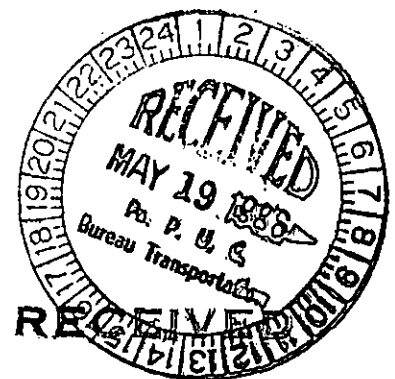


PETER G. LOFTUS

LAW OFFICES
PETER G. LOFTUS, P.C.
SUITE 424 BANK TOWERS
SCRANTON, PENNSYLVANIA 18503
AREA CODE 717
347-1453



May 15, 1986

MAY 18 1986

The Honorable Jerry Rich, Secretary
Public Utility Commission
Commonwealth of Pennsylvania
Post Office Box 3265
Harrisburg, Pennsylvania 17102

SECRETARY'S OFFICE
Public Utility Commission
FILE

RE: Larry J. Saupp and Frank Saupp, copartners
t/d/b/a Saupp's Excavating, A#00106890

Dear Secretary Rich:

Enclosed for filing are the original and two copies each of a Protest and Interrogatories directed to the above-captioned Applicant by Seaboard Tank Lines, Inc. Copies have been mailed to the Applicant's counsel of record.

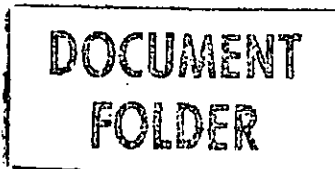
With regard to the above-captioned Application, we respectfully request that your office provide the undersigned with xerox copies of:

- A. The original Application and authority granted;...
- B. Any Affidavits filed in support of said Application;
- C. Any emergency authority granted and Affidavits in support of said authority, and
- D. Copies of any protests filed by other carriers besides Seaboard Tank Lines, Inc.

Your prompt attention to this matter is appreciated.

Very truly yours,

Peter G. Loftus
Counsel for Protestant

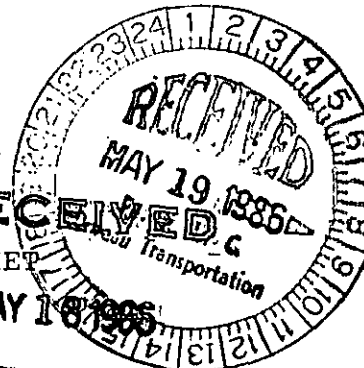


PGL/lrm

Enclosures

CC: Seaboard Tank Lines, Inc.
Larry J. Saupp & Frank Saupp

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE: APPLICATION OF

APPLICATION DOCKET
NO. 00106890

Larry J. Saupp and Frank Saupp,
Copartners, t/d/b/a Saupp's
Excavating

SECRETARY'S OFFICE
Public Utility Commission

INTERROGATORIES PROPOUNDED BY THE PROTESTANT
UNDER 62 PA. C.S.A., SECTION 333

FILE

The Protestant, Seaboard Tank Lines, Inc., through its attorney Peter G. Loftus, Esquire, does hereby propound the following Interrogatories upon the Applicant to be answered by him personally and under oath within a reasonable time not to exceed thirty (30) days after the receipt hereof as required by said Act. As used in these Interrogatories, the term "Applicant" shall include in addition to the named party their attorneys, agents, servants, employees, representatives, private investigators and others who are in possession of or who may have obtained information for or on behalf of the said named party.

These Interrogatories shall be deemed to be continuing and any information secured subsequent to the filing of answers thereto which would have been includable in the answers had it been known or available shall be supplied by supplemental answers as soon as such information becomes known or available and in all events prior to the hearing of this matter pursuant to 66 Pa. C.S.A., Section 333.

DOCKETED
APPLICATION DOCKET
MAY 19 1986
ENTRY No. *[Signature]*

1. Identify by name and address all proposed shippers

DOCUMENT
FOLDER

you plan to provide, if the captioned application is granted.

