

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	February 21, 1991	2. <u>BUREAU AGENDA NO.</u>	MAR-91-T-267*
3. <u>BUREAU:</u>	Transportation		
4. <u>SECTION</u>	Technical Review	5. <u>PUBLIC MEETING DATE:</u>	March 22, 1991
6. <u>APPROVED BY:</u>			
Director:	Ernst 7-2154		
Supervisor:	Bigelow/Marzolf 3-5945		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Hoshour 7-5513		
9. <u>DOCKET NO.:</u>	- A-00107793, F. 2		

DOCKETED
MAY 16 1991

- 10. (a) CAPTION (abbreviate if more than 4 lines)
- (b) Short summary of history & facts, documents & briefs
- (c) Recommendation

(a) Application of Trans American Trucking Service, Inc., South Plainfield, NJ, a corporation of the State of New Jersey, for the right to begin to transport, as a common carrier, by motor vehicle, (A) heavy machinery and equipment, together with materials, equipment and supplies used in their manufacture and distribution, for Voith-Hydro, Inc., between points in the county of York, and from points in the county of York, to points in Pennsylvania, and vice versa: WHICH IS TO BE IN LIEU OF its contract carrier permit issued at A-00107793 to Trans American Trucking Service, Inc.; and (B) the transfer of all of the operating rights of Nicklaus Freight Lines, Inc. under the certificate issued at A-00106901 subject to the same limitations and conditions.

(b) The application is unopposed. The applicant seeks to acquire by transfer 37 common carrier rights from the transferor for the total consideration of \$5,000. The applicant is currently a holder of a contract carrier permit. A petition has been filed seeking to convert the contract carrier permit to a common carrier permit. Conversion of the contract carrier authority has merit.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the transfer application; cancel the transferor's certificate of public convenience by supplemental order; and convert the applicant's contract carrier authority to common carrier authority and cancel by supplemental order the contract carrier permit issued at A-00107793, F. 1.

WH:rs

11. MOTION BY:	Commissioner Chm. Smith	Commissioner Holland - Yes
		Commissioner Rolka - Yes
SECONDED:	Commissioner Fischl	Commissioner Rhodes - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT FOLDER

KJR

A-00107793, F. 1

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 22, 1991

Commissioners Present:

- William H. Smith, Chairman
- Joseph Rhodes, Jr., Vice-Chairman
- Frank Fischl, Commissioner
- Wendell F. Holland, Commissioner
- David W. Rolka, Commissioner

Application of Trans American Trucking Service, Inc., a corporation of the State of New Jersey, for the right to begin to transport, as a common carrier, by motor vehicle, (A) heavy machinery and equipment, together with materials, equipment and supplies used in their manufacture and distribution, for Voith-Hydro, Inc., between points in the county of York, and from points in the county of York, to points in Pennsylvania, and vice versa: WHICH IS TO BE IN LIEU OF its contract carrier permit issued at A-00107793 to Trans American Trucking Service, Inc.; and (B) the transfer of all of the operating rights of Nicklaus Freight Lines, Inc. under the certificate issued at A-00106901, subject to the same limitations and conditions.

A-00107793
F. 2

**DOCUMENT
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DOCKETED
APR 25 1991

Pillar and Mulroy, P.C. by John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed December 8, 1990. Public notice of the application was given in the Pennsylvania Bulletin of January 28, 1991. No protests have been filed. The unopposed application is certified to the Commission for its decision without an oral hearing.

Trans American Trucking Service, Inc. (applicant) is a corporation of the State of New Jersey domiciled at 115 St. Nicholas Avenue, South Plainfield, NJ. The applicant was organized under the laws of the State of

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New Jersey and has registered as a foreign corporation with the Secretary of the Commonwealth on October 9, 1987.

The sole stockholder of the applicant is Ronald McGraw who is also president and treasurer. Jeffrey McGraw is vice president and secretary.

By the instant application, the applicant seeks in part, to acquire by transfer 37 common carrier rights held by Nicklaus Freight Lines, Inc. under the certificate issued at A-00106901. Upon transfer of the 37 rights, the transferor will hold no operating authority. In accordance with the sales agreement of November 6, 1990, total consideration for the 37 common carrier rights has been set at \$5,000. No tangible assets are involved. The total consideration is to be tendered to the transferor within 30 days of approval of the application for transfer.

