1520 Accumulated deferred income tax charges				
26	1551 Clearing accounts				
27	TOTAL DEFERRED CHARGES	220,000	220,000		
28	TOTAL ASSETS	55,232,232	47,962,784		

Motor Carrier Annual Report M

EXHIBIT "B"

INQUIRY SERVICE CALL CENTER No. 1-800-475-9999
 ID: 815-395-6993
 APR 22 93 15:40 No. 009 P. 03
 Year 1994
 INDEPENDENT FREIGHTWAY

SCHEDULE 100 — BALANCE SHEET — LIABILITIES

LINE NO.	ACCOUNT (a)	RESPONDENT ONLY		CONSOLIDATED	
		BALANCE CLOSE OF YEAR (b)	BALANCE BEGINNING OF YEAR (c)	BALANCE CLOSE OF YEAR (d)	BALANCE BEGINNING OF YEAR (e)
29	2010 Notes Payable & Matured Obligations	\$	\$	\$	\$
30	2021 Payables to affiliated companies	870,000	805,000		
31	2031 Accounts payable officers, stockholders & empls.				
32	2032-2034, 2051 Accounts—Interline, empl. withholdg, COD's, other	1,820,118	1,909,320		
33	2041 Salaries and wages payable	1,205,189	803,282		
34	2110-2120 Accrued taxes				
35	2130-2150 Other current & accrued liabilities	6,033,609	4,924,327		
36	2161 Current equipment obligations and other debt	464,000	16,732		
37	2172-2181 Estimated liabilities accrued	2,225,855	2,653,456		
38	2190 Deferred income tax credits				
39	TOTAL CURRENT LIABILITIES	14,618,771	13,112,117		
40	2310 Advances payable—Affiliated companies	12,023,000	12,023,000		
41	2320 Other advances payable				
42	2331-2341 Other long-term debt due after one year—Fixed rate	0	0		
43	2331-2341 Other long-term debt due after one year—Floating rate				
44	2412-2511 Deferred credits & estimated liabilities	4,058,879	2,403,000		
45	2420 Accumulated deferred income tax credits				
46	TOTAL LIABILITIES	30,700,650	27,538,117		
47	2530 Equity of minority stockholders of subsidiaries	XXX	XXX		
48	2611 Capital stock—preferred				
49	2612-2621 Capital stock—common	1,000	1,000		
50	2631-2641 Additional paid in capital	13,387,000	13,387,000		
51	2651-2655 Retained earnings & net unrealized loss on securities	11,143,582	7,036,667		
52	2661 Less—Treasury stock				
53	2711-2811 Proprietary or Partnership Capital			XXX	XXX
54	TOTAL OWNERS' EQUITY OR CAPITAL	24,531,582	20,424,667		
55	TOTAL LIABILITIES AND EQUITY	55,232,232	47,962,784		
SCHEDULE 200— STATEMENT OF CHANGES IN TOTAL OWNERS'S EQUITY					
1	Balance at Beginning of Year	7,036,667	4,209,397		
2	Prior Period Adjustments to Beginning Balance				
3	Capital Stock Issued				
4	Net Income (Loss)	4,106,915	2,822,270		
5	Dividends				
6	Other (Please itemize)				
7					
8	Balance at the End of Year	11,143,582	7,036,667		

NOTE: This schedule should include all elements of owners' equity including proprietor capital, common and preferred stock, capital surplus and retained earnings.

Motor Carrier Annual Report M

INWAY TRAFFIC 101004

ID: 815-395-69933
INDEPENDENT FREIGHTWAY, INC.