2. For each said shipper, identify the product or products you propose to haul. If petroleum products, identify specifically what types of petroleum products, their derivatives and/or by-products by their generally accepted commercial names.

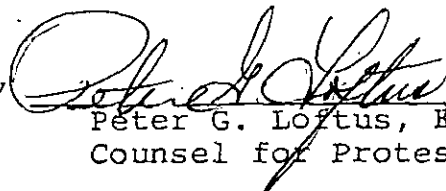
3. For each such product identify by name and address to whom said product is to be delivered.

4. For each such product identify what is the anticipated annual volume.

5. Identify by name, address and telephone number each witness you propose to call at the hearing and the subject matter of their expected testimony.

6. Will you produce without the necessity of issuing a subpoena duces tecum all documents, photographs, maps, recordings or other material whatever which you plan to introduce at the hearing? If so, please attach copies of same to your answers.

By



Peter G. Loftus, Esquire
Counsel for Protestant

Suite 424 Bank Towers
Scranton, PA 18503

(717) 347-1453

DATED: May 15, 1986

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:

DOCKET NO.

APPLICATION OF

A#00106890

Larry J. Saupp and Frank Saupp, copartners
t/d/b/a Saupp's Excavating

P R O T E S T

FILE

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In accordance with 52 Pa. Code Section 31.3 (b) and 3.381, SEABOARD TANK LINES, INC., Box 166 Monahan Avenue, Dunmore, Pennsylvania 18512, Docket No. A-00071220, herein protests the captioned application on the following grounds:

1. The Protestant, Seaboard Tank Lines, Inc. is a motor carrier transporting petroleum products, in bulk, in tank vehicles, having been granted a Territorial Scope of operation by the P.U.C. encompassing the Applicant's requested area of operation. A copy of said operating authority is attached hereto, intended to be made part hereof and marked Exhibit A.
2. The service proposed would be competitive with and detrimental to the existing authorized service of the protestant.
3. There exists no public need for the proposed service. The existing service is adequate.

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APPLICATION DOCKET
MAY 19 1986
ENTRY No. *M*


4. The proposed operation by the Applicant is not necessary or proper for the service, accommodation, convenience or safety of the public.

5. The Applicant lacks the capacity to meet the needs, obligations and responsibilities for the proposed service.

6. The Applicant has not properly advertised or given notice of its application.

7. The application, as filed, is overly broad, general in nature, without restriction or description of purpose, precluding the Protestant from being adequately appraised of the scope, nature, purpose and extent of the Applicant's business or intended business.

By



Peter G. Loftus, Esquire
Counsel for Protestant

Suite 424 Bank Towers
Scranton, PA 18503

(717) 347-1453

Dated: May 15, 1986

SEABOARD TANK LINES, INC. AUTHORITY

IT IS ORDERED: That the application be and is hereby approved as amended, and that the certificate issued to the applicant on March 29, 1954, as amended, be further amended so that the right contained in the Report and Order dated October 26, 1953, shall now read as follows:

To transport, as a Class D carrier, petroleum and petroleum products, in bulk, in tank-type vehicles, between points in Pennsylvania;

subject to the following conditions:

1. That no right, power or privilege is granted to provide service from points in the borough of Warren, Warren County, to points in the borough of Northeast, Erie County, and the borough of Corsica, Jefferson County.
2. That no right, power or privilege is granted to provide service for United Refining Company; Pennzoil Products Co.; Witco Chemical Co.; Kendall-Amalie Division, from, to or between points in the counties of Warren, Venango and McKean.

EXHIBIT A

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.

