

7-19-91  
A-00107365  
APP. #1  
W. Pa.  
R.S.

# ORIGINAL

Before the  
Pennsylvania Public Utility Commission

Application of H. Fred Barefoot Trucking, Inc.  
A.10365, F.1, Am-A

PREPARED DIRECT TESTIMONY

**DOCUMENT  
FOLDER**

**RECEIVED**

1. Legal Name and Domicile of Supporting Party

Mayfair Creamery  
Sodiaal North American Corporation  
1019 North Center Avenue  
P.O. Box 227  
Somerset, PA 15501

AUG 9 1991

SECRETARY'S OFFICE  
Public Utility Commission

**DOCKETED**  
AUG 13 1991

2. Identity and Qualifications of Testifying Witness

My name is David Pichard. I have been Production Supervisor at Mayfair for 14 years. I am authorized to make this statement on behalf of Mayfair Creamery and I am the person who controls the transportation for the Company and am familiar with its needs.

3. General Description of Supporting Party

We are a creamery who manufactures and distributes butter, ice cream mix, skim, powder, buttermilk powder and anhydrous milk fat.

4. Volume and Frequency of Intended Use

We would intend to use the services of H. Fred Barefoot Trucking, Inc. somewhere between 2 trips per week to as high as 9

trips per week, depending upon the demands of our customers. Each trip is a bulk tank consisting of 47,000 pounds of product.

5. Specific and Representative Origins or Destinations

The application indicates the traffic originates at our Somerset, Pennsylvania plant. The bulk of the traffic goes to facilities of Hershey Creamery in Harrisburg, Pennsylvania. We also have bulk shipments to other locations, but they are primarily interstate. We continue to market our product for shipments to other Pennsylvania locations.

6. Type of Service Required

We require service in bulk, in tank vehicles. The tanks must be clean and transportation must be provided by a carrier who is familiar with the transportation of milk products.

7. Similar Applications Supported

Although we have supported the application of Walker Services, that is for transportation in refrigerated vans and not bulk transportation.

8. Other Information

The primary customer involved has warned us that the requirements for delivery must be on time or they will seek another supplier. This is the principal reason why we are supporting

Barefoot Trucking. We did have an agreement with Dan Fleegle. Fleegle was not providing us the service and we have since terminated this agreement. While we have contracted two other carriers, one can give us a good rate as long as he is in our area, but if he must come from his base rate, the rate is double, which is too expensive for us. The other carrier refused to provide service.

7-19-91

A-00107365

App. #2

Hbg., Pa.

R.S.

ORIGINAL

Seager & Seager, Inc

Accountants and Auditors

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AUG 9 1991

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

SECRETARY OF SERVICE  
Public Utility Commission

We have compiled the accompanying statement of assets, liabilities, and equity--income tax basis of H. Fred Barefoot Trucking, Inc. as of May 31, 1991, and the related statement of revenues and expenses--income tax basis, and statement of retained earnings--income tax basis for the six months then ended, in accordance with standards established by the American Institute of Certified Public Accountants. The financial statements have been prepared on the accounting basis used by the Corporation for income tax purposes, which is a comprehensive basis of accounting other than generally accepted accounting principles.

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.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Corporation's assets, liabilities, equity, revenues, and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Very truly yours,

*[Signature]*  
Seager & Seager, Inc.

June 20, 1991

DOCKETED  
AUG 13 1991

Fred Barefoot Trucking, C.  
Statement of Assets, Liabilities, and Equity  
Income Tax Basis  
May 31, 1991

ASSETS

Current Assets:		
Petty Cash	\$	1,000.00
Cash		60,010.53
Investments		16,498.47
Notes Receivable		11,071.45
Advances		30.57
		-----
Total Current Assets		\$ 88,611.02
Fixed Assets:		
Buildings		72,824.43
Furniture & Fixtures		2,917.86
Transportation Equipment		410,207.69
Machinery & Equipment		682,960.88
Land		14,040.11
Accumulated Depreciation		(855,600.00)
		-----
Total Fixed Assets		327,350.97
Other Assets:		
Deposits		100.00
Investments		80,147.29
Cash Surrender Value		
Life Insurance		13,150.00
		-----
Total Other Assets		93,397.29
		-----
TOTAL ASSETS		\$509,359.28
		=====

LIABILITIES AND STOCKHOLDERS EQUITY

Current Liabilities:		
Accrued & Withheld Taxes	\$	636.16
		-----
Total Current Liabilities		\$ 636.16
Stockholders Equity:		
Common Stock, \$1.00 par, 29,476 shares outstanding		29,476.00
Retained Earnings		479,247.12
		-----
Total Stockholders Equity		508,723.12
		-----
TOTAL LIABILITIES & STOCKHOLDERS EQUITY		\$509,359.28
		=====

