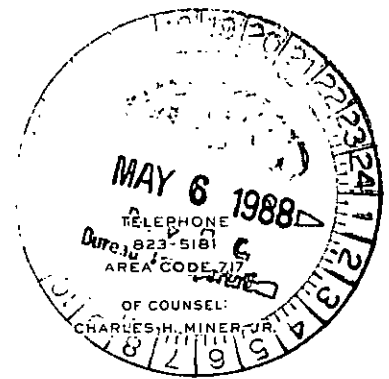


LAW OFFICES
SILVERBLATT & TOWNEND
1400 UNITED PENN BANK BUILDING
WILKES-BARRE, PENNA. 18701-1868

EDWIN SHORTZ, JR., 1876-1953
WILLIAM S. McLEAN, 1903-1963
ARTHUR H. JAMES, 1883-1973
DANIEL F. DALEY, 1930-1973
ARTHUR SILVERBLATT
FRANK TOWNEND
CHARLES D. LEMMOND, JR.
HOWARD A. BERMAN
BENJAMIN R. JONES, III
JAMES F. GEDDES, JR.
ARTHUR F. SILVERBLATT
JOHN A. BEDNARZ, JR.

May 5, 1988



RECEIVED

MAY 6 1988

SECRETARY'S OFFICE
Public Utility Commission

A. 108/30

Pennsylvania Public Utility Commission
P.O. Box 3265
North Office Building
Harrisburg, Pennsylvania 17120

Re: Application of Anthony R. Popple for transfer of common carrier rights issued to Phillip Sarti, t/d/b/a Phil's Excavation, at No. A-00104280, F. 1.

Gentlemen:

Please find enclosed herewith the original and two (2) copies of an application for transfer of Class D carrier common rights of Phillip Sarti, t/d/b/a Phil's Excavation, to Anthony R. Popple, together with my certified check in the amount of \$125.00 payable to the Commonwealth of Pennsylvania. Attached to the petition and requisite copies thereof is the supporting documentation indicated as per paragraph 14 of the application.

Very truly yours,

James F. Geddes, Jr.
James F. Geddes, Jr.

JFGJr/alc

Enclosures

*5/13 called atty - need statement of unpaid business debts
Transfer or law*

5/20 " "

6/7 " "



8. Applicant is (check one):

Individual.

Partnership. Attach copy of partnership agreement and list names and addresses of partners below (use additional sheet if necessary).

(Name)

(Address)

Corporation. Organized under the laws of the State of _____ and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on _____ (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. If applicant, its stockholders or partnership members are in control of or affiliated with any other carrier, state name of carrier(s), Docket Number(s) and nature of control or affiliation.

NOT APPLICABLE

10. Applicant proposes to acquire all of the operating rights (all or part)

now held by transferor. Attach sheet describing rights to be transferred to applicant and rights to be retained by transferor, if any. If any rights are to be omitted, give reasons.

11. The reason for the transfer is that transferor because of health reasons desires to curtail business activities and sell his carrier rights to transferee in order that service public needs may be continued.

12. The total amount of consideration to be paid is \$ 2,500.00 and was determined as follows: agreement between transferor and transferee

and will be paid as follows: full payment of consideration upon approval of transfer.

13. Applicant is financially able to furnish adequate service to the public and submits Schedule "C" as a statement of financial condition.

14. Attach the following, as appropriate (check those attached):

- Sales Agreement. (Required)
- Partnership Agreement.
- Trade Name registration certificate.
- Certificate of Incorporation or Authority.
- Statement of corporate charter purpose.
- List of corporate officers and stockholders.
- List of equipment to be used to render service. (summarize by type)
- Operating authority to be transferred/retained.
- Equipment and other property to be transferred. (Schedules "A" & "B")
- Statement of Financial Condition (Schedule "C")
- Bilateral contract(s), if transferring contract carrier rights.
- Statement of unpaid business debts of transferor and how they will be satisfied.
- Copy of short form certificate showing date of death of transferor and name of executor/trix.