APR 22 93

15:41 No. 009 P. 04
YEAR 1992

SCHEDULE 300 — STATEMENT OF OPERATIONS

LINE NO.	ACCOUNT (a)	RESPONDENT (b)	CONSOLIDATED (c)
1	3100 Freight revenue—Intercity common carrier	\$ 175,003,552	\$
2	3200 Freight revenue—Intercity contract carrier		
3	3300 Freight revenue—Local cartage		
4	3400 Intercity transportation for other motor carriers	8,768,332	
5	3900 Other operating revenue		
6	3990 Private carriage & CIH revenues		
7	3100-3900 Household goods carrier operating revenue		
8	TOTAL OPERATING REVENUES	184,771,884	
9	4000-5900 Carrier operating expenses		
10	4100-8900 Household goods carrier operating expense		
11	TOTAL OPERATING EXPENSES	175,883,277	
12	NET CARRIER OPERATING INCOME	8,888,607	
13	8100/9100 Income from noncarriers operations—credit		
14	8100/9100 Expense from noncarriers operations—(debit)		
15	8210-8220/ 9210-9220 Interest and dividend income		
16	8310-8320/ 9310-9320 Lease of distinct operating unit—net (debit) credit		
17	8410-8445/ 9410-9445 Other nonoperating income (deductions)	(130,896)	
18	8510-8540/ 9510-9540 Non-operating gains (losses) on disposition of assets, land, and structures		
19	8600/9600 Interest & Amortization of debt discount exp. & premium	1,801,796	
20	TOTAL OTHER INCOME (EXPENSE)	(1,932,692)	
21	ORDINARY INCOME BEFORE TAXES	6,955,915	
22	8710/9710 Income taxes currently payable—Federal	2,078,000	
23	8720-8730/ 9720-9730 Income taxes currently payable—State & Other	170,000	
24	8740/9740 Deferred taxes	601,000	
25	Deferred Investment Tax Credit, if applicable		
26	Amortization of Investment Tax Credit, if applicable		
27	TOTAL PROVISION FOR INCOME TAX	2,849,000	
28	ORDINARY INCOME (LOSS) AFTER TAXES	4,106,915	
29	Earnings (Losses) App. to Minority Stockholders or Subsids.		
30	Equity in Undistributed Earnings (Losses) of Affiliates		
31	8750-8755/ 9750-9755 Gain or (loss) on discontinued segments		
32	Income/(Loss) before extraordinary losses and accounting changes (Line 28 plus/minus 29, 30 & 31)		
33	8810-8850/ 9810-9850 Extraordinary Items (Net) + Income Taxes on Extr. Items		
34	8851/9851 Provisions for deferred taxes—extraordinary items		
35	8860/9860 Cumulative effect of changes in accounting principles		
36	TOTAL EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES		
37	NET INCOME (LOSS)	4,106,915	
38	OPERATING RATIO (L. 11 + L. 8)	95.19	

Note: Include HHG accounts 4300 and 4400 on lines 13 and 14.

SCHEDULE 400 — OPERATING EXPENSES (Respondent only)

This schedule shall be completed by all respondents except those respondents opting to complete Schedule 500. Household goods operating expenses shall be reported on Schedule 400HG.

LINE NO.	ACCOUNT (a)	TOTAL (b)
1	4100 Total salaries—Officers & supervisors	5
2	4200/4300 Total wages and misc paid time off—Others	7,122,633
3	4450 —Pension and retirement plans	103,907
4	4460 —Health & welfare expenses	740,246
5	4410-4490 —Other fringes	518,165
6	4400 Total fringe benefits	1,362,318
7	4510/4520 —Fuel, oil & lubricants for motor vehicle	0
8	4530 —Vehicle parts	0
9	4540 —Outside maintenance	1,225,614
10	4550 —Tires & tubes	699,835
11	4590 —Other operating supplies & expenses	264,954
12	4500 Total operating supplies & expenses	2,190,403
13	4600 Total general supplies and expenses	13,937,351
14	4700 Total operating taxes and licenses	111,791
15	4810 —Liability & property damage insurance	4,279,484
16	4820 —Cargo loss and damage insurance	748,334
17	4830-4890- —Other insurance expense	(549,473)
18	Total insurance expense	4,478,345
19	5110/5120 Total communication & Utilities	1,495,791
20	5310-5370 —Depreciation—Building, structures & improvements	9,467
21	5320 —Depreciation—Revenue equipment	547,169
22	5330-5360/5380 —Depreciation—Other property	201,285
23	5390 —Amortization	0
24	5300 Total Depreciation and amortization	757,921
25	5410-5430 —Vehicle rents—Motor carriers	141,609,947
26	5440/5480 —Other purchased transportation/Allowances	2,983,639
27	5490 —Equipment rents—Credits	(3,260,665)
28	5400 Total Equipment rents and purchased transportation	141,332,921
29	5500 Total building rents and office equipment rents	926,078
30	5700 Total (gain)/loss on disposal of operating assets	(118,323)
31	5900 Total miscellaneous expenses	2,286,048
32	Grand total—Operating expenses	175,881,277

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

OCT -5 AM 9:27
PA. P.U. C.
BUREAU OF
TRANSPORTATION

In Re: Application of : Application Docket No.
Independent Freightway, Inc. : A.00107087, F.1,Am-E

AFFIDAVIT

STATE OF OHIO :
: SS:
COUNTY OF STARK :

JAMES E. WINTERFELDT, being duly sworn according to
law, deposes and says:

RECEIVED
OCT -5 AM 9:27
PA. P.U. C.
BUREAU OF
TRANSPORTATION

1. He is an adult individual who is employed by Republic Engineered Steel, Inc. (Republic) as its General Traffic Manager. Republic is a Delaware corporation which maintains a manufacturing plant in the City of Beaver Falls, Beaver County, Pennsylvania. Republic is authorized to do business in Pennsylvania, having obtained its Certificate of Authority in 1989.

