

RAYMOND A. THISTLE, JR.

ATTORNEY AT LAW  
206B BENSON EAST  
100 OLD YORK ROAD  
JENKINTOWN, PA. 19046

RECEIVED

MAR 4 1993

SECRETARY'S OFFICE  
Public Utility Commission

March 4, 1993

RECEIVED

(215) 576-0131

MAR 8 1993

SECRETARY'S OFFICE  
Public Utility Commission

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

FILE

Re: Application of North American Bulk  
Transport, Inc.  
Docket A-00108408, F.1, Am-C

Dear Secretary Alford:

Enclosed herewith for filing are an original plus two copies of a joint protest of Reber Corporation and Laurence M. Darnell, t/d/b/a Lenrad Leasing Co., against the above captioned Permanent Authority Application.

Proper, receipted and timely mail service has been made per the Certificate of Service.

Please acknowledge receipt on that provided.

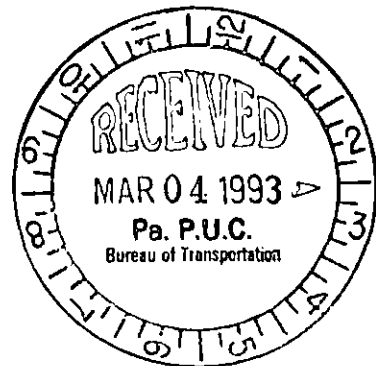
Thank you for your attention and consideration in this matter.

Very truly yours,

*Raymond A. Thistle, Jr.*  
Raymond A. Thistle, Jr.

RAT:mt

cc: North American Bulk Transport, Inc.  
David H. Radcliff, Esquire  
Reber Corporation  
Lenrad Leasing Co.



DOCUMENT  
FOLDER

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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IN RE: APPLICATION OF NORTH AMERICAN BULK TRANSPORT, INC.  
DOCKET A-00108408, FOLDER 1, AMENDMENT-C

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**FILE**

**RECEIVED**

JOINT PROTEST AGAINST GRANT OF APPLICATION **MAR 4 1993**  
FOR PERMANENT AUTHORITY **SECRETARY'S OFFICE**  
**Public Utility Commission**

AND NOW COMES the protestants identified below, by their attorney, and file this their Joint Protest against the grant of the above captioned permanent authority application, the basis of which is as follows:

1. Applicant's name and docket number of the application:

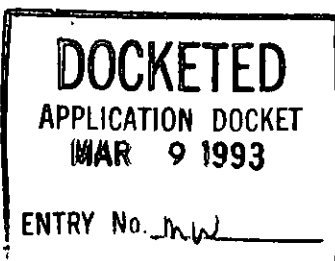
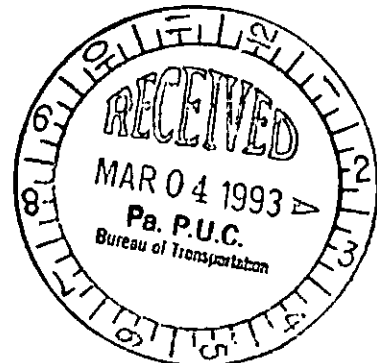
North American Bulk Transport, Inc.  
P. O. Box 754  
Milwaukee, WI 53201-0754

Docket A-00108408, F.1, Am-C

2. Name, business address and telephone number of the protestants

Reber Corporation  
3 Steel Road East  
Morrisville, PA 19067  
(215) 736-9660

Laurence M. Darnell, t/d/b/a  
Lenrad Leasing Co.  
P. O. Box 50  
Devon, PA 19333  
(215) 395-6300



3. Name, business address and telephone number of protestants' attorney:

Raymond A. Thistle, Jr.  
206B Benson East  
100 Old York Road  
Jenkintown, PA 19046  
(215) 576-013

4. Statement of the nature of protestants' interest in the application and of Adverse Impact upon protestants and the public

(a) Nature of protestants' interest

The applicant seeks the following authority,

So as to permit the transportation of fly ash, in bulk, in tank vehicles, between points in Pennsylvania.