15. Transferor attests that all general assessments and fines are paid, that no annual reports are due and agrees to continue to render the service which is to be transferred until this application is approved, whereupon transferor will surrender said certificate or permit for cancellation.

16. Transferee agrees to assume and pay any General Assessments that may be made against transferor as a common carrier for any and all operating periods up to the actual date of approval of the transfer.

WHEREFOR, Transferee and Transferor pray that the Commission grant the Transfer as herein requested.

Transferee sign here:
(Corporate Seal)

Anthony R. Popple
(each partner must sign)
Anthony R. Popple

3-11-88
(Date)

Transferor sign here:
(Corporate Seal)

Philip Sartt
Philip Sartt, t/d/b/a Phil's Excavation

3-11-88

INSTRUCTIONS TO BE FOLLOWED IN PREPARING APPLICATION
No Application Will Be Accepted From a Minor

1. A separate application must be filed for each type of service, such as common carrier of persons on schedule; contract carrier of persons; transportation of persons on call or demand; transportation of persons in group and party service; common carrier of property; contract carrier of property.
2. It is not required that applicant be represented by an attorney, unless applicant is a corporation.
3. The original application signed at the place designated, duly verified by affidavit and two copies of same must be filed at the office of the Pennsylvania Public Utility Commission P.O. Box 3265, North Office Building, Harrisburg, PA 17120. A filing fee of One Hundred Twenty Five Dollars (\$125.00) is required and shall be paid by certified check or money order, made payable to the Commonwealth of Pennsylvania.
4. Carriers with Pa. PUC authority need not complete Paragraph 14 - Statement of Financial Condition if its latest Annual Report is on file at the Commission. You need only to reference same.
5. Copies of trade name registration form and certificate of incorporation of authority are not required from currently certificated/permitted carriers.
6. If space provided in form is not sufficient, prepare on separate sheet, attach it to application and give it the same number as question or statement to which it refers.
7. THIS APPLICATION FORM IS ONLY TO BE USED IN APPLYING FOR A TRANSFER OF RIGHTS UNDER EXISTING CERTIFICATES, PERMITS OR LICENSES. No application will be entertained for a transfer of rights which have been canceled or which for other reasons are obsolete.

THIS MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF TRANSFEREE/APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
 : ss:
LUZERNE County :

Anthony R. Popple, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Anthony R. Popple
Signature of Affiant

Sworn and subscribed before me this 11th Anthony R. Popple

day of March 19 88. MARY THERESA CONSTANTINO, Notary Public

My Commission Expires Jenkins Township, Luzerne County
My Commission Expires May 15, 1989

MT Constantino
Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEREE/APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
 : ss:
 County :

_____, being duly sworn (affirmed) according to law, deposes and says that he is _____ of _____ (Office of Affiant)

_____; that he is authorized to and does make (Name of Corporation)

this affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said _____ (Name of Corporation)

to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____

day of _____ 19 _____

My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEROR/SELLER (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
: ss:
_____ County :

Philip Sarti, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Philip Sarti

Signature of Affiant

Philip Sarti, t/d/b/a Phil's Exvacation

Sworn and subscribed before me this 11th day of March 19 88

My Commission Expires _____
MARY THERESA CONSTANTINO, Notary Public
Jenkins Township, Luzerne County
My Commission Expires May 15, 1989

MT Constantino

Signature of Official Administering Oath

AFFIDAVIT OF TRANSFEROR/SELLER (Corporation)

COMMONWEALTH OF PENNSYLVANIA :
: ss:
_____ County :

_____, being duly sworn (affirmed) according to law, deposes and says that he is _____ of _____ (Office of Affiant)

_____; that he is authorized to and does make (Name of Corporation) this affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said _____ (Name of Corporation)

to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____ day of _____ 19 _____ My Commission Expires _____

Signature of Official Administering Oath

SCHEDULE "A"

