

RECEIVED

APR 13 1987

SECRETARY'S OFFICE  
Public Utility Commission

LAW OFFICES

PETER G. LOFTUS, P.C.

SUITE 424 BANK TOWERS

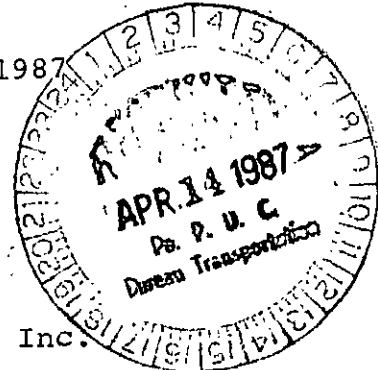
SCRANTON, PENNSYLVANIA 18503

AREA CODE 717  
347-1453

PETER G. LOFTUS

April 9, 1987

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



RE: H. Fred Barefoot Trucking, Inc.  
Application #A-00107365

FILE

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*  
Peter G. Loftus  
Counsel for Protestant

DOCUMENT  
FOLDER

PGL/lrm  
Enclosures

CC: Seaboard Tank Lines, Inc.  
J. Bruce Walter, Esq.

RECEIVED

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 13 1987  
SECRETARY'S OFFICE  
Public Utility Commission

IN RE:

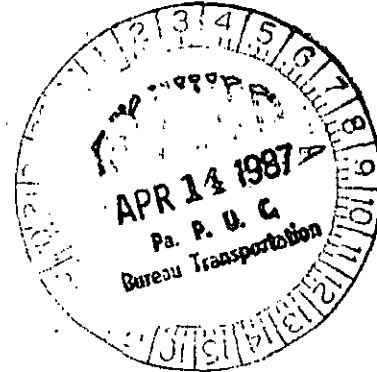
DOCKET NO. A-00107365

APPLICATION OF

H. FRED BAREFOOT TRUCKING, INC.

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.

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
APR 17 1987  
ENTRY No. *[Signature]*

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  
Peter G. Loftus, Esquire  
Counsel for Protestant

Suite 424 Bank Towers  
Scranton, PA 18503

(717) 347-1453

Dated: April 9, 1987

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

RECEIVED

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 13 1987

SECRETARY'S OFFICE  
Public Utility Commission

IN RE: APPLICATION OF

APPLICATION DOCKET  
NO. A-00107365

H. FRED BAREFOOT TRUCKING, INC.

FILE

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

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.

1. Identify by name and address all proposed shippers

**DOCKETED**  
APPLICATION DOCKET  
APR 17 1987  
ENTRY No. *AK*

**DOCUMENT  
FOLDER**

you plan to service, 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*

Peter G. Loftus, Esquire  
Counsel for Protestant

Suite 424 Bank Towers  
Scranton, PA 18503

(717) 347-1453

DATED: April 9, 1987

# 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.

H. Fred BareFoot Trucking, Inc.  
Box 25  
Alum Bank, PA 15521

Date April 13, 1987

**CR 124148 A**

MENT  
FOLDER

In re application of H. Fred BareFoot Trucking, Inc.  
A-00107365.....\$125.00

DOCKETED  
APR 14 1987

Revenue account 001780-017601-102 (ck)  
ck 5482 Checks \$125.00 Currency \_\_\_\_\_  
Utility account 50:26

C. Joseph Meisinger  
For Department of Revenue

**RHOADS & SINON**

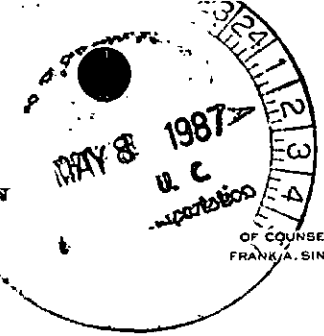
ATTORNEYS AT LAW  
410 NORTH THIRD STREET,