The applicant was issued a contract carrier permit on December 7, 1988. The permit authorizes the transportation of heavy machinery and equipment, together with materials, equipment and supplies used in their manufacture and distribution, for Voith-Hydro, Inc., between points in the county of York, and from points in the county of York to points in Pennsylvania, and vice versa. The applicant has filed a petition seeking to have its contract carrier permit converted to a certificate of public convenience. The conversion is being sought so that the applicant would not be in violation of 66 Pa. C.S. §2504, which states that no person or corporation shall at the same time hold a certificate of public convenience as a common carrier by motor vehicle and a permit as a contract carrier by motor vehicle, unless for good cause shown. A statement has been filed by Robert Firestone, on behalf of Voith-Hydro, Inc., stating that the shipper has no objection to the conversion of the applicant's contract carrier authority to common carrier authority, and that Voith-Hydro, Inc. will continue to use the services of the applicant.

The unaudited balance sheet of the applicant indicates that as of June 30, 1990, it had total current assets of \$1,716,717, total assets of \$2,989,985, total current liabilities of \$1,143,273, total liabilities of \$1,640,366 and total stockholders equity of \$1,349,619. The unaudited income statement for the first six months of 1990, sets forth that from total revenue of \$7,138,210, the applicant generated a net income of \$161,900 after taxes.

The fourth right hereinafter granted has been modified to eliminate the phrase "excavated materials and road construction materials", since transportation of these commodities does not fall within the definition of "Common carrier by motor vehicle" set forth at 66 Pa. C.S. §102(4).

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need which may be overcome only by evidence to the contrary. In re: Byerly, 440

Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant was issued a contract carrier permit on December 7, 1988, at A-00107793, F. 1.

2. That a petition has been filed by the applicant requesting that its contract carrier permit be converted to a certificate of public convenience thereby eliminating any possibility of violation of the Public Utility Code, 66 Pa. C.S. §2504.

3. That the petition filed by the applicant has merit.

4. That the applicant seeks to acquire by transfer, 37 common carrier rights held by Nicklaus Freight Lines, Inc. at A-00106901.

5. That the applicant is fit, willing and able to provide the service proposed.

6. That approval of the transfer application is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate of public convenience be issued granting the following rights:

1. To transport, as a Class B carrier, household goods, in use, and livestock, between points in the boroughs of Sewickley, Haysville, Glen Osborne, Edgeworth and Leetsdale, Allegheny County.
2. To transport, as a Class D carrier, household goods, in use, and livestock, from points in the boroughs of Sewickley, Haysville, Glen Osborne, Edgeworth and Leetsdale, Allegheny county, to other points in Pennsylvania.
3. To transport, as a Class D carrier, property for Union Electric Steel Corp. from its plant in the township of Smith, Washington County, to points in the counties of Allegheny, Beaver, Butler, Lawrence and Washington, and vice versa; and from the plant of Union Electric Steel Corp. in the said township to other points in Pennsylvania, and vice versa, by interchange with Class A and D carriers at points in the county of Allegheny; excluding the transportation of commodities in bulk in tank or hopper-type vehicles.

4. To transport, as a Class D carrier, building materials, and building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the county of Clearfield.
5. To transport, as a Class D carrier, brick, structural tile, clay and clay products, bonding mortar and other refractories, materials and products used in the manufacture of brick, structural tiles, clay products and refractories and containers between points in the borough of Clearfield, Clearfield County, and within twenty-five (25) miles of the limits thereof, and from points in said territory to points in Pennsylvania, and return of refused or damaged merchandise and containers.
6. To transport, as a Class D carrier, building materials, such as are usually transported in dump trucks, between points in the borough of Clearfield, Clearfield County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said borough, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.
7. To transport, as a Class D carrier, brick, structural tile, clay and clay products, bonding mortar and other refractories, materials and products used in the manufacture of brick, structural tile, clay products and refractories and containers from plants of Harbison-Walker Refractories Company, in the county of Clearfield to plants of said company in the counties of Allegheny, Armstrong and Huntingdon, and vice versa.
8. To transport, as a Class D carrier, brick, structural tile, clay and clay products, bonding mortar and other refractories, materials and products used in the manufacture of brick, structural tile, clay products and refractories and containers from plants of General Refractories Company in the county of Clearfield, to plants of said company in the counties of Blair and Huntingdon, and vice versa.
9. To transport, as a Class B carrier, brick, structural tile, clay and clay products, bonding

mortar and other refractories, materials and products used in the manufacture of brick, structural tile, clay products and refractories and containers from plants of North American Refractories Company in the county of Clearfield, to plants of said company in the counties of Berks, Clinton, Elk and Huntingdon, and vice versa.