DESCRIPTION OF EACH PASSENGER VEHICLE, TRUCK, TRACTOR, TRAILER, SEMI-TRAILER, TAXICAB OR OTHER MOTOR VEHICLE TO BE TRANSFERRED FROM CERTIFICATE OR PERMIT HOLDER TO APPLICANT

Name of Manufacturer (1)	Year of Manufacture (2)	Description					Date Purchased (8)	Condition When Purchased (New or Used) (9)	Original Cost (10)	Cost of Additions, Betterments, and Improvements (11)	Total Cost (12)	Depreciation (13)	Total Cost Less Depreciation (14)	Estimated Present Value (15)	Encumbrance (16)
		Type Of Body (3)	Engine Number (4)	Capacity (5)	Manufacturer's Number (6)	Miles Operated (7)									
										Total columns 10 to 16 inclusive					
State who is to assume encumbrance and how it will be satisfied _____															

SCHEDULE "B"

DESCRIPTION OF EACH OTHER ITEM OF PROPERTY TO BE TRANSFERRED FROM CERTIFICATE OR PERMIT HOLDER TO APPLICANT

Description (A)	Date of Purchase, Installation or Construction (B)	Original Cost (C)	Depreciation (D)	Original Cost Less Depreciation (E)	Estimated Present Value (F)	Encumbrance (G)
			Total columns C to G inclusive			
State who is to assume encumbrance and how it will be satisfied _____						

SCHEDULE "C"

STATEMENT OF FINANCIAL CONDITION

ASSETS

* Motor vehicle equipment	\$ 250,000.00
** Buildings and structures	\$ 526,904.16
Other property	\$ _____
Cash (as of 12/31/87)	\$ 5,371.01
Accounts receivable (as of 12/31/87, including affiliates)	\$ 155,092.25
Notes receivable Prepaid interest	\$ 12,499.27
Materials and supplies	\$ _____
Other assets (accounts receivable)	\$ 4,970.36
Total Assets	\$ 954,837.05

LIABILITIES

Mortgages payable	\$ _____
* Equipment obligations	\$ 240,000.00
Accounts payable	\$ _____
Notes payable)	\$ _____
AND)	
** Other liabilities (attach schedule)	\$ 403,553.94
** Reserve for depreciation - motor vehicles	\$ 134,741.83
Reserve for depreciation - buildings & structures	\$ _____
Reserve for depreciation - other	\$ _____
Net worth (individual or partnership)	\$ 176,541.28
Capital stock (corporations only)	\$ _____
Surplus (corporations only)	\$ _____
Total Liabilities	\$ 954,837.05

* Newly acquired equipment to be used under P.U.C. cert.

** See attached financial statement for details.

ANTHONY R. POPPLE EQUIPMENT RENTAL CO.

BALANCE SHEET - DECEMBER 31, 1987

SEE ACCOUNTANT'S
COMPILATION REPORT

A S S E T S

CURRENT ASSETS

Cash - Regular Checking	\$ 5,371.01
Accounts Receivable	94,028.24
Accounts Receivable - Affiliates	61,064.01
Prepaid Interest	12,499.27

TOTAL CURRENT ASSETS	\$172,962.53
----------------------	--------------

PROPERTY, PLANT & EQUIPMENT (Note #2)	392,162.33
---------------------------------------	------------

OTHER ASSETS (Note #1)

Bid Deposits	4,970.36
--------------	----------

TOTAL ASSETS	\$570,095.22
--------------	--------------

LIABILITIES & OWNER'S EQUITY

CURRENT LIABILITIES

Payroll Taxes & Deductions Payable	\$ 1,936.62
Current Portion of Long-Term Debt (Note #3)	207,099.44

TOTAL CURRENT LIABILITIES	\$209,036.06
---------------------------	--------------

LONG-TERM LIABILITIES (Note #3)	194,517.88
---------------------------------	------------

TOTAL LIABILITIES	\$403,553.94
-------------------	--------------

OWNER'S EQUITY (Page 3)	166,541.28
-------------------------	------------

TOTAL LIABILITIES & OWNER'S EQUITY	\$570,095.22
------------------------------------	--------------

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS AND SHOULD BE READ IN CONJUNCTION WITH THE ACCOUNTANT'S COMPILATION LETTER.