Protestant **Reber Corporation** holds authority from the Pennsylvania Public Utility Commission, inter alia:

At Docket A-94854, F.2 which authorizes, inter alia, the transportation of fly ash in bulk, in tank vehicles for G. & W. H. Corson Incorporated between points in Pennsylvania (with an exclusion of certain territory). See authority attached.

At Docket A-94854, F.2, Am-D which authorizes transportation as a Class D carrier, fly ash, in bulk, in pneumatic tank vehicles from the terminals of National Minerals Corporation at the boroughs of New Alexandria and New Florence, Westmoreland County; the boroughs of Indiana, Shelocta and Homer City, Indiana County; and the township of Cumru, Berks County to points in Pennsylvania. See authority attached.

At Docket A-94854, F.2, Am-F which authorizes transportation of roofing and building materials and materials, supplies, equipment and supplies, from the facilities of Georgia-Pacific Corporation at Richland Township, Bucks County, to points in Pennsylvania and vice versa, with some restrictions not here applicable. See authority attached.

At Docket A-94854, F.2, Am-H which authorizes transportation of fly ash, in bulk in pneumatic tank vehicles, for National Minerals Corporation from the facilities of Metropolitan Edison Electric Company in the borough of Portland, Northampton County, to points in Pennsylvania. See authority attached.

At Docket A-94854, F.2, Am-I which authorizes the transportation of road and building construction materials, such as are usually transported in dump trucks between points in the counties of Philadelphia, Delaware, and Bucks (limit - 30 miles from origin to destination and not between points in Philadelphia). See authority attached. Paragraphs 2 and 3 of this Order may also be involved.

Protestant **Laurence M. Darnell, t/d/b/a Lenrad Leasing Co.**, holds authority from the Pennsylvania Public Utility Commission, inter alia:

At Docket A-101657, F.2 which authorizes transportation of fly ash in tank vehicles from the Montour Station of the Pennsylvania Power & Light Company, located in the borough of Washingtonville, Montour County and from the Holtwood Station of the Pennsylvania Power & Light Company, located in the township of Martic, Lancaster County, to points in Pennsylvania and vice versa.

Protestants do, in fact, operate or hold themselves out to serve under the authorities held as indicated above and more specifically set forth in the Orders and documents attached and may serve some of the supporting shippers in the subject application here protested. Protestants have sufficient equipment and personnel to handle its present volume of business plus additional volume.

(b) Adverse Impact

Protestants depend upon traffic in all their authorized territories and for their specifically named shippers, to continue to render a service to the public in their total authorized territories. A grant of this application will jeopardize traffic of protestants within their authorized territories and for some of their specifically authorized shippers and in turn will jeopardize their service to the public. Such occurrence would adversely affect the protestants and be adverse to the public interest.

The application is further protested on the basis that there is no need for the proposed service. Further, protestants challenge the fitness of applicant to perform the proposed service.

5. List of all Commission Docket Numbers under which protestant operates:

The following is a list of all of Reber Corporation's PA PUC authority under which it operates or holds itself out to render service in accordance therewith. Those with an \* are the authorities pertinent to this joint protest; copies of the pertinent portions of such authorities are attached hereto.

Docket Number A-00094854, F.2 \*

NOTE: the following listed amendments are under the same Docket Number and under Folder 2:

Am-A

Am-B

Am-C  
Am-D \*  
Am-E  
Am-F \*  
Am-G  
Am-H \*  
Am-I \*  
Am-J  
Am-K  
Am-L  
Am-M  
Am-N

The following is a list of all of the Pennsylvania Public Utility Commission Authority of Laurence M. Darnell, t/d/b/a Lenrad Leasing Co. under which it operates or holds itself out to render service in accordance therewith. Those with an \* are the authorities pertinent to this joint protest; copies of the pertinent portion of such authorities are attached hereto.