P. O. BOX 1146

HARRISBURG, PA 17108-1146

TELEPHONE (717) 233-5731

TELECOPIER (717) 232-1459



OF COUNSEL  
FRANK A. SINON

PAUL H. RHOADS  
1907-1984  
JOHN M. MUSSELMAN  
1919-1980  
CLYDE R. HENDERSHOT  
1922-1980

HENRY W. RHOADS  
ROBERT H. LONG, JR.  
GERALD K. MORRISON  
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JAN P. PADEN  
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ADAM G. HEFFNER\*\*  
LEE ANN FIVEASH\*\*  
JOHN T. MULHALL, III

1200 NORTH FEDERAL HIGHWAY  
BOCA RATON, FL 33432  
TELEPHONE (305) 395-5595  
TELECOPIER (305) 395-9497

818 BEACHLAND BOULEVARD  
VERO BEACH, FL 32903  
TELEPHONE (305) 231-2525

FILE NO. 21401

**FILE**

\*ALSO ADMITTED TO THE FLORIDA BAR  
\*\*ADMITTED TO THE FLORIDA BAR ONLY

Re: Application of H. Fred Barefoot Trucking, Inc., A.107365

May 6, 1987

**RECEIVED**

MAY 8 1987

**SECRETARYS OFFICE  
Public Utility Commission**

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

Attention: Jerry Rich, Secretary

Dear Secretary Rich:

Enclosed you will please find the Restrictive Amendment in the above referenced proceeding which, based upon our correspondence with Mr. Loftus, representing the protestant, will satisfy the interest of Seaboard Tank Lines, Inc.

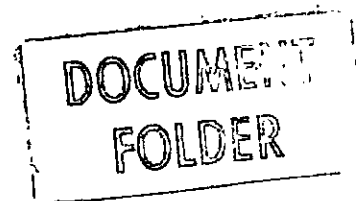
Very truly yours,

RHOADS & SINON

By:   
J. Bruce Walter

Enclosure

cc: Peter G. Loftus, Esquire  
H. Fred Barefoot Trucking, Inc.



RECEIVED

MAY 6 1987

Before the  
Pennsylvania Public Utility Commission

SECRETARYS OFFICE  
Public Utility Commission

Application of H. Fred Barefoot Trucking, Inc.  
A.107365

RESTRICTIVE AMENDMENT

FILE

AND NOW this \_\_\_\_\_ day of May, 1987, Applicant hereby  
restricts its amendment to read as follows:

Property (except petroleum and petroleum products, in  
bulk, in tank vehicles), for Galliker Dairy from its facilities in  
the City of Johnstown, Cambria County, to points in Pennsylvania  
and vice versa.

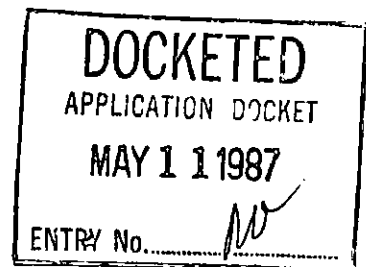
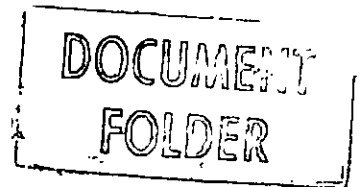
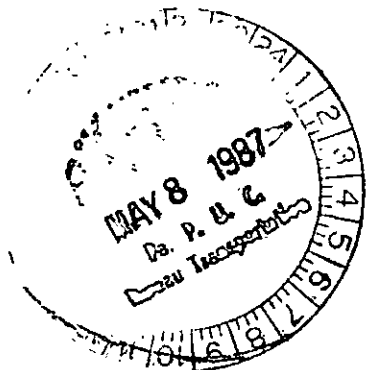
Respectively submitted,

RHOADS & SINON

By: \_\_\_\_\_

*J. Bruce Walter*  
J. Bruce Walter

Dated: May 6, 1987



LAW OFFICES

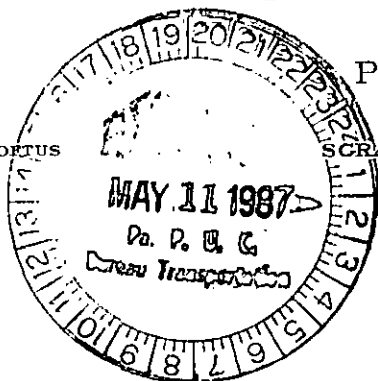
PETER G. LOFTUS, P.C.