ANTHONY R. POPPLE EQUIPMENT RENTAL CO.

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 1987

NOTE #1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

The following is a summary of the significant accounting policies followed in preparing the Company's financial statements:

- A) PROPERTY, PLANT & EQUIPMENT: Property, plant and equipment are stated at cost. The depreciation expense is calculated on the Accelerated Cost Recovery System Method as prescribed in the Economic Recovery Tax Act of 1981, and subsequent revisions thereto. Beginning with 1/1/87, the depreciation expense is calculated on the Modified Accelerated Cost Recovery System Method as prescribed in the '86 Tax Reform Act.

Maintenance and repairs are charged to expense, and renewals and betterments are capitalized. When assets are retired or otherwise disposed of, the assets and accumulated depreciation are removed from the respective accounts and any profit or loss on the disposition is credited or charged to income.

- B) OTHER ASSETS: Other assets are valued at cost.

NOTE #2 - PROPERTY, PLANT & EQUIPMENT:

	<u>COST</u>	<u>ACCUM. DEPR.</u>	<u>NET</u>
Machinery/Equipment	\$492,438.43	\$127,283.74	\$365,154.69
Furniture/Fixtures	1,608.73	595.24	1,013.49
Trucks/Autos	22,962.50	6,862.85	16,099.65
	-----	-----	-----
TOTAL PLANT & EQUIPMENT	\$517,009.66	\$134,741.83	\$382,267.83
Land	9,894.50	---	9,894.50
	-----	-----	-----
TOTAL PROPERTY, PLANT & EQUIPMENT	\$526,904.16	\$134,741.83	\$392,162.33
	=====	=====	=====

NOTE #3 - DEBT STRUCTURE:

The debt structure of Anthony R. Popple Equipment Rental Co. is as follows:

	<u>CURRENT</u>	<u>LONG-TERM</u>
A) Loan Payable-United Penn Bank. Proceeds of \$131,000.00 at 1/1/87, payable in monthly installments of \$1,000.00, plus interest. Secured.	\$ 12,000.00	\$119,000.00
	-----	-----
SUB-TOTALS (Carried Forward)	\$ 12,000.00	\$119,000.00
	-----	-----

ANTHONY R. POPPLE EQUIPMENT RENTAL CO.

NOTES TO FINANCIAL STATEMENTS

CONTINUED

DECEMBER 31, 1987

NOTE #3 - DEBT STRUCTURE CONT'D:

	<u>CURRENT</u>	<u>LONG-TERM</u>
SUB-TOTALS (Brought Forward)	\$ 12,000.00	\$119,000.00
B) Loan Payable-John Deere. Original proceeds of \$76,187.68, payable as follows: 11 payments @ \$2,060.00; 36 payments @ \$1,486.88, (inc. int.) Secured.	17,832.00	29,748.16
C) Loan Payable-Ford Credit. Original proceeds of \$9,846.90, plus finance charges for Ford Pick-up; payable in 35 monthly installments of \$281.34, inc. int. at 7%.	3,376.08	1,969.38
D) Loan Payable-Line of Credit. United Penn Bank.	59,000.00	---
E) Loan Payable-The Associates. Proceeds of \$102,120.00, payable in monthly installments of \$4,025.00, inc. int.	51,060.00	42,550.00
F) Loan Payable-State Equipment. Demand Loan.	58,830.00	---
G) Loan Payable-Ford Credit. (Truck) Proceeds of \$10,002.72, payable in 24 monthly installments of \$416.78.	5,001.36	1,250.34
TOTALS	----- \$207,099.44 =====	----- \$194,517.88 =====