Docket Number A-101657

F.2           \*  
F.2, Am-A  
F.2, Am-B

6. Proposed Restriction

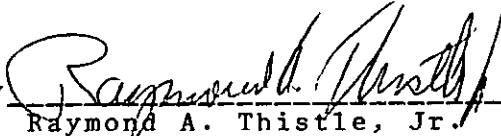
The application seeks authority for the entire Commonwealth of Pennsylvania which includes all fly ash as authorized to protestants; therefore, there appears to be no basis for a restrictive amendment which would cause withdrawal of this joint protest, unless protestants know the supporting shippers; however, protestants would consider any reasonable proposal by applicant which would be protective of protestants' authorities.

WHEREFORE, the Permanent Authority Application of North American Bulk Transport, Inc. should be denied.

Respectfully Submitted

REBER CORPORATION

LAURENCE M. DARNELL, T/D/B/A  
LENRAD LEASING CO.

By  \_\_\_\_\_  
Raymond A. Thistle, Jr.  
Counsel for Protestants

Application of REBER CORPORATION, a corporation  
of the Commonwealth of Pennsylvania

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of REBER CORPORATION, a corporation of the Commonwealth of Pennsylvania, received March 13, 1972, to operate motor vehicles as a common carrier, and upon protests, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by BOYLE BROTHERS, INC., a corporation of the State of New Jersey, under report and order issued at A. 76005, Folder 4 on June 30, 1958 and the certificate of public convenience issued thereunder, as modified and amended, which certificate will be subsequently cancelled as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by REBER CORPORATION, a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application limited to the following rights:

1. To transport, as a Class D carrier, property for the United States Gypsum Company between points in the city and county of Philadelphia and from said points to points east of the western boundaries of the Counties of McKean, Elk, Clearfield, Cambria and Somerset, with the return of pallets, skids, platforms or containers and damaged or rejected articles; excluding transportation to and from the borough of Lewistown and the village of Belleville, Mifflin County, and the boroughs of State College and Bellefonte, Centre County.
2. To transport, as a Class D carrier, dry cement, having prior movement by rail and/or water, between points in Pennsylvania; provided that the transportation of dry cement between points in the territory comprising the city and county of Philadelphia and within thirty-five (35) miles by the usually traveled highways of the limits of said city and county shall be confined to the transportation of dry cement, in bulk, in tank vehicles or in hopper-type vehicles.

with right No. 2 above subject to the following condition:

That no right, power or privilege is granted to transport cement produced at or originating at the plant of Bessemer Cement Company Division Diamond Alkali Company at or near Bessemer, Lawrence County, and the plant of Medusa Portland Cement Company at or near Wampum, Lawrence County.

3. To transport, as a Class D carrier, dry commodities, in bulk in tank vehicles, limited to cement, building lime, agricultural lime, pebble lime, pulverized limestone and other limestone products, for G. & W. H. Corson, Incorporated from its facilities in the township of Whitemarsh, Montgomery County, to points in Pennsylvania.
4. To transport, as a Class D carrier, fly ash, in bulk in tank vehicles, for G. & W. H. Corson, Incorporated, between points in Pennsylvania (except from points in the counties of Philadelphia and Bucks to points within an airline distance of one hundred (100) miles of the City Hall of Philadelphia, and vice versa.)
5. To transport, as a Class D carrier, building materials, gypsum and gypsum products and materials and supplies used in the installation and application of such commodities, except commodities in bulk, from the plant and other facilities of the United States Gypsum Company in the city and county of Philadelphia to points in the said city and to other points in Pennsylvania; and refused, rejected and returned shipments and materials, equipment and supplies used in the manufacture and distribution of the said commodities, except commodities in bulk, from points in the city and county of Philadelphia and from other points in Pennsylvania (except points in the Counties of Bucks, Chester, Delaware and Montgomery and the borough of Lewistown and the village of Belleville, Mifflin County, and the boroughs of State College and Bellefonte, Centre County) to the plant and other facilities of the United States Gypsum Company in the city of Philadelphia.

with right No. 5, above, subject to the following condition:

That no right, power or privilege is granted to transport cement in bags for the Universal Atlas Cement Division of United States Steel Corporation originating at its plant in the village of Universal, Penn Township, Allegheny County, and the borough of Northampton, Northampton County, for the Penn-Dixie Cement Corporation originating at its plants in the village of West Winfield, Winfield Township, Butler County, and its plant sites in the county of Northampton, and for Lone Star Cement Corporation originating at its plant in the borough of Nazareth, and the township of Nazareth, Northampton County, to the city of Philadelphia.