10. To transport, as a Class B carrier, property, excluding household goods in use, between points in the borough of Curwensville, Clearfield County.
11. To transport, as a Class C carrier, property, excluding household goods in use, from points in the borough of Curwensville, Clearfield County, to points within twenty-five (25) miles by the usually traveled highways of the limits of the said borough, and vice versa.
12. To transport, as a Class D carrier, lumber, lime, brick, clay products, coal, hides and beer from points in the borough of Curwensville and the township of Pike, Clearfield County, to points in Pennsylvania, and vice versa.
13. To transport, as a Class D carrier, firebrick, fire clay, clay, high temperature bonding mortar and cement, plastic firebrick, brickbats, palletized or otherwise, and pallets used in the transportation of same from the borough of Lumber City and the townships of Penn and Pike, Clearfield County, to points in Pennsylvania, and vice versa.
14. To transport, as a Class D carrier, refractories, refractory products and commodities used or useful in the installation of refractories and refractory products; and those materials, equipment and supplies used in the production and distribution of refractories and refractory products, from the facilities of North American Refractories Co. in the county of Berks, to points in Pennsylvania, and vice versa;

Right No. 14 subject to the following conditions:

That no right, power or privilege is granted to transport said in bulk from the facilities of Pennsylvania Glass Sand Corp. in the counties of Mifflin and Huntingdon.

That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles, to or from the borough of Homestead, Allegheny County, and points within fifty (50) miles of the limits thereof.

15. To transport, as a Class D carrier, property (except household goods and office furniture, in use) from the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa.
16. To transport, as a Class D carrier, brick and clay products from the plants of Hiram Swank's Sons, Inc., in the borough of Clymer, Indiana County, the borough of Irvona, Clearfield County, and the city of Johnstown, Cambria County, to points in Pennsylvania.
17. To transport, as a Class D carrier, brick and clay products for Hiram Swank's Sons, Inc., on emergency shipments from the city of Johnstown, Cambria County, to the borough of Clymer, Indiana County, excluding intermediate points.
18. To transport, as a Class D carrier, lumber and building materials for W.E. Oakes Estate from the borough of Clymer, Indiana County, to points within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa.
19. To transport, as a Class D carrier, mine machinery for repair and/or replacement from points in the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points in the said borough and the city of Johnstown, Cambria County, and the village of Benedict, Cambria County, and vice versa, provided that such transportation shall not exceed twelve (12) trips to each point in each calendar year and provided further that no mine machinery for repair and/or replacement may be transported to and from points within the limits of White Township and the borough of Indiana, Indiana County.
20. To transport, as a Class D carrier, iron and steel articles, wooden patterns, equipment and supplies for the United Engineering and Foundry Company

from the borough of Vangergrift, Westmoreland County, to points in Pennsylvania, and vice versa.

21. To transport, as a Class D carrier, property for the Raychord Corporation from its plant in the borough of Apollo, Armstrong County, to points within an airline distance of two hundred (200) statute miles of the said plant, and vice versa.

Right No. 21 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport property which, because of size or weight, requires the use of special equipment such as pole trailers, carryalls, winch trucks or tractors.

SECOND: That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

22. To transport, as a Class C carrier, property for the General Refractories Company and General Steel Industries, Inc., National Roll Division, from their plants in the village of Salina and the borough of Avonmore, Westmoreland County, respectively, to points within an airline distance of one hundred (100) statute miles of said plants.

Right No. 22 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport other than less-than-truckload shipments from the Central Warehouse, Pittsburgh, to Avonmore and Salina.

SECOND: That no right, power or privilege is granted to transport commodities in bulk and tank vehicles or in hopper-type vehicles.