AGREEMENT

THIS AGREEMENT made the 3rd day of March, 1988, by and between Philip Sarti t/d/b/a Phil's Excavation of Moosic Borough, Lackawanna County, Pennsylvania, (herein called Transferor), and ANTHONY R. POPPLE of Bear Creek Township, Luzerne County, Pennsylvania, (herein called Transferee),

W I T N E S S E T H :

WHEREAS, Transferor is the owner of Commonwealth of Pennsylvania P.U.C. Class D carrier rights held under report and order issued at A-00104280;

WHEREAS, Transferee is desirous of purchasing and acquiring said asset of Transferor;

NOW, THEREFORE, it is agreed, as follows:

1. That the Transferor does hereby agree to sell, and the Transferee does hereby agree to buy, Transferor's Class D carrier rights for a total consideration of \$ 2500.00.

2. Said total purchase price is to be paid upon approval of the transfer of Transferor's carrier rights to Transferee.

3. Transferor agrees to execute any such documents as may be necessary to facilitate the transfer of the aforesaid assets to Transferee.

4. Transferee agrees to assume any general assessments as may be imposed for the upcoming fiscal year.

Intending to be legally bound hereby, the parties have executed this Agreement the date and year above written.

WITNESS:

Nancy A. Popple

Philip Sarti
Philip Sarti, t/d/b/a Phil's
Excavation, Transferor

Anthony R. Popple
Anthony R. Popple, Transferee

List of equipment to be used to render service:

	<u>Type of Equipment</u>		<u>Serial No.</u>
1969	Mack	Tractor	R685ST1892
1986	Witco	Trailer	1W9A11D28GS061200
1987	Mack	Tri-axle	1M2AY40C9HM002361
1987	Mack	Tri-axle	1M2AY40C9HM002339
1987	Mack	Tri-axle	1M2AY40C9HM002362

Operating authority to be transferred:

Common carrier authority of Phillip Sarti, t/d/b/a Phil's Excavation,
filed at A-00104280, F. 1;

To transport, as a Class D. carrier, sand, gravel, cinders,
railroad ties, coal, blacktop, ashes, fill, demolition
debris, topsoil and dirt, between points in the counties of
Lackawanna, Luzerne, Susquehanna and Wyoming.

COPY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

RE: APPLICATION OF ANTHONY R. :
POPPEL FOR APPROVAL OF THE :
TRANSFER AND TO EXERCISE THE :
RIGHT AS A COMMON CARRIER :
ISSUED TO PHILIP SARTI, t/d/b/a :
PHIL'S EXCAVATION :

A. 108130

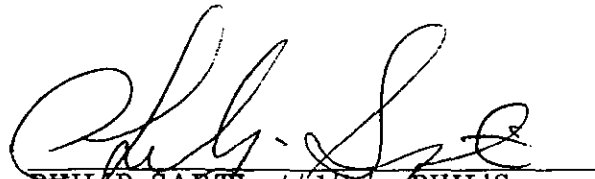
JUN 6 1988

SECRETARYS OFFICE
Public Utility Commission

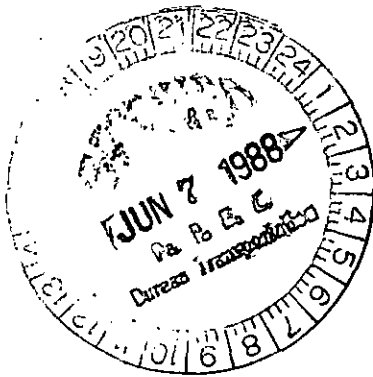
No. A-00104280, F. 1

CERTIFICATION

I, Philip Sarti, hereby certify as follows: that I am presently the holder of common carrier rights for transportation of property filed at the above Docket Number; and, that in connection with my use and exercise of said carrier rights there are at present no outstanding debts, obligations for taxes or other premiums, unpaid penalties, or other claims.