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

A. 94854

FIRST: 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.

SECOND: 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.

THIRD: That the applicant charge to Account 1550, Other Intangible Property, \$11,500, 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.

FOURTH: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and revised General Order No. 29 effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, August 8, 1972, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements herein before set forth, the application shall be dismissed without further proceeding.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*[Signature]*  
Chairman

*[Signature]*  
Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 1, 1980

Commissioners Present:

Susan M. Shanahan, Chairman  
Michael Johnson  
James H. Cawley

Application of Reber Corporation, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right to transport, inter alia, lime, in bulk, in pneumatic tank vehicles, for Eastern Industries, Inc., from the borough of Kutztown, in the township of Maxatawny, Berks County, to points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport to the property of the United States Steel Company, Falls Township, Bucks County; SO AS TO PERMIT the transportation of fly ash, in bulk, in pneumatic tank vehicles, from the terminals of National Minerals Corporation, located as follows: (1) The township of Woodbury, Bedford County, and within an airline distance of twenty-five (25) statute miles of the limits of said township; (2) The borough of Indiana, Indiana County, and within an airline distance of twenty-five (25) statute miles of the limits of said borough; and (3) The township of Cumru, Berks County; and from the aforesaid points of origin to points in Pennsylvania.

A-00094854

Am-D

Sheri B. Friedman for applicant.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 13, 1979. Public notice of the application was given in the Pennsylvania Bulletin of October 13, 1979. No protests were filed.

3. Private carriage and other common carriers cannot meet the shipper's increased demands for transportation of fly ash in bulk in pneumatic tank vehicles.

4. Approval of the application, as amended, appears to be an accommodation and convenience to the public; THEREFORE:

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued to applicant on October 20, 1972, as amended, be further amended to include the following right:

to transport, as a Class D carrier, fly ash, in bulk, in pneumatic tank vehicles, from the terminals of National Minerals Corporation, located in the boroughs of New Alexandria and New Florence, Westmoreland County; the boroughs of Indiana, Shelocta and Homer City, Indiana County; and the township of Summit, Berks County, to points in Pennsylvania.

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

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 hereinafore 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 carrier, shall not be construed as conferring more than one operating right.

BY THE COMMISSION

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: May 1, 1980

ORDER ENTERED: MAY 29 1980

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held March 21, 1980

Commissioners Present:

Susan M. Shanamin, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Tallafiero

Application of Reber Corporation,  
a corporation of the Commonwealth  
of Pennsylvania, for amendment to  
its common carrier certificate,  
which grants the right, inter alia,  
to transport by motor vehicle  
property for the United States  
Gypsum Company, between points in  
the city and county of Philadelphia  
and from said points to points east  
of the western boundaries of the  
counties of McKean, Elk, Clearfield,  
Cambria and Somerset, with the  
return of pallets, skids, platforms  
or containers and damaged or rejected  
articles, excluding transportation to  
and from the borough of Lewistown and  
the village of Belleville, Mifflin  
County, and the boroughs of State  
College and Bellefonte, Centre County,  
SO AS TO PERMIT the transportation  
of roofing and building materials  
and materials, equipment, and supplies  
used in or incidental to the manufacture,  
installation, and distribution of roofing  
and building materials, from the facilities  
of Georgia-Pacific Corporation in the  
township of Richland, Bucks County, to  
points in Pennsylvania, and vice versa.

A-00094854

Am-P

Sheri B. Friedman for applicant  
Jerome Solomon for Tajon, Inc., protestant  
H. Ray Pope for Paul L. Zamberlan & Sons, Inc., protestant

APR 1 1980

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deliveries or multiple deliveries enroute. Georgia needs a carrier such as applicant who has statewide authority both to and from its Richland facility, who can supply flatbed and pneumatic tank equipment in the quantity required and who can make scheduled deliveries, job site deliveries, multiple deliveries and split deliveries. It is necessary to meet its large volume requirements for transportation. Due to the volume of traffic to be transported to and from the Richland Township plant, it has supported numerous other common and contract carrier applications for similar type authority and they have recently been granted authority.