SEE ACCOUNTANTS' COMPILATION REPORT

H Fred Barefoot Trucking, Inc.  
Statement of Revenues and Expenses  
Income Tax Basis  
For the Period Ended May 31, 1991

Income:					
Hauling	\$259,394.26	100.00%	\$429,432.41	100.00%	
Total Income	259,394.26	100.00	429,432.41	100.00	
Expenses:					
Accounting & Legal	200.00	.08	2,200.00	.51	
Advertising	0.00	.00	763.37	.18	
Truck Expense	7,520.22	2.90	14,545.50	3.39	
Contributions	150.00	.06	150.00	.03	
Depreciation	25,380.00	9.77	50,760.00	11.82	
Drug Testing Program	159.00	.06	159.00	.04	
Dues & Subscriptions	142.67	.06	202.42	.05	
Employee Relations	0.00	.00	888.38	.21	
Insurance	25,514.35	9.84	44,688.77	10.41	
Insurance-Employee Gro	0.00	.00	2,884.71	.67	
Fines & Penalties	2,390.62	.92	2,390.62	.56	
Fuel & Oil	33,939.23	13.08	62,460.31	14.54	
Licenses	10,386.59	4.00	11,350.50	2.64	
Office Expense	589.66	.23	1,281.57	.30	
Permits	30.00	.01	30.00	.01	
Professional Fees	1,023.52	.39	1,023.52	.24	
Repair & Maintenance	347.34	.13	469.83	.11	
Salaries-Officers	40,258.83	15.52	81,655.52	19.01	
Salaries-Other	43,995.06	16.96	86,461.79	20.13	
Supplies	415.72	.16	679.65	.16	
Taxes-Payroll	7,024.36	2.71	14,153.85	3.30	
Taxes-Property	0.00	.00	70.93	.02	
Taxes-State C\S	0.00	.00	1,471.00	.34	
Taxes-Other	4,649.44	1.79	5,912.49	1.38	
Telephone	903.58	.35	1,192.04	.28	
Tires	2,329.20	.90	5,702.18	1.33	
Tolls	4,702.23	1.81	7,556.53	1.76	
Travel\Entertainment	2,796.97	1.08	4,161.22	.97	
Uniforms	905.85	.35	1,900.68	.44	
Utilities	945.67	.36	2,425.95	.56	
Total Operating Exp	216,700.11	83.54	409,592.33	95.38	
Operating Income (Loss)	42,694.15	16.46	19,840.08	4.62	
Other Income	1,450.99	.56	2,796.04	.65	
Income Before Income Taxe	44,145.14	17.02	22,636.12	5.27	
Income Taxes	11,152.00	4.30	30,525.00	7.11	
Net Income (Loss)	\$ 32,993.14	12.72%	\$ (7,888.88)	(1.84%)	

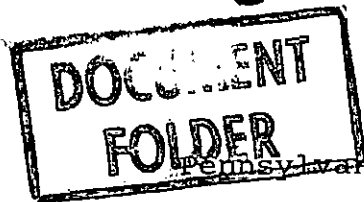
SEE ACCOUNTANTS' COMPILATION REPORT

H Fred Barefoot Trucking, c.  
Statement of Retained Earnings  
Income Tax Basis  
May 31, 1991

Balance at Beginning of Period	\$487,136.00
Net Income (Loss)	(7,888.88)
	-----
Balance at End of Period	<u>\$479,247.12</u>

SEE ACCOUNTANTS' COMPILATION REPORT

7-17-91  
A-00167365  
APP. #3  
Hq. Pa.  
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Pennsylvania Public Utility Commission

Application of H. Fred Barefoot Trucking, Inc.

A.107365, F.1, Am-A

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SECRETARY'S OFFICE  
Public Utility Commission

1. Legal Name and Domicile of Applicant

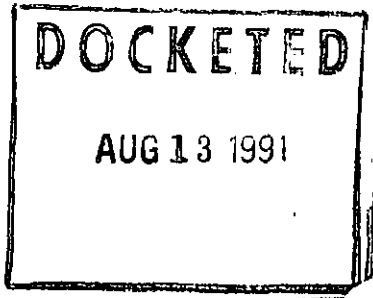
H. Fred Barefoot Trucking, Inc.  
Box 25  
Alum Bank, PA 15521

2. Identity and Qualifications of Testifying Witness

My name is Rick Barefoot. I am Vice 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 for Mayfair Creamery from its facilities in the Borough of Somerset, Somerset 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 related

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 a single permit before the Pennsylvania Public Utility Commission, to serve Galliker Dairy from its facilities in the City of Johnstown, Cambria County.

