

A-00107076F1

APPLICATION

F1 AMB

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ATTORNEYS AT LAW

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November 29, 1993

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CAMILLE C. MARION  
BRETT D. DAVIS  
KATHLEEN A. DUNST

Direct Dial:  
717-237-5246

In re: Application of North American Van Lines, Inc.  
Pursuant to 52 Pa. Code, Section 5.12, to Modify  
Authority to Reflect Change in Entity of Named  
Shipper; A-00107076, Folder No. 1: Lead Authority,  
Third Right

*A-107076 F.1 Am-B*

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED  
93 NOV 29 PM 3:48  
PA. P. U. C.  
INFO. CONTROL DIV.

Dear Mr. Alford:

On behalf of North American Van Lines, Inc., we enclose, for filing, the original and two copies of the above-captioned application. We have also enclosed our check in the amount of \$350.00 to cover the filing fee.

If anything further is required, please contact the undersigned.

Very truly yours,

McNEES, WALLACE & NURICK

By *Herbert R. Nurick*  
Herbert R. Nurick

HRN/mtz  
Enclosure  
cc: Ms. Janine E. Rudolph

DOCUMENT  
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93 DEC -1 AM 9:01

BEFORE PA PUC  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
TRANSPORTATION

SECRETARY'S OFFICE  
Public Utility Commission

APPLICATION FOR MODIFICATION OF AUTHORITY  
TO REFLECT CHANGE IN ENTITY OF NAMED SHIPPER

In re: APPLICATION OF : APPLICATION DOCKET  
NORTH AMERICAN VAN LINES, INC., :  
PURSUANT TO 52 Pa. CODE, : No. A-00107076 F. 1 AM-B  
SECTION 5.12, TO MODIFY :  
AUTHORITY TO REFLECT CHANGE IN : Folder No. 1: Lead Authority  
ENTITY OF NAMED SHIPPER : Third Right

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The legal name of the applicant is North American Van Lines, Inc.
2. Applicant is a corporation organized under the laws of the State of Delaware. Applicant's Articles of Incorporation on file with the Pennsylvania Public Utility Commission ("Commission") are incorporated herein by reference.
3. The address for the principal place of business of applicant, and the telephone number of applicant, are as follows:

P.O. Box 988  
Ft. Wayne, IN 46801-0988  
Telephone: (219) 429-2755

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 06 1993  
ENTRY No. *[Signature]*

4. The name, address, and telephone number of applicant's attorneys for this application are:

Herbert R. Nurick, Esquire  
McNEES, WALLACE & NURICK  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
Telephone: (717) 237-5246

5. All correspondence or communications in regard to this application are to be addressed to the person named in paragraph 4 herein at the address set forth in said paragraph 4.

6. Facts pertinent to the authorization sought are as follows:

(a) Applicant holds authority at Docket No. A-00107076, F.1, inter alia, as follows:

3. To transport, as a Class D carrier, property, for Knoll International, Inc., between the facilities owned, leased, or used by said company, in the counties of Lehigh, Montgomery and Northampton, and from the said facilities to points in Pennsylvania, and vice versa;

with all of the above rights subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles.

A copy of the authority at the lead Docket Number is marked exhibit "A", attached hereto and made a part hereof.

(b) In approximately August of 1990, Westinghouse Electric Corporation formed a company named Westinghouse

Acquisition Corporation which bought the assets of Knoll International, Inc. and changed the name of Knoll International, Inc. to Westinghouse Acquisition Corp. Concurrently, Westinghouse Acquisition Corp. changed its name to Knoll International, Inc.

(c) On or about January 1, 1992, Knoll International, Inc., and its subsidiary, Shaw-Walker Corporation, merged into Knoll North America, Inc.

(d) Applicant's representatives and applicant's counsel recently were discussing applicant's operations regarding Knoll. Based on these discussions, and upon investigation of the facts as set forth in paragraphs 6(a) through 6(c) above, applicant's representatives were advised by counsel that the rules of the Commission require the filing of an application to effect the change of name in applicant's authority. Therefore, applicant is filing this application seeking authority to reflect this change in entity of the shipper named in applicant's rights.

7. The authority under which the authorization of the Commission is sought is under the "Special Provisions" of the Commission at 52 Pa. Code, §3.381(a)(9)(i), which provides:

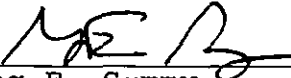
(9) Change in entity of named shipper.

(i) A change in the entity of a shipper named in the existing or proposed operating authority of a motor

carrier, which is accompanied by a change in the ownership or control of the shipper's business--for example, through a sale or merger--requires the filing of an application by the motor carrier in accordance with paragraphs (3) and (4) and section 5.12.

WHEREFORE, applicant respectfully requests the Commission to modify applicant's authority specified in paragraph 6(a) herein so that the name of the shipper will read "Knoll North America, Inc." instead of "Knoll International, Inc."