#### DISCUSSION AND FINDINGS

Applicant has held common carrier authority from the Commission since 1972 and seeks additional authority to render service from the facilities of Georgia-Pacific Corporation in Richland Township, Bucks County, to points in Pennsylvania and vice versa. Georgia supports the proposed service to Pennsylvania points from its new plant both inbound and outbound. Common carriers in the area of origin with statewide authority did not have the necessary flatbed equipment or pneumatic tank trucks available to meet the inbound and outbound traffic requirements of shipper's new plant. Recently, numerous carriers have received authority to serve the new plant and Georgia supports applicant for this additional service to ensure it has sufficient carriers available to meet the high volume traffic anticipated to and from the Richland plant. Approval of the instant application will help the supporting shipper to meet its transportation requirements.

We find that:

1. Applicant appears to have the experience, equipment and financial capacity necessary to render the proposed service.
2. A need has been demonstrated to exist by Georgia-Pacific Corporation for statewide service by flatbed and pneumatic tank units to and from its new plant in the township of Richland, Bucks County.
3. Existing carrier service is not available in the quantities required by the traffic to be tendered both inbound and outbound from the shipper.
4. Approval of the application as amended is necessary for the accommodation and convenience of the public. THEREFORE,

IT IS ORDERED: That the application as amended be and is hereby approved and that the certificate issued to applicant on October 20, 1972 as amended, be further amended to include the following right:

to transport, as a Class D carrier, roofing and building materials, and materials, equipment, and supplies used in

or incidental to the manufacture, installation, and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation in the township of Richland, Bucks County, to points in Pennsylvania, and vice versa.

subject to the following condition:

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

That no right, power or privilege is granted to transport brick, tile or clay products from the borough of Lewis Run, McKean County, and the borough of Summerville, Jefferson County, and face or building brick from the county of Clearfield to points in Pennsylvania.

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

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 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.

BY THE COMMISSION:

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: March 21, 1980

ORDER ENTERED: MAR 28 1980

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held August 14, 1980

Commissioners Present:

Susan M. Shanaman, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro

Application of Reber Corporation, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of fly ash, in bulk, in pneumatic tank vehicles, for National Minerals Corporation, from the facilities of Metropolitan Edison Electric Company, in the borough of Portland, Northampton County, to points in Pennsylvania.

A-00094854  
F. 2  
Am-H

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Sheri B. Friedman for Reber Corporation.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 28, 1980. Public notice of the application was given in the Pennsylvania Bulletin of April 19, 1980. The application is unopposed and the record is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and its supporting shipper.

Floyd A. Reber, president of Reber Corporation (applicant or Reber), set forth in his verified statement that the applicant operates as a Pennsylvania intrastate carrier from a facility at Norristown, Montgomery County. Reber has 22, 1,000 cubic foot pneumatic semi-canker units available to provide the service herein proposed to the supporting shipper. All equipment is operated in compliance with Commission and Federal safety regulations.

As evidence of its financial capacity to operate the additional service proposed, the applicant entered its balance sheet and income statement as of December 31, 1979. Reber reports total current assets of \$254,476, total assets of \$605,533, current liabilities of \$243,024, and total liabilities of \$366,200. Operating revenue of \$1,491,569 produced a net operating income of \$83,729 after expenses of \$1,407,840.

Thomas J. Maechler, vice president and general manager of National Minerals Corporation (shipper or National), set forth in his verified statement that the shipper is a marketer of fly ash and bottom ash, which is sold to cement users at such points as Pittsburgh, Hanover, Shrewsbury, Bradford, Erie, Philadelphia, Norristown, Marion Center, Wilkes-Barre, Allentown, Harrisburg, Ephrata and Terre Hill. Currently, fly ash moves to customers via their own vehicles. National desires a common carrier be available to handle this traffic.

It is expected that 10,000 tons of fly ash per year will be tendered to the applicant within the scope of the instant application. During peak demand periods, as many as, three loads (230 tons) per day will be given to Reber. National's own trucks are unable to handle this volume and certificated carriers with both the authority and sufficient vehicles to render full service have generally been unavailable.