Larry J. Saupp and Frank Saupp
t/a Saupp's Excavating
P.O. Box 142
Smithmill, PA 16680

Date May 22, 1986

CR 118664 A

POCKETED
MAY 23 1986

In re application of Larry J. Saupp and Frank Saupp
t/a Saupp's Excavating
A-00106890.....\$125.00

DOCUMENT
FOLDER

Revenue account 01780-17601-102 (cd)

mo 34322642741 \$125.00 Currency _____

Utility account 50:26

C. Joseph Meisinger
For Department of Revenue

SAUPP'S EXCAVATING

P.O. BOX 142
SMITHMILL, PA. 16680
PHONE (814) 378-7087

RECEIVED

JUNE 1986

SECRETARY'S OFFICE
Public Utility Commission



June 4, 1986

The Honorable Jerry Rich, Secretary
Public Utilities Commission
Commonwealth of Pennsylvania
P.O. Box 3265
Harrisburg, Pennsylvania 17102

FILE

RE: Larry J. Saupp and Frank Saupp, co-partners
Saupp's Excavating A#00106890

Dear Secretary Rich:

Enclosed please find copy of Restrictive Amendments
to be added to application for P.U.C.

We have been in contact with counsel for the Protestant
(Seaboard Tank Lines) and were advised to send enclosed copy of
Amendment to you.

Your prompt attention in this matter will be greatly
appreciated.

Yours truly,

Larry J. Saupp
Partner, Saupp's Excavating

LJS/rs

DOCUMENT
FOLDER

FILE

A-00106890 Larry J. SAUPP AND FRANK SAUPP, COPARTNERS, t/d/b/a SAUPP'S EXCAVATING (P.O. Box 142, Smithmill, Pa. 16680)-contract carrier-property, for Narehood Limestone, from points in the borough of Tyrone, Blair County, to points in the counties of Elk, Clarion, Jefferson, Armstrong, Clearfield, Cambria, and Centre, and within an airline distance of one hundred (100) statute miles of the limits of said counties, with the right to return refused, rejected or damaged shipments to the point or origin.

RESTRICTIVE AMMENDMENT:

Excluding any Petroleum products in bulk tank vehicles.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUN 9 1986
BY No. *PA*

ORIGINAL

PETER G. LOFTUS

LAW OFFICES
PETER G. LOFTUS, P.C.
SUITE 424 BANK TOWERS
SCRANTON, PENNSYLVANIA 18503
AREA CODE 717
347-1453

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JUN 27 1986

**SECRETARY'S OFFICE
Public Utility Commission**

June 26, 1986

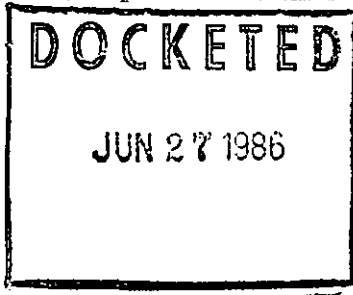
The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17102

Re: Application of Larry J. Saupp and Frank
Saupp, Copartners, t/d/b/a Saupp's Excavating
A#00106890

Dear Secretary Rich:

We are in receipt of a Restrictive Amendment in the above-referenced matter from Larry J. Saupp and Frank Saupp, a copy of which is enclosed. Based upon this Restrictive Amendment, Seaboard Tank Lines, Inc. withdraws its protest, contingent upon said Amendment being accepted by the Commission.

Please keep us on the mailing list for all future notices, opinions, etc.



Very truly yours,

A handwritten signature in cursive script, appearing to read "Peter G. Loftus".

Peter G. Loftus



PGL/dmg

Enclosure

cc: Larry J. Saupp
Walter P. Orzolek

FILE

A-00106890 Larry J. SAUPP AND FRANK SAUPP, COPARTNERS, t/d/b/a SAUPP'S EXCAVATING (P.O. Box 142, Smithmill, Pa. 16680)-contract carrier-property, for Narehood Limestone, from points in the borough of Tyrone, Blair County, to points in the counties of Elk, Clarion, Jefferson, Armstrong, Clearfield, Cambria, and Centre, and within an airline distance of one hundred (100) statute miles of the limits of said counties, with the right to return refused, rejected or damaged shipments to the point or origin.

RESTRICTIVE AMMENDMENT:

Excluding any Petroleum products in bulk tank vehicles.