23. To transport, as a Class D carrier, property, including alcoholic beverages, materials and supplies used in the manufacture of alcoholic beverages between the plants of Schenley Distributors, Inc., and affiliated companies in the villages of Schenley, Aladdin and Longanport, Armstrong County, and its warehouse in the borough of Cheswick, Allegheny County.
24. To transport, as a Class D carrier, alcoholic beverages, from plants and warehouses of Schenley Distributors, Inc., Joseph S. Finch

Company, Logansport Distilling Company and other affiliated companies located in Allegheny and Armstrong Counties to points in Pennsylvania, and the return of damaged or refused merchandise.

25. To transport, as a Class D carrier, materials and supplies, used in the manufacture of alcoholic beverages from points in Pennsylvania to the plants and warehouses of Schenley Distributors, Inc., Joseph S. Finch Company, Logansport Distilling Company and other affiliated companies, located in the counties of Armstrong and Allegheny, and the return of damaged or refused merchandise.

Rights No. 24 and 25 subject to the following condition:

That no right, power or privilege is granted to transport property which is usually transported in carryall trucks, winch trucks, winch tractors and pole trailers, or commodities which require special equipment to load or unload from or to the vehicles.

26. To transport, as a Class D carrier, property for General Refractories Company from its plant in the village of Salina, Bell Township, Westmoreland County, to points in Pennsylvania, and vice versa.

Right No. 26 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk in tank vehicles or in hopper-type vehicles.

SECOND: That no right, power or privilege is granted to render service to the plants of Bethlehem Steel Corporation in the city of Bethlehem, Lehigh and Northampton Counties.

27. To transport, as a Class D carrier, iron and steel, iron and steel articles, and products and materials, supplies and equipment used or useful in the manufacture, assembly and distribution of iron and steel and iron and steel articles and products, from the facilities of Jones & Laughlin Steel Corporation, located in the borough of Aliquippa, Beaver County, and in the city of Pittsburgh, Allegheny County,

to points within an airline distance of one hundred fifty (150) statute miles of the City-County Building located in the city of Pittsburgh, Allegheny County, and vice versa.

Rights No. 27 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk, in dump, tank or hopper-type vehicles.

SECOND: That no right, power or privilege is granted to transport commodities which, because of size or weight, require special handling or the use of special equipment such as winch trucks or tractors, poles or extendible trailers, or carryalls, or which require a permit from the Pennsylvania Department of Transportation for their transportation.

THIRD: That no right, power or privilege is granted to transport limestone and limestone products from points in York County.

FOURTH: That no right, power or privilege is granted to transport property to and from Standard Steel Works, Division of Baldwin Locomotive Works, located in the borough of Burnham, Mifflin County; New Holland Machine Company and New Holland Machine Division of Sperry-Rand Corporation, located in the village of Belleville, Mifflin County; and Overhead Door Company and Modern Door, Inc., located in the borough of Lewistown, Mifflin County.

FIFTH: That no right, power or privilege is granted to transport pipe, to and from points located in the counties of McKean, Potter and Warren.

SIXTH: That no right, power or privilege is granted to transport limestone, limestone products and quarry products, to or from quarries, mines and related facilities located in the county of Centre, except as presently authorized.

SEVENTH: That no right, power or privilege is granted to transport refractories, refractory products, and materials and

supplies used in the production and installation thereof, from and to points in Armstrong County, except as presently authorized.

28. To transport, as a Class D carrier, iron and steel, iron and steel articles and products, and materials, supplies and equipment used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products, from the facilities of Crucible, Inc., a Division of Colt Industries, located in the borough of Midland, Beaver County, to points located within an airline distance of one hundred and fifty (150) statute miles of the limits of said borough, and vice versa.

Right No. 28 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.

SECOND: That no right, power or privilege is granted to transport commodities which, because of size or weight, require special handling or the use of special equipment such as winch trucks or tractors, pole or extendible trailers, or carryalls, or which require a permit from the Pennsylvania Department of Transportation for their transportation.

THIRD: That no right, power or privilege is granted to transport pipe, to and from points located in McKean, Potter and Warren Counties.

FOURTH: That no right, power or privilege is granted to transport limestone and limestone products from points in York County.

FIFTH: That no right, power or privilege is granted to transport property to and from Standard Steel Works, Division of Baldwin Locomotive Works, located in the borough of Burnham, Mifflin County; New Holland Machine Company and New Holland Machine Division of Sperry-Rand Corporation, located in the village of Belleville, Mifflin County; and Overhead Door Company and Modern Door, Inc., located in the borough of Lewistown, Mifflin County.