#### DISCUSSION AND FINDINGS

Reber seeks to provide transportation for the account of one shipper moving fly ash from the Metropolitan Edison Electric Company's facility in the borough of Portland, Northampton County, to various points in Pennsylvania. The traffic will be handled in pneumatic tank vehicles.

Reber is an experienced bulk carrier with the specialized equipment necessary to render the proposed service. The applicant is in a financially sound position and National seeks the applicant's service to meet its expanding needs which are not now fulfilled by existing carriers. The shipper has a substantial volume of fly ash per year for intrastate movement to various statewide destinations. We are convinced by the evidence before us that approval of the application will aid in meeting the specific needs of the shipper and is an accommodation and convenience to the public in general.

We find:

1. The applicant is an experienced bulk commodities carrier with the appropriate equipment and financial capacity necessary to render the proposed service.
2. The supporting shipper has a requirement for the movement of a substantial volume of fly ash from the Metropolitan Edison Electric Company's facilities to various customers statewide.

3. Approval of the application will aid the shipper in meeting its specific transportation requirement and approval of the application will benefit the public generally; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued October 20, 1972, as amended, be further amended to include the following right:

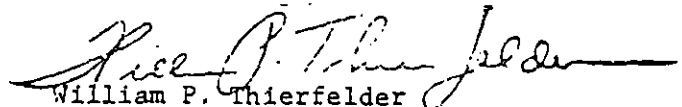
To transport, as a Class D carrier, fly ash, in bulk in pneumatic tank vehicles, for National Minerals Corporation, from the facilities of Metropolitan Edison Electric Company, in the borough of Portland, Northampton County, to points in Pennsylvania.

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 shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates.

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,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: August 14, 1980

ORDER ENTERED: AUG 20 1980

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held July 10, 1980

Commissioners Present:

Susan M. Shanaman, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro

Application of Reber Corporation for approval of the transfer to it of all of the operating rights held by George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4.

A-00094854  
F. 2  
Am-I

O R D E R

BY THE COMMISSION:

By application docketed April 16, 1980 Reber Corporation, a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., under the certificate issued at A-00084128, F. 4.

We find the applicant to be fit to be granted the operating authority sought herein and the approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4 be approved and that the report and order of August 8, 1972 at A-00094854, F. 2, and the certificate issued pursuant thereto, as modified and amended, be further modified and amended to include the following rights:

1. To transport, as a Class D carrier, road and building construction materials, such as are usually transported in dump trucks, between points not to exceed a distance of thirty (30) miles from point of origin to point of destination in the counties of Philadelphia, Delaware, Montgomery and Bucks, excluding transportation between points in the city and county of Philadelphia;

with right no. 1 above subject to the following condition:

That no right, power or privilege is granted to transport iron and steel, iron and steel articles and products and such materials and 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 property of the United States Steel Corporation (formerly the United States Steel Company) located in Falls Township, Bucks County, to points in the counties of Philadelphia, Delaware, Montgomery and Bucks, and vice versa.

2. To transport, as a Class D carrier, bulk building materials and bulk building supplies, such as are usually transported in dump trucks, between points in the counties of Chester, Berks, Philadelphia, Delaware, Montgomery and Lancaster, provided no haul shall exceed a distance of forty (40) miles from point of origin to point of destination; excluding the transportation of wood, poles and forest products and excluding the transportation of sand, gravel, crushed stone and slag from points in Philadelphia.
3. To transport, as a Class D carrier, property, except sand, gravel, crushed stone and slag, for the American Telephone and Telegraph Company and the Philadelphia Electric Company, between points in Pennsylvania within one hundred (100) miles by the usually traveled highways of the village of Devault, Chester County;

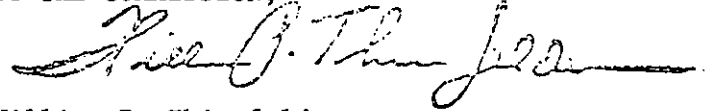
with rights numbers 2 and 3 above subject to the following condition:

That no right, power or privilege is granted to transport household goods in use.