PHILIP SARTI, t/d/b/a PHIL'S
EXCAVATION,
716 Edgebrook Drive
Moosic, Pennsylvania 18507



**DOCUMENT
FOLDER**

June 17, 1988

IN REPLY PLEASE
REFER TO OUR FILE

James F. Geddas, Jr.
Attorney at Law
1400 United Penn Bank Building
Wilkes-Barre, PA 18701-1868

In re: A-00108130 - Application of Anthony R. Popple

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of Anthony R. Popple for the rights of Philip Sarti, t/d/b/a Phil's Excavating.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before July 11, 1988. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that Philip Sarti, t/d/b/a Phil's Excavating will continue to render the service covered by his certificate and comply with all the rules of the Commission, including the carrying of continuous insurance, until final disposition is made of the application by the Commission.

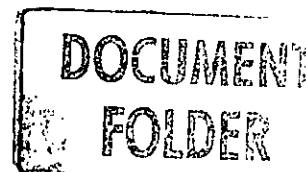
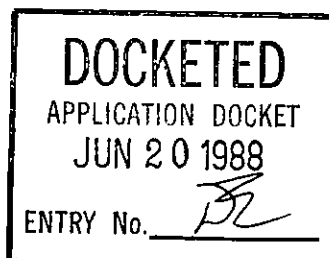
You are further advised that the above application will be published in the Pennsylvania Bulletin of June 18, 1988.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:rs

cc: Applicant
90 Pine Road, Trailwood
Wilkes-Barre, PA 18702



A-00108130 ANTHONY R. POPPLE (90 Pine Road, Trailwood, Wilkes-Barre, Luzerne County, Pennsylvania 18702) - sand, gravel, cinders, railroad ties, coal, blacktop, ashes, fill, demolition debris, topsoil and dirt, between points in the counties of Lackawanna, Luzerne, Susquehanna and Wyoming; which is to be a transfer of the rights authorized under the certificate issued at A-00104280 to Philip Sarti, t/d/b/a Phil's Excavating, subject to the same limitations and conditions. Attorney: James F. Geddas, Jr., 1400 United Penn Bank Building, Wilkes-Barre, Pennsylvania 18701-1868.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____ SERVICE JUN 18 1988

BUREAU OF TRANSPORTATION
COMMON CARRIER
MAY 1988

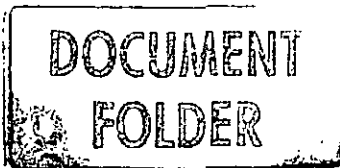
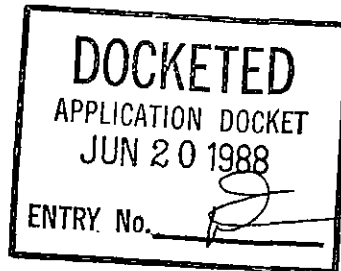
A-00108130

Application of Anthony R. Popple, for the right to begin to transport, as a common carrier, by motor vehicle, sand, gravel, cinders, railroad ties, coal, blacktop, ashes, fill, demolition debris, topsoil and dirt, between points in the counties of Lackawanna, Luzerne, Susquehanna and Wyoming; which is to be a transfer of the rights authorized under the certificate issued at A-00104280 to Philip Sarti, t/d/b/a Phil's Excavating, subject to the same limitations and conditions.

FW:rs
5/17/88

Application received: 5/6/88
Application docketed: 5/16/88

NH



JUL 11 1988

Protests due on No Hearings _____
Protests due on Hearings - (5 days prior to date of hearing)
Notice of the above application was mailed to all certificate holders and railroad companies in the service area as noted above.

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.

James F. Gaddes, Jr.
1400 United Penn Bank Bldg.
Wilkes-Barre, PA 18701

Date June 23, 1988

CR 128681 A

**DOCUMENT
FOLDER**

DOCKETED
JUN 27 1988

In re application of Anthony R. Popple
A-00108130.....\$125.00

Revenue account 001780-017601-102 (ck)

ck 2679 Checks \$125.00 Currency _____

Utility account _____ 50:26

C. Joseph Meisinger
For Department of Revenue