2. He is authorized to make this affidavit on behalf of Republic and is responsible for its transportation needs at its Beaver Plant. His duties as General Traffic Manager include traffic management and arranging for the transportation

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
OCT 5 1993
ENTRY No. *[Signature]*

of steel bars and steel core rods which are manufactured there to points in Pennsylvania.

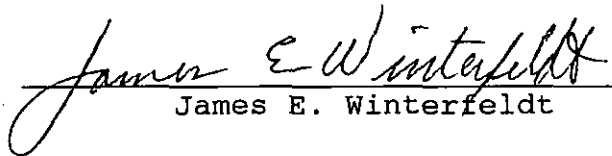
3. Each steel bar is 20 feet long when manufactured. The bars are delivered to other manufacturers for use in their processes, typically manufacture of fire arms. The bars are drilled and formed as gun barrels. Each steel coil rod is 20 feet long, ranging in diameter from one quarter of an inch to three quarters of an inch. The steel coil rods likewise are delivered to other manufacturers which use them to manufacture gun triggers, axles, spark plugs and bearings. The manufacturers are located in Pennsylvania.

4. The steel bars and steel coil rods must be transported by flatbed. Republic proposes to offer Applicant at least two truckloads each week. All movements will originate at Republic's manufacturing plant in the City of Beaver Falls, Beaver County, Pennsylvania. The destination points are detailed on Exhibit "A" attached hereto and made a part hereof. Each truckload normally will require deliveries to several customers at several different destination points shown on Exhibit "A" hereto. Republic also desires the return of damaged or rejected steel to its origin point.

5. Republic presently uses Xpress, Inc., Glassport, Pennsylvania (Xpress) and Lester M. Prang, Inc., Kirkwood, Pennsylvania and in an attempt to meet its transportation needs. These carriers lack the tractors and trailers necessary to satisfy Republic's transportation needs in Pennsylvania. They also are not available on 24 hours' notice and are not willing to make multiple deliveries at different destination points using a single truckload. These factors make their transportation service unsatisfactory. Applicant possesses adequate tractors and flatbed trailers for Republic's purposes; is available on 24 hours' notice; and is willing to make multiple deliveries at multiple destination points on a single movement. These factors are necessary to satisfy Republic's transportation needs.

6. Republic does not support any other application for permanent, temporary or emergency temporary authority covering all or any part of Applicant's service territory. Three years ago, Republic supported Xpress's Application. However, Xpress' services are not adequate to meet Republic's transportation needs. It lacks the tractors and flatbed trailers; is not available on 24 hours' notice; and is not willing to make multiple deliveries from a single full truckload.

7. Republic's support of this Application will not be withdrawn. Immediate need exists for the service which Applicant proposes. That need is expected to continue on a permanent basis.


James E. Winterfeldt

SWORN TO AND SUBSCRIBED
before me this 27th day
of September, 1993.


Notary Public

My Commission Expires:

(SEAL)

Sherree A. Amos, Notary Public
State of Ohio
My Commission Expires February 20, 1998

EXHIBIT "A"

DESTINATION POINTS IN PENNSYLVANIA

Beaver Falls, Beaver County
Bensalem, Bucks Bountty
Blairsville, Indiana County
Clinton, Allegheny County
Erie, Erie County
Huntington Valley, Bucks & Montgomery Counties
Lancaster, Lancaster County
Leetsdale, Allegheny County
Monaca, Beaver County
Mt. Joy, Lancaster County
Philadelphia, Philadelphia County
Pittsburgh, Allegheny County
St. Marys, Elk County
Telford, Montgomery County
Throop, Lackawanna County
York, York County

EXHIBIT "A"



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

IN REPLY PLEASE
REFER TO OUR FILE

October 5, 1993

LLYOD R PERSUN
ATTORNEY AT LAW
PO BOX 5950
HARRISBURG PA 17110-0950

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

Dear Mr. Persun:

We have received the verified statements filed in the above
referenced proceeding.

The record will be reviewed and will be put before the Commission
for its decision. You will be notified of the Commission's action.

Very truly yours,

By Tim Zeigler
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

TZ:lg