4. To transport, as a Class D carrier, lime and lime products, limestone and limestone products in dump trucks and dump trailers from points in the townships of Tredyffrin, East Whiteland and Charlestown, Chester County, to points within an airline distance of one hundred fifty (150) miles of the point of origin.
5. To transport, as a Class D carrier, lime and lime products, limestone and limestone products in dump trucks and dump trailers from the borough of Bellefonte, Centre County and the village of Annville, Lebanon County, to points within an airline distance of fifty (50) miles of the limits of the borough of Malvern, Chester County.

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor George R. Romano and Fiorre Romano, copartners, t/a Romano Bros., at A-00084128, F. 4, be cancelled and the record be marked closed.

BY THE COMMISSION,



William P. Thierfelder  
Secretary



(SEAL)

ORDER ADOPTED: July 10, 1980.

ORDER ENTERED: JUL 18 1980



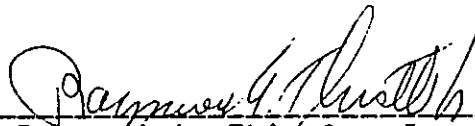
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Joint Protest upon all parties of record at their proper addresses as indicated below, by placing a copy thereof with the United States Postal Service, first class mail, postage prepaid:

David H. Radcliff, Esquire  
2216 Walnut Street  
Harrisburg, PA 17103

North American Bulk Transport, Inc.  
P. O. Box 754  
Milwaukee, WI 53201-0754

Dated at Jenkintown, PA, this 4th day of March, 1993

  
-----  
Raymond A. Thistle, Jr.  
Counsel for Protestants

PROTEST DUE: March 8, 1993  
DATE POSTED WITH POSTAL RECEIPT  
#3817 ATTACHED TO ORIGINAL:  
March 4, 1993

KJR

RAYMOND A. THISTLE, JR.  
ATTORNEY AT LAW  
206B BENSON EAST  
100 OLD YORK ROAD  
JENKINTOWN, PA. 19046

RECEIVED

March 4, 1993

MAR 8 1993

(215) 576-0131

SECRETARY'S OFFICE  
Public Utility Commission

North American Bulk Transport, Inc.  
P. O. Box 754  
Milwaukee, WI 53201-0754

Re: Your PA PUC Application  
Docket A-00108408, F.1, Am-C  
First Set of Interrogatories

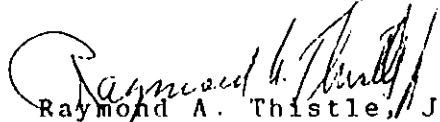
Gentlemen:

Enclosed herewith are an original plus one copy of protestants Reber Corporation and Lenrad Leasing Co.'s First Set of Interrogatories.

I have sent a copy to your attorney who can advise you concerning these Interrogatories.

Thank you for your attention and consideration in this matter.

Very truly yours,

  
Raymond A. Thistle, Jr.

DOCKETED

MAR 11 1993

RAT:mt

cc: Honorable John G. Alford, Secretary  
PA PUC (letter only)  
David H. Radcliff, Esquire  
Reber Corporation  
Lenrad Leasing Co.

DOCUMENT  
FOLDER

ORIGINAL

133

DAVID H. RADCLIFF, P.C.  
2216 WALNUT STREET  
HARRISBURG, PA 17103

DAVID H. RADCLIFF

(717) 236-9318

April 21, 1993  
File: 1229.5

RE: NORTH AMERICAN BULK TRANSPORT, INC., A.108408, F.1, Am-C  
(Fly Ash)

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17120

Dear Secretary Alford:

The Applicant in the above captioned application proceeding hereby waives the applicability of Act 294.

By copy of this letter I am notifying Mr. Huntingdon in the Scheduling Office and the Protestants' attorney of this waiver.

Very truly yours,



David H. Radcliff

DHR/mb  
c:\wp51\letters\nrtham.ltr

cc: Mr. Bud Huntingdon  
Scheduling Office  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17120

Raymond A. Thistle, Jr., Esquire  
306B Benson East  
100 