29. To transport, as a Class D carrier, iron and steel, and iron and steel articles, from the facilities of National Materials Corporation located in the cities of Arnold and New Kensington, Westmoreland County, to points in Pennsylvania, and vice versa.

Right No. 29 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk, in dump, tank or hopper-type vehicles.

SECOND: That no right, power or privilege is granted to transport commodities which, because of size or weight, require special handling or the use of special equipment such as winch trucks or tractors, pole or extendible trailers, or carryalls, or which require a permit from the Pennsylvania Department of Transportation for their transportation.

30. To transport, as a Class D carrier, refractories, refractory products and commodities used or useful in the installation of refractories and refractory products; and materials, equipment and supplies used in the production and distribution of refractories, refractory products, and commodities used or useful in the installation of refractories and refractory products, from the facilities of A.P. Green Refractories Co., located in the city and county of Philadelphia and the township of Porter, Clarion County, to points in Pennsylvania, and vice versa.

Right No. 30 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk in dump, tank or hopper-type vehicles.

31. To transport, as a Class D carrier, refractories, refractory products and commodities used or useful in the installation of refractories and refractory products; and materials, equipment and supplies used in the production and distribution of refractories, refractory products, and commodities used or useful in the installation of refractories and refractory products, from the facilities of Harbison-Walker Refractories, Division of Dresser Industries, Inc., located in

the borough of Mt. Union, Huntingdon County, to points in Pennsylvania, and vice versa.

Right No. 31 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, in dump, tank or hopper-type vehicles.

32. To transport, as a Class D carrier, refractories, refractory products and commodities used or useful in the installation of refractories and refractory products; and materials, equipment and supplies used in the production and distribution of refractories, refractory products, and commodities used or useful in the installation of refractories and refractory products, from the facilities of Harbison-Walker Refractories, Division of Dresser Industries, Inc., located in the village of Templeton, Pine Township, Armstrong County, to points in Pennsylvania, and vice versa.

Right No. 32 subject to the following condition:

That no right, power or privilege is granted to transport commodities in bulk, in dump, tank or hopper-type vehicles.

33. To transport, as a Class D carrier, by motor vehicles, property, for St. Joe Zinc Company, between points in Pennsylvania; provided that no right, power or privilege is granted to transport commodities in bulk, in dump, in tank or hopper-type vehicles.
34. To transport, as a Class D carrier, property, for Cerro Metal Products, between points in the county of Centre, and from points in said county to other points in Pennsylvania, and vice versa.

Right No. 34 subject to the following condition:

FIRST: That no right, power or privilege is granted to transport commodities, in bulk, in dump, in tank or hopper-type vehicles.

SECOND: That no right, power or privilege is granted to render transportation from the county of Centre to points in the counties of Bedford, Blair, Cambria, Franklin, Fulton,

Huntingdon, Juniata, Mifflin, and Somerset,
and vice versa.

35. To transport, as a Class D carrier, property having a prior or subsequent movement by Sherwin Williams Company trucks, from the facilities of Breman's Express Company, located in the counties of Allegheny and Clearfield, to points in Pennsylvania, and vice versa.

Right No. 35 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport property, in bulk, in tank or hopper-type vehicles.

SECOND: That no right, power or privilege is granted to transport household goods.

36. To transport, as a Class D carrier, property for All Metals, Inc., and Charles Bluestone Company, between points in Pennsylvania.

Right No. 36 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport property in dump vehicles from or between points in Mercer County.

SECOND: That no right, power or privilege is granted to transport property in dump vehicles between points in the borough of Homestead, Allegheny County, and points within sixty (60) miles of the limits thereof, and from points in said territory to points in Pennsylvania, and vice versa.

THIRD: That no right, power or privilege is granted to transport scrap metal, in bulk, in dump vehicles, between points in the city of Altoona, Blair County, and points within thirty (30) miles of the limits thereof, and from points in said territory to points in Pennsylvania, and vice versa.

FOURTH: That no right, power or privilege is granted to transport coal, sand and gravel in dump vehicles.

37. To transport, as a Class D carrier, iron and steel, iron and steel articles and products, and equipment, machinery, materials and supplies used or useful in

the manufacturing, assembly, sale and distribution of iron and steel, iron and steel articles and products, from the Pennsylvania facilities of United States Steel Corporation, to points in Pennsylvania, and vice versa.