SUITE 424 BANK TOWERS

SCRANTON, PENNSYLVANIA 18503

AREA CODE 717  
347-1453

PETER G. LOFTUS



RECEIVED

May 8, 1987

MAY 11 1987  
SECRETARY'S OFFICE  
Public Utility Commission

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

Re: Application of H. Fred Barefoot Trucking, Inc.  
A-00107365

FILE

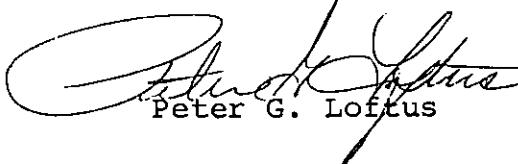
Dear Secretary Rich:

We are in receipt of a Restrictive Amendment in the above-referenced application from Attorney J. Bruce Walter, copy of which is attached.

Based upon the Restrictive Amendment, Seaboard Tank Lines withdraws its protest contingent upon acceptance of the Restrictive Amendment by the Commission.

Please continue to carry us on the mailing list for all future notices, orders, opinions, etc.

Very truly yours,

  
Peter G. Loftus

PGL:lc

Enclosure

cc: J. Bruce Walter, Esq.  
Mr. Walter P. Orzolek

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
MAY 12 1987  
ENTRY No. *W*

Before the  
Pennsylvania Public Utility Commission

Application of H. Fred Barefoot Trucking, Inc.  
A.107365

RESTRICTIVE AMENDMENT


AND NOW this \_\_\_\_\_ day of May, 1987, Applicant hereby  
restricts its amendment to read as follows:

Property (except petroleum and petroleum products, in  
bulk, in tank vehicles), for Galliker Dairy from its facilities in  
the City of Johnstown, Cambria County, to points in Pennsylvania  
and vice versa.

Respectively submitted,

RHOADS & SINON

By: \_\_\_\_\_

  
J. Bruce Walter

Dated: May 6, 1987



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

May 14, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

J. Bruce Walter  
Attorney at Law  
P.O. Box 1146  
Harrisburg, PA 17108-1146

In re: A-00107365

Application of H. Fred Barefoot Trucking, Inc.

Dear Mr. Walter:

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.

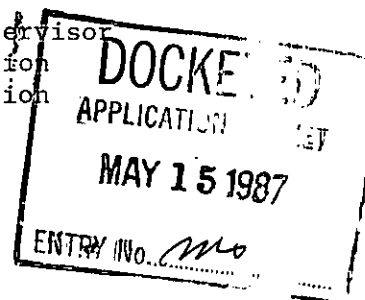
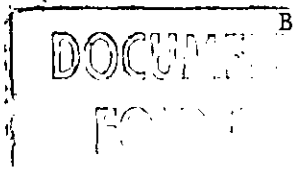
You are being granted an initial thirty (30) days in which to file the verified statement. The statement is due on or before June 15, 1987.

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 Tim Zeigler 717-783-5946.

Very truly yours,

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



HENRY W. RHOADS  
ROBERT H. LONG, JR.  
GERALD K. MORRISON  
SHERILL T. MOYER  
JAN P. PADEN  
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**RHOADS & SINON**

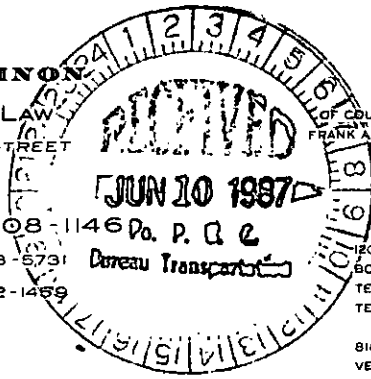
ATTORNEYS AT LAW  
410 NORTH THIRD STREET

P.O. BOX 1146

HARRISBURG, PA 17108-1146 Pa. P. O. &

TELEPHONE (717) 233-5731

TELECOPIER (717) 232-1459



OF COUNSEL  
FRANK A. SINON

PAUL H. RHOADS  
1907-1984  
JOHN M. MUSSELMAN  
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VERO BEACH, FL 32963  
TELEPHONE (305) 231-2525

FILE NO.