Respectfully submitted,  
NORTH AMERICAN VAN LINES, INC.

By   
Greg E. Summy  
Assistant Secretary



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held March 5, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman  
Frank Fischl  
Bill Shane

Application of North American Van Lines, Inc., a corporation of the State of Delaware, for the right to begin to transport, as a common carrier, by motor vehicle, (1) property, between the facilities owned, leased or used by Nelson of Kingston, Inc., located in the county of Luzerne, and from said facilities, to points in Pennsylvania, and vice versa; (2) property, between the facilities owned, leased, or used by North American Philips Corporation, Inc., located in the counties of Allegheny, Warren, and Washington, and from said facilities, to points in Pennsylvania, and vice versa; (3) property, between the facilities owned, leased, or or used by Knoll International, Inc., located in the counties of Lehigh, Montgomery, and Northampton, and from said facilities, to points in Pennsylvania, and vice versa; and (4) property, between the facilities owned, leased, or used by Schreiber Foods, Inc., located in the county of Clearfield, and from said facilities, to points in Pennsylvania, and vice versa.

A-00107076

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McNees, Wallace & Nurick, by Herbert R. Nurick, for the applicant.  
Peter G. Loftus for the protestant, Seaborad Tank Lines, Inc.  
Kriner, Koerber & Kirk, by Dwight L. Koerber, Jr., for the protestant,  
Butler Trucking Company.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 30, 1986. Public notice of the application was given in the Pennsylvania Bulletin of August 30, 1986.

Protests were filed by Seaboard Tank Lines, Inc. (Seaboard), and Butler Trucking Company (Butler). Seaboard withdrew its protest based upon a restrictive amendment prohibiting the transportation of petroleum and petroleum products, in bulk, in tank-type vehicles. The Butler protest was withdrawn upon elimination of the right to transport for Schreiber Foods, Inc., located in Clearfield County.

The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of a verified statement submitted on behalf of the applicant by Kenneth W. Maxfield, president of North American Van Lines, Inc. (North American or applicant). Statements by three shippers were submitted in support of the application.

North American, a Delaware corporation, is a wholly-owned subsidiary of Norfolk Southern Corp., with its principal place of business in Fort Wayne, Indiana. The applicant currently operates as a common carrier under authority from the Interstate Commerce Commission and from the states of Alaska, Colorado, Indiana, Iowa, Michigan, Missouri, New York, North Carolina, and Wisconsin. By this application, as amended, North American seeks initial Pennsylvania intrastate authority to serve three shippers.

Nationally, the applicant operates approximately 2,700 tractors and 5,850 trailers; the proposed service will be performed by approximately twenty tractors and forty trailers, which will be spotted at various shippers' facilities. Service contracts are maintained with various independent repair shops throughout the country, including Pennsylvania, which have qualified mechanics to perform maintenance and repairs on this equipment. An extensive safety program for drivers and vehicles is currently in operation, it is administered by a safety director and a twenty person staff.

Currently, North American provides interstate service to the three supporting shippers and now seeks the right to offer intrastate service. The applicant is familiar with the shippers, their facilities, and the commodities shipped and received. Approval of this application will permit the applicant's operation to be more complete and efficient.

As evidence of its financial capacity to perform the proposed service, North American reports assets of \$554,056,000 with liabilities of \$349,166,000, leaving a shoreholders' equity of \$204,890,000. Net income for the third quarter of 1986 was \$9,710,000.

Joseph M. Nelson, president of Nelson of Kingston, Inc. (Nelson), submitted a verified statement in support of the application. Nelson, located in the borough of Kingston, Luzerne County, manufactures upholstered furniture. This shipper requests service from all points in Luzerne County since it may desire to expand its facilities, especially warehouses, in the future. Nelson intends to tender two or three truckloads per day to North American for delivery to points throughout Pennsylvania. Inbound manufacturing materials and supplies currently come for several locations in Pennsylvania and could potentially originate at any point in Pennsylvania.

Randy Eck, traffic analyst with Knoll International, Inc. (Knoll), also submitted a verified statement in support of the application. Knoll manufactures and distributes office furnishings and fixtures, and residential furniture; inbound traffic includes a wide range of commodities used in production. Manufacturing and warehousing facilities are operated in Upper Hanover Township, Montgomery County, Upper Macungie Township, Lehigh County, and Lower Pottsgrove Township, Montgomery County. Additional warehouse space is leased, as needed, in the same counties. Knoll ships property between its various facilities and to all points in Pennsylvania; inbound shipments can be received from any point in Pennsylvania.

A verified statement in support of the application was submitted by Jerry Catana, traffic manager for North American Philips Lighting Corporation (Philips). Philips manufactures lighting products at a factory in Warren, Warren County; warehouse facilities are operated in Leetsdale and Pittsburgh, Allegheny County, and North Strabane Township, Washington County. Approximately two truckloads of freight will be tendered to the applicant each day, destined for points throughout Pennsylvania. This shipper also receives inbound shipments of raw materials and supplies from various sources in Pennsylvania.