**DOCUMENT
FOLDER**

| |
|---------------------------|
| DOCKETED |
| APPLICATION DOCKET |
| JUN 9 1986 |
| BY No. <i>[Signature]</i> |

CAMILLE GEORGE, MEMBER
HOUSE POST OFFICE BOX 80
ROOM 301, MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120
PHONE: (717) 787-7316

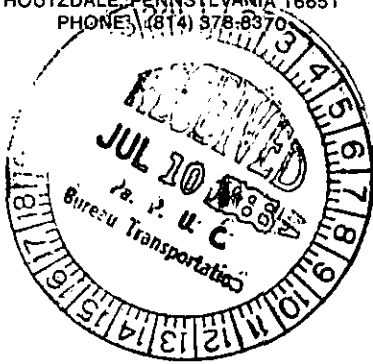


COMMITTEES

CONSERVATION, CHAIRMAN
ENVIRONMENTAL QUALITY BOARD
WATER FACILITIES LOAN BOARD
JOINT LEGISLATIVE AIR AND WATER
POLLUTION CONTROL AND
CONSERVATION COMMITTEE

512 HARRY STREET
HOUTZDALE, PENNSYLVANIA 16851
PHONE: (814) 378-8370

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG



FILE

July 8, 1986

RECEIVED

JUL 9 1986

Mr. Jerry Rich
Secretary
Public Utility Commission
G-18 North Office Building
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

A. 106890

Again, I turn to you for not only your expertise, but also because of the fine cooperation you have extended to me in the past.

My constituent, Mr. Larry Saupp of Saupp's Excavating of P.O. Box 142, Smithmill, Pennsylvania; Phone Number (814) 378-7087; has applied for rights under the PUC to haul limestone. This limestone will be hauled from the Nearhood Limestone Quarry in Tyrone to various points including Elk, Clarion, Jefferson, Armstrong, Clearfield, Cambria, and Centre Counties. In actuality, this involves 100 airplane miles.

Sometime ago, Seaboard Tank Lines had objected to the issuance of this franchise, but that is now removed and Mr. Saupp and the PUC have the letter of rescission. This is the main focal of the limestone hauling business in the central Pennsylvania area. I am asking you to intercede and look into the matter of what is delaying this franchise.

Hopefully you will accept my rationale and those in charge of the issuance of the hauling rights will recognize that the construction season will soon pass and it is important that these rights be issued as soon as possible.

RECEIVED

DOCKETED
JUL 16 1986

Sincerely,

Camille
Camille George
STATE REPRESENTATIVE

JUL 10 1986

Office of A. L. J.
Public Utility Commission

CG/dsn

cc: Mr. Larry Saupp

DOCUMENT
FOLDER



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

July 28, 1986

IN REPLY PLEASE
REFER TO OUR FILE

Larry J. Saupp and
Frank Saupp, copartners, t/d/b/a
Saupp's Excavating
Post Office Box 142
Smithmill, PA 16680

A-00106890

Application of Larry J. Saupp and Frank Saupp, copartners, t/d/b/a
Saupp's Excavating.

Dear Sirs:

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 requested to file a verified statement in accordance with 52 Pa. Code §3.381(e)(1). You will be required to file:

A. VERIFIED STATEMENT OF APPLICANT.

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

You are being granted an initial thirty (30) days in which to file the verified statement. The statement is due on or before August 26, 1986.

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

Questions about your application should be directed to Lawrence Keener-Farley.