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. Telephone in office. Two-way Motorola radios in every truck for communications while on duty.

9. Description of Equipment

We own 9 tractors, 5 Barbell, 4 Brenner trailers, 1 Mack tri-axle truck and 2 Chevy pick-ups.

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 transport exempt milk from the farm to the Mayfair facilities. 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 able to respond to the shipper's loads which are pre-scheduled 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. 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 today's 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

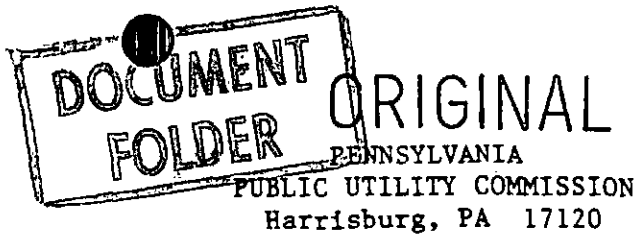
As discussed in paragraph 11, very few empty miles will be created, but some bulk transportation is inherently one-way traffic.

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.



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Public Meeting held July 19, 1990

Commissioners Present:

William H. Smith, Chairman  
Joseph Rhodes, Jr.  
Frank Fischl  
David W. Rolka

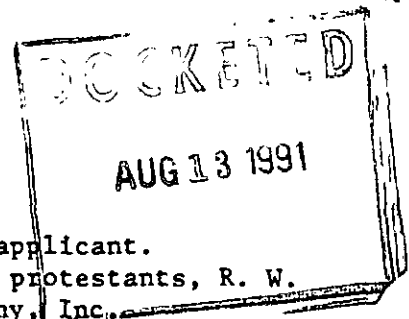
Application of Dan Fleegle, t/d/b/a Dan Fleegle Trucking, for the right to begin to transport, as a common carrier by motor vehicle, cream, ice cream mixes, skim condense and dairy products, in bulk, in tank vehicles, between points in Pennsylvania: WHICH IS TO BE IN LIEU OF the contract carrier permit issued to Dan Fleegle, t/d/b/a Dan Fleegle Trucking at A-00108421, F. 1, which grants the right to transport, as a contract carrier by motor vehicle, property for Meadow Gold Dairy Division of Borden, Inc., between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport household goods and office furniture in use and petroleum and petroleum products in bulk in tank-type vehicles.

A-00108421  
F. 2

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SECRETARY'S OFFICE  
Public Utility Commission



\_\_\_\_\_  
Vuono, Lavelle & Gray, by William A. Gray for the applicant.  
McNees, Wallace & Nurick, by Herbert R. Nurick for protestants, R. W.  
Bird Trucking, Inc. and Pelton Trucking Company, Inc.

\_\_\_\_\_  
O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on January 26, 1990, and published in the Pennsylvania Bulletin of February 17, 1990. Two carriers filed protests. Both withdrew pursuant to the provisions of a restrictive amendment which precludes the transportation of certain commodities in specific areas.

The unopposed record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and seven supporting shippers.

Dan Fleegle operates as a sole proprietor under the name of Dan Fleegle Trucking (applicant), and sets forth in his verified statement that the business is conducted from facilities located at R.D. 2, Boswell, Somerset County. He is currently authorized to provide contract carrier services for one shipper, Meadow Gold Dairy Division of Borden, Inc. He is not affiliated with other carriers.

The applicant owns one tractor, three tank trailers and three tri-axle tank trucks. All of the equipment is in good operating condition, and he states that to the best of his knowledge, he is in compliance with the prescribed safety regulations.

An unaudited balance sheet reveals that as of December 31, 1989, the applicant had current assets of \$44,539, total assets of \$303,435, with current liabilities of \$124,925 and total liabilities of \$269,100, leaving proprietor's capital of \$34,335. The assets include vehicles having a net book value of \$178,314.

Robert M. Dever is assistant general manager for Atlantic Dairy Cooperative which has a business address at 1225 Industrial Highway, Southampton, Bucks County. He supports the applicant and attests to the need for transportation of fluid milk products having origin at Mt. Holly Springs, Cumberland County, with destination at points such as Pittsburgh and New Wilmington (Lawrence County). The applicant's services would be used on a weekly basis.

Gerald Shick is vice president of operations for R. Bruce Fike & Sons Dairy located at 47 West Craig Street, Uniontown, Fayette County. He states that the company is involved in the manufacture of milk and ice cream which it ships from Uniontown to various destinations such as New Wilmington and Pittsburgh. A very reliable carrier with tank vehicles is required. The company feels that the applicant is capable of furnishing good service and would give it approximately 42 shipments per month.