Re: Application of H. Fred Barefoot Trucking, Inc.  
A-107365

\*ALSO ADMITTED TO THE FLORIDA BAR  
\*\*ADMITTED TO THE FLORIDA BAR ONLY

June 8, 1987

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

Attention: Mr. Tim Zeigler,  
Technical Review Section  
Bureau of Transportation

Dear Mr. Zeigler:

Enclosed you will please find an original and one copy  
of verified statements in the above-referenced application.

Very truly yours,

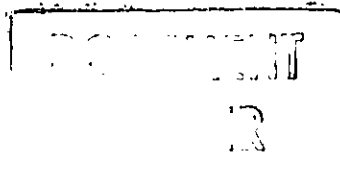
RHOADS & SINON

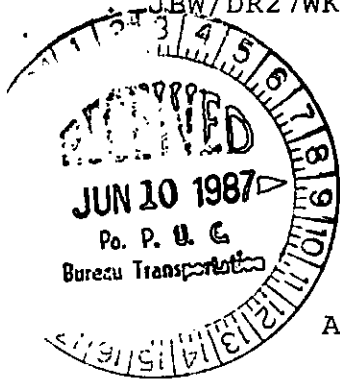
By:

*J. Bruce Walter*  
J. Bruce Walter

Enclosures

cc: H. Fred Barefoot Trucking, Inc.





Before the  
Pennsylvania Public Utility Commission

Application of H. Fred Barefoot Trucking, Inc.

VERIFIED STATEMENT

1. Legal Name and Domicile of Applicant

H. Fred Barefoot Trucking, Inc.  
Box 25  
Alum Bank, PA 15521

2. Identity and Qualifications of Testifying Witness

My name is H. Fred Barefoot. I am president of the Applicant. I am familiar with our proposed operations and am authorized to make this statement on its behalf.

3. Affiliation With Other Carriers

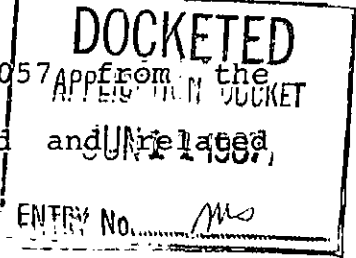
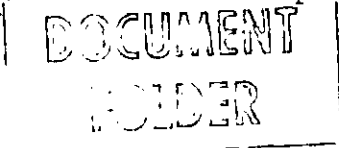
None

4. Authority Sought

Property (except petroleum and petroleum products, in bulk, in tank vehicles) for Galliker Dairy from its facilities in the City of Johnstown, Cambria County to points in Pennsylvania and vice versa.

5. General Description of Supporting Party, Organization or Operations

Applicant holds authority at MC 196057 from the Interstate Commerce Commission to transport food and ~~unrelated~~ <sup>unrelated</sup> ~~unrelated~~ <sup>unrelated</sup>



products between points in Pennsylvania on the one hand and on the other, points in New Jersey, Maryland, Virginia, West Virginia and Ohio. Applicant holds no current authority before the Pennsylvania Public Utility Commission.

6. Duplicating Authority

None

7. Dual Operations

None

8. Pertinent Terminal Facilities and Communications Network

Building, new, 50 x 75 feet, metal, housing office and shop equipment for servicing trucks. Situated on one acre of land owned by the H. Fred Barefoot Trucking, Inc. Co. Telephone in office. Two-way Motorola radios in every truck for communications while on duty.

9. Description of Equipment

We own 6 tractors, 6 Brenner trailers, 1 Mack tri-axle truck and 2 Chevy pickups.

10. Safety Evidence

I am familiar with the driving and motor vehicle equipment regulation of the U.S. Department of Transportation, the Interstate Commerce Commission and the Motor Vehicle Codes of the states in which we operate. I hereby certify that I am

familiar with all applicable regulations of the U.S. Department of Transportation relating to the safe operation of commercial vehicles, safe transportation of hazardous materials and that the operations of H. Fred Barefoot Trucking, Inc. are in compliance with these regulations.