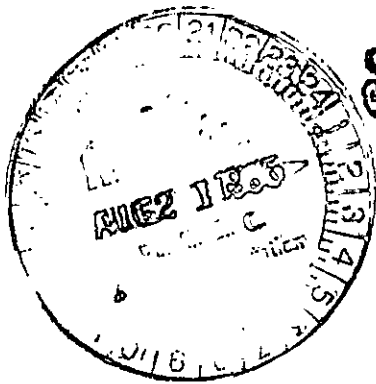
Very truly yours,

Lawrence Keener-Farley

By Lawrence Keener-Farley
For Peter S. Marzolf, Supervisor
Technical Review Section
Bureau of Transportation

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
JUL 30 1986
ENTRY No. *ms*



SAUPP'S EXCAVATING

P.O. BOX 142
SMITHMILL, PA. 16680
PHONE (814) 378-7087

August 20, 1986

A 106890

Commonwealth of Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17120

Technical Review Section
Bureau of Transportation

Dear Mr. Lawrence Keener-Farley;

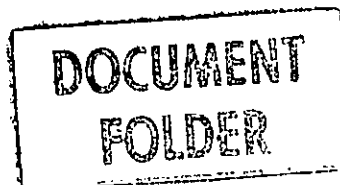
Enclosed please find notarized, "Verified Statement of Applicant", as per your instructions in letter of July 28, 1986.

I trust a determination will soon be forth coming. Any action that you can take to help expedite this matter would be greatly appreciated.

Very truly yours,

Larry J. Saupp, Partner

LJS/rs



SAUPP'S EXCAVATING

P.O. BOX 142
SMITHMILL, PA. 16680
PHONE (814) 378-7087

August 20, 1986

VERIFIED STATEMENT OF APPLICANT

1. Legal name and domicile: Saupp's Excavating, P.O. Box 142
Smithmill, Pa. 16680
2. Identity and qualifications of person making statement of applicant;
Frank Saupp-Partner Larry J. Saupp-Partner.
3. Is applicant affiliated with other carriers? No.
4. Authority sought; LARRY J. SAUPP & FRANK SAUPP, COPARTENERS t/d/b/a
SAUPP'S EXCAVATING contract-carrier-property, for Narehood Limestone
from points in the borough of Tyrone, Blair County, to points in the
counties of Elk, Clarion, Jefferson, Armstrong, Clearfield, Cambria
and Centre, within an airline distance of one hundred (100) statute
miles of the limits of said counties, with the right to return refused,
rejected or damaged shipments to the point of origin.
RESTRICTIVE AMMENDMENT: Excluding any Petroleum products in bulk
tank vehicles.
5. General scope of currently authorized operations. None
6. Duplicating authority which will result from grant of authority?
None.
7. Dual operations resulting from grant of authority. None
8. Pertinent terminal facilities and communications network.
Saupp's Excavating
P.O. Box 142 Gulich Township, Clearfield County.
Smithmill, Pa. 16680
9. Pertinent equipment. 1980 GMC General Owned.
10. Safety program; All owners have knowledge of PUC Rules & Regulations
and will follow such rules & regulations.
11. Type of service to be offered. Hauling of limestone in bulk in
dump vehicles.
12. Financial data. Attached balance sheet.
13. Whether service provided will create empty miles or backhauls.
50% backhauls.
14. Describe shipper and commodities to be transported.
Narehood Limestone, Inc. located in the borough of Tyrone, Blair Co.
P.O. Box C
Tyrone, Pa. 16680 Commodities: limestone, aggregates.

DOCKETED
APPLICATION DOCKET
AUG 25 1986

ENTRY No. *ms*

DOCUMENT
FOLDER

Saupp's Excavating

Balance Sheet
July 31, 1986

Assets

Cash.....\$ 1,447.00

Building & other
depreciable assets.....\$127,817.00
Less accumulated
depreciation..... 20,285.00 107,532.00

Total Assets.....\$ 108,979.00

Liabilities

Liabilities.....\$ 67,506.00

Capital

Partner's capital accounts..... 41,473.00

Total liabilities & capital.....\$ 108,979.00

SWORN AND SUBSCRIBED BEFORE ME THIS 20TH
DAY OF August 1986
Lawrence J. Schreiber

LAWRENCE J. SCHREIBER, NOTARY PUBLIC
ANTIS TOWNSHIP, CLAIR COUNTY
MY COMMISSION EXPIRES AUG. 28, 1988
Member Pennsylvania Association of Notaries