Right No. 37 subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.

SECOND: That no right, power or privilege is granted to transport sand, in bulk in truckloads, from the Pennsylvania Glass Sand Corporation in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County.

THIRD: That no right, power or privilege is granted to transport limestone and limestone products, in bulk, in dump semi-trailers, tank and hopper vehicles and air-unloading bulk vehicles, from points in the county of York, and the return of damaged, refused or rejected shipments to the point of origin in said county.

FOURTH: That no right, power or privilege is granted to transport limestone or limestone products, in bags or other types of containers for the J.E. Baker Company from its plant in the township of West Manchester, York County, and the the Thomasville Stone and Lime Company, from its plant in the township of Jackson, York County, and the return of damaged, refused or rejected shipments to the point of origin in said counties.

FIFTH: That no right, power or privilege is granted to transport property which, because of size or weight, requires a special highway weight permit to be issued by the Pennsylvania Department of Transportation.

With Rights Nos. 1 through 37 subject to the following conditions:

- a. That no right, power or privilege is granted to transport household goods and office furnishings and equipment, in use, or baggage, (a) from points in the city of New Castle and the townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence

County, to other points in Pennsylvania;
(b) from the borough of Clymer, Indiana County, and within five (5) miles by the usually traveled highways of the limits of said borough to points within twenty-five (25) miles by the usually traveled highways of the limits of said borough, and vice versa; (c) from points in the borough of Clymer, Indiana County, and within twenty-five (25) miles by the usually traveled highways of the limits of said borough to points in Pennsylvania, and vice versa; (d) between points in the borough of Leechburg, Armstrong County, and within twelve (12) miles by the usually traveled highways of the limits of said borough; and (e) from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa.

- b. That no right, power or privilege is granted to transport property for A.P. Green Fire Brick Company, from its plant in the borough of Tarentun, Allegheny County, to points in Pennsylvania, and vice versa.
- c. That no right, power or privilege is granted to transport refractory products consisting of high temperature bonding mortar, castables, gun mixes, tap hole mixes, grog, ladle pocket mixes, and hangers for the Butler Refractories Company from its plant in the township of Penn Hills (formerly Penn Township), Allegheny County, to points within an airline distance of one hundred twenty-five (125) statute miles of said plant, and the return of refused, rejected or damaged merchandise.
- d. That no right, power or privilege is granted to transport shipments for the American Sheet and Tin Plant Company (now known as United States Steel Corporation) from points in the borough of Vandergrift, Westmoreland County, to points in Pennsylvania within fifty (50) miles by the usually traveled highways of the limits of the said borough, and vice versa.
- e. That no right, power or privilege is granted to transport property for the Allegheny Ludlum Steel Corporation, Leechburg Supply Company and Leechburg Mining Company from points in the borough of Leechburg, Armstrong County, and

within an airline distance of ten (10) statute miles of the limits of said borough to points within an airline distance of one hundred (100) statute miles of the limits of said borough, and vice versa.

- f. That no right, power or privilege is granted to transport property for the United States Steel Corporation and Apollo Industries, Inc., from points in the borough of Leechburg, Armstrong County, and within ten (10) miles by the usually traveled highways of the limits of said borough to points within an airline distance of one hundred (100) statute miles of the limits of said borough, and vice versa.

IT IS FURTHER ORDERED: That the Petition to Convert its Contract Carrier Permit to a Certificate of Public Convenience filed by Trans American Trucking Service, Inc., docketed at A-00107793, F. 1, be and is hereby approved, granting the following right, which is to be in lieu of the contract carrier right at A-00107793, F. 1:

38. To transport, as a Class D carrier, heavy machinery and equipment, together with materials, equipment and supplies used in their manufacture and distribution, for Voith-Hydro, Inc., between points in the county of York, and from points in the county of York, to points in Pennsylvania, and vice versa.

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, \$5,000, 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; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.

4. 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. Section 1102(a)(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 cargo insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1990 Assessment 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 the issuance of the certificate of public convenience to the applicant at A-00107793, F. 2, the contract carrier permit at A-00107793, F. 1, be cancelled and the record be marked "CLOSED".

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor, Nicklaus Freight Lines, Inc., at A-00106901 be cancelled and the record be marked "CLOSED".

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 22, 1991

ORDER ENTERED: APR 1 1991