11. Type of Service to be Provided

We currently provide no regulated service. We do transport exempt milk from the farm. We propose a combination of bulk service and refrigerated in van service. To the extent refrigerated in van service is involved for this shipper, we would use our tractors and company owned trailers. When there is service in bulk, in tank, we will be utilizing our tank trailers. We are located approximately 22 miles from the shipper's location and are able to respond to the shipper's loads which are prescheduled on a weekly basis. We arrange for a driver to appear early enough to load the materials and deliver to our shipper's customers meeting the specified time of delivery of the customer. Because this shipper has only a one bay for loading, we must accommodate his schedule. We utilize the washing facilities of the shipper.

As with most bulk traffic, the traffic is essentially one-way traffic. However, the sugar traffic involved is a return load and we will use the facilities of the sugar refinery or of another dairy to insure the cleanliness of our tanks. We offer scheduled pick-ups and scheduled deliveries and we anticipate that we will be able to do so on time. Our service is designed

to meet the shippers requirements and the demands of its customers, especially from the standpoint of the desire of many people in todays economy to maintain minimal inventory. Our equipment is used only for the transportation of compatible commodities. We are particularly able to meet their shipment requirements for their customers. We anticipate that all deliveries would be same day or next day within the application therein. We have specifically designed our service to meet the needs of our shipper and we have drivers specially trained to meet the distinct needs of our shippers.

12. Financial Data

Applicant's current balance sheet and income statement are attached as Exhibit 2.

13. Empty Miles

As discussed in paragraph 11, very few empty miles will be created, but some bulk transportation is inherently one-way traffic.

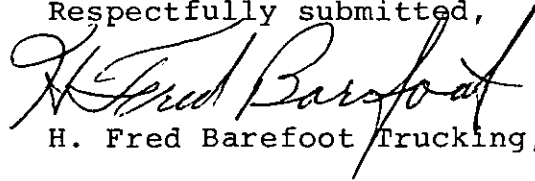
14. Describe Shipper and State Commodities to be Transported

Haul raw milk to dairy, transporting bulk and finished product from the dairy, related products and sugar to the dairy.

15. Additional Information

We devote ourselves complete to the full service required of the supporting shipper.

Respectfully submitted,

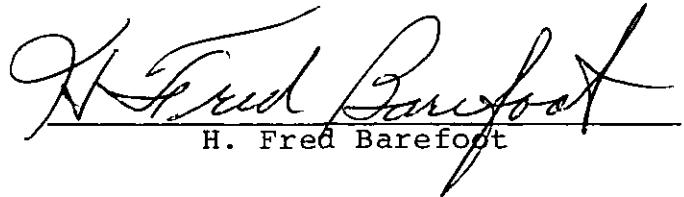
A handwritten signature in cursive script, reading "H. Fred Barefoot". The signature is written in black ink and is positioned above the printed name of the company.

H. Fred Barefoot Trucking, Inc.

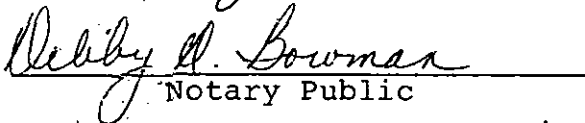
VERIFICATION

COMMONWEALTH OF PENNSYLVANIA    )  
  )    SS:  
COUNTY OF                                    )

H. Fred Barefoot, being duly sworn, deposes and says that he is President of H. Fred Barefoot Trucking, Inc., that he has made the foregoing statement which he is authorized to do, and knows the contents thereof which are true and correct as stated.

  
\_\_\_\_\_  
H. Fred Barefoot

Sworn to and subscribed before me, a Notary Public, this 2 day of June, 1987.