We note that the word "Lighting" was not included in the name of the shipper North American Philips Lighting Corporation, in the published notice of the application. Since the commodity and territory description were correct, we find that other carriers could not have been prejudiced by this minor variation in a shipper's name.

We will limit each of the proposed rights to rendering service "for" the named shipper from its facility since no additional shippers have stated a need for service from any of the shipper facilities. This modification follows Commission policy when only the specifically named shipper offers support for the proposed service.

After a complete review of the record before us, we are of the opinion that the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service, as amended and limited. Furthermore, the statements in support of the application demonstrate that there is a segment of the public that desires the availability of the proposed service, as amended and limited.

We find that:

1. The applicant is fit to hold a certificate of public convenience.
2. The applicant is ready, willing and able to perform the proposed service, as amended.
3. There is a public need for the proposed service, as amended.
4. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended and limited, be and is hereby approved, and that a certificate be issued granting the following rights:

1. To transport, as a Class D carrier, property, for Nelson of Kingston, Inc., between the facilities owned, leased, or used by said company, in the county of Luzerne, and from the said facilities to points in Pennsylvania, and vice versa;
2. To transport, as a Class D carrier, property, for North American Philips Lighting Corporation, between the facilities owned, leased, or used by said company, in the counties of Allegheny, Warren and Washington, and from the said facilities to points in Pennsylvania, and vice versa;
3. To transport, as a Class D carrier, property, for Knoll International, Inc., between the facilities owned, leased, or used by said company, in the counties of Lehigh, Montgomery and Northampton, and from the said facilities to points in Pennsylvania, and vice versa;

with all of the above rights subject to the following condition:

That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles.


IT IS FURTHER ORDERED: That the application in all other respects be denied for lack of proof of necessity.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Code relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing this Commission's approval of the right to operate as above determined.

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 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.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: March 5, 1987

ORDER ENTERED: **MAR 26 1987**

# PENNSYLVANIA PUBLIC UTILITY COMMISSION



## RECEIPT RECEIVED

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.

93 DEC 16 PM 3:55

PA. P. U. C.  
INFO. CONTROL DIV.

HERB NURICK  
100 PINE STREET BOX 1166  
HARRISBURG PA 17108

Date DECEMBER 15, 1993

CR 150628 A

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FOLDER**

**DOCKETED**  
DEC 21 1993

In re application of North American Van Lines, Inc.  
A-00107076, F.1, Am.B.....\$350.00

CK# 39955 Revenue account 001780-017601-102 (ks)  
Checks \$350.00 Currency \_\_\_\_\_  
Utility account \_\_\_\_\_  
50:26

C. Joseph Meisinger  
For Department of Revenue

December 31, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

Herbert R. Nurick  
Attorney at Law  
P. O. Box 1166  
Harrisburg, PA 17108-1166

In re: Application of - A-00107076, F.l, Am-B - North American Van Lines, Inc.

Dear Sir:

The application of North American Van Lines, Inc.

has been captioned as attached and will be submitted for review provided no protests are filed on or before January 24, 1994. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of January 1, 1994.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:de

cc: Applicant  
5001 U. S. Highway 30 West  
Fort Wayne, IN 46818

**DOCUMENT  
FOLDER**

**DOCKETED**  
APPLICATION DOCKET  
DEC 30 1993  
ENTRY No. \_\_\_\_\_

A-00107076, Folder 1, Am-B NORTH AMERICAN VAN LINES, INC. (5001 U. S. Highway 30 West, Fort Wayne, IN 46818) a corporation of the State of Delaware - property, for Knoll International, Inc., between the facilities owned, leased or used by said company, in the counties of Lehigh, Montgomery and Northampton, and from the said facilities to points in Pennsylvania, and vice versa; with the above right subject to the following condition: That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles: SO AS TO PERMIT the substitution of Knoll North America, Inc., for KNOLL INTERNATIONAL, INC. Attorney: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108-1166.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

Published in Pennsylvania Bulletin JAN 1 1994

BUREAU OF TRANSPORTATION  
COMMON CARRIER  
December 1993

A-00107076  
F. 1  
Am-B

Application of North American Van Lines, Inc., a corporation of the State of Delaware, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, property, for Knoll International, Inc., between the facilities owned, leased or used by said company, in the counties of Lehigh, Montgomery and Northampton, and from the said facilities to points in Pennsylvania, and vice versa; with the above right subject to the following condition: That no right, power or privilege is granted to transport petroleum and petroleum products, in bulk, in tank-type vehicles: SO AS TO PERMIT the substitution of Knoll North America, Inc., for KNOLL INTERNATIONAL, INC.

LM:rs/em  
12/15/93

Application received: 11/29/93  
Application docketed: 12/06/93

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APPLICATION DOCKET  
DEC 30 1993  
ENTRY No.       

Protests due \_\_\_\_\_

JAN 2 4 1994