John R. Greubel is plant manager for Fairview Dairy, Inc., domiciled in Windber, Somerset County, and supports the applicant. As an ice cream manufacturer, the company would use the applicant to transport ice cream mix approximately five to six times a month. The shipments would originate in Belleville, Mifflin County, and Johnstown, Cambria County, with destination at points such as Butler, DuBois and Connellsville. It is confident that the applicant is capable of providing the quality of service required.

Kenneth Norway, general manager of Mayfair Creamery located in Somerset, Somerset County, supports the applicant. The company would require the applicant to transport cream, skim condensed milk and ice cream mix from Somerset to points such as Harrisburg, Pittsburgh, New Wilmington and York. It would give the applicant approximately 25 to 35 shipments per month.

Andy Langmyer is division manager for Milk Marketing, Inc., located in Washington, Washington County, and supports the applicant. In its business of milk marketing, the Company has need for transportation of milk which originates at points in Somerset, Cambria and Fayette Counties, with destination at New Wilmington, Greensburg and Belleville. Approximately six shipments per month are involved. The applicant has provided some service for the company in the past with satisfactory results.

Thomas J. Ryan, III, is vice president of Hershey Creamery Company located at 301 South Cameron Street, Harrisburg, Dauphin County. He supports the applicant stating that the company would use the applicant to transport approximately 25 shipments of skim condense and cream per month. These shipments would move from Mayfair Creamery in Somerset to the Harrisburg facility, and from Harrisburg back to Somerset.

Robert E. Paxton, vice president-manufacturing for Sani-Dairy Division of Penn Traffic Co., supports the applicant. The company produces fluid milk, ice cream and dairy products at a facility in Johnstown, Cambria County. The applicant's services would be required from Johnstown to points such as DuBois, Philadelphia, Erie, Pittsburgh and Uniontown. It also has inbound shipments from Philadelphia. The applicant has provided reliable service in the past in interstate commerce, and the same service is desired for the Pennsylvania intrastate traffic.

#### DISCUSSION AND FINDINGS

Dan Fleegle, t/d/b/a Dan Fleegle Trucking has held a contract carrier permit issued at Folder 1 since May 11, 1989, authorizing him to transport property for Meadow Gold Dairy Division of Borden, Inc., between points in Pennsylvania. He now desires to hold his services out to a certain segment of the general public and convert the contract carrier permit to a common carrier certificate of public convenience.

The applicant no longer intends to tailor his service exclusively to the operations of one shipper. By this application, he seeks a certificate which would give him the right to transport cream, ice cream mixes, skim condense and dairy products, in bulk in tank vehicles, between points in Pennsylvania. Under such authority, he can still serve Meadow Gold Dairy Division of Borden, Inc. He has gathered support from seven shippers who are either engaged in the dairy business or are associated with the business.

The support of the seven shippers is convincing and we believe approval of the application is necessary for the accommodation and convenience of that segment of the public involved. We further conclude that the applicant is capable of providing the proposed service adequately in the capacity of a common carrier. Each shipper requires transportation of their products in tank-type vehicles which the applicant now owns. The applicant is experienced in catering to the transportation needs of the dairy industry, and his financial position is favorable.

We find:

1. That a public need for the service as proposed and amended does exist.

2. That the applicant is fit, ready, willing and able to provide the service as proposed and amended.

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

IT IS ORDERED: That the application be and is hereby approved as amended, and that a certificate be issued granting the applicant the right to operate as follows:

To transport, as a Class D carrier, cream, ice cream mixes, skim condense and dairy products, in bulk in tank vehicles, between points in Pennsylvania;

subject to the following conditions:

- (1) That no right, power or privilege is granted to transport milk, milk products and by-products, milk mixes, and commodities used in the manufacture, processing, sale and distribution of milk, milk products and by-products, and milk mixes, between points in the counties of Bradford, Sullivan, Susquehanna, Tioga and Wyoming, and from points in said counties, to points in Pennsylvania, and vice versa.
- (2) That no right, power or privilege is granted to transport raw and processed milk and milk products, between points in the township of College, Centre County, and from points in said township to points within an airline distance of seventy-five (75) statute miles of the limits of said township.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until he shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing of evidence of cargo insurance and acceptance of a tariff establishing just and reasonable rates.

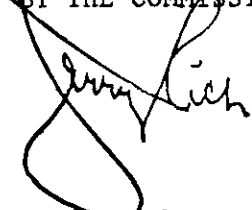
IT IS FURTHER ORDERED: That upon compliance with the requirements as set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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.

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 upon compliance with this order, the contract carrier permit issued to Dan Fleegle, t/d/b/a Dan Fleegle Trucking at A-00108421, F. 1, be cancelled and the record marked "CLOSED".

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, looped scribble.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: July 19, 1990

ORDER ENTERED: JUL 26 1990

**END**