  
\_\_\_\_\_  
Notary Public

*My Commission expires 9/27/88*

***Seager & Seager, Inc.***

Accountants and Auditors

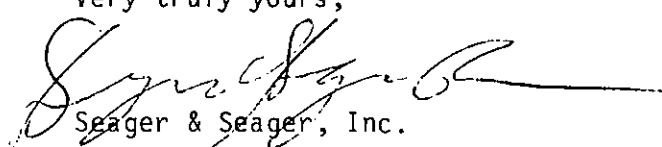
May 26, 1987

Board of Directors  
H. Fred Barefoot Trucking, Inc.  
Alum Bank, Pa. 15521

The accompanying balance sheet of H. Fred Barefoot Trucking, Inc. as of November 30, 1986, and the related statements of income and changes in financial position for the year then ended have been compiled by us.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Very truly yours,

  
Seager & Seager, Inc.

**SEAGER & SEAGER, INC.**

**222 SOUTH RICHARD STREET  
BEDFORD, PENNSYLVANIA 15522**

**H. FRED BAREFOOT TRUCKING, INC.  
BALANCE SHEET  
SEE ACCOUNTANT'S REPORT  
NOVEMBER 30, 1986**

---

ASSETS

Current Assets:

Cash	\$126,176	
Prepaid Expenses	5,005	
Employee Advance	2,000	
Total Current Assets		\$133,181

Fixed Assets:

Equipment	\$672,706	
Accumulated Depreciation	507,975	
Total Fixed Assets		164,731

Other Assets:

Deposits	\$ 100	
Cash Surrender Value Offices Life Ins.	7,800	
Note Receivable	67,520	75,420

TOTAL ASSETS		<u>\$373,332</u>
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LIABILITIES & STOCKHOLDERS EQUITY

Current Liabilities:

Withheld Taxes		\$ 2,279
Total Liabilities		<u>\$ 2,279</u>

Stockholders Equity:

Common Stock	\$ 29,476	
Retained Earnings	341,577	
Total Stockholders Equity		<u>371,053</u>

TOTAL LIABILITIES & STOCKHOLDERS EQUITY		<u>\$373,332</u>
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The accompanying notes are an integral part of these financial statements

**SEAGER & SEAGER, INC.**

222 SOUTH RICHARD STREET  
BEDFORD, PENNSYLVANIA 15522

H. FRED BAREFOOT TRUCKING, INC.  
STATEMENT OF INCOME  
SEE ACCOUNTANT'S REPORT  
FOR THE YEAR ENDED NOVEMBER 30, 1986

<u>Income:</u>		
Hauling	\$582,066	
Interest	10,694	
Miscellaneous	4,920	
Total Income		\$597,680
<u>Expenses:</u>		
Officers Salaries	\$ 88,602	
Wages	134,717	
Repairs	26,544	
Taxes	38,426	
Interest	200	
Depreciation (Note B)	126,734	
Advertising	250	
Pension Plan	20,000	
Employee Benefit	14,667	
License, etc.	6,153	
Tires	16,603	
Insurance	20,786	
Fuel & Oil	63,401	
Office Expense	1,822	
Utilities	1,147	
Travel Expense	1,253	
Spoilage	2,849	
Legal & Accounting	3,175	
Dues, Uniforms & Supplies	590	567,919
Net Income		<u>\$ 29,761</u>

The accompanying notes are an integral part of these financial statements

**SEAGER & SEAGER, INC.**

**222 SOUTH RICHARD STREET  
BEDFORD, PENNSYLVANIA 15522**

**H. FRED BAREFOOT TRUCKING, INC.  
NOTES TO FINANCIAL STATEMENTS  
NOVEMBER 30, 1986**

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Note A - Summary of Significant Accounting Policies

The financial statements of H. Fred Barefoot Trucking, Inc. have been prepared on the cash basis of accounting. Revenue is recognized when received and expenses are recognized when paid.

Note B - Depreciation

The cost of equipment purchased prior to December 31, 1980 are being depreciated on an accelerated method. Equipment purchased after December 31, 1980 are being depreciated over three or five years using the accelerated cost recovery system.



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

June 12, 1987

IN REPLY PLEASE  
REFER TO OUR FILE

J. Bruce Walter  
Attorney at Law  
P.O. Box 1146  
Harrisburg, PA 17108-1146

In re: A-00107365 - Application of H. Fred Barefoot Trucking, Inc.

Dear Mr. Walter:

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

DOCUMENT  
FOLDER

Recd. JUN 15 1987  
ENTRY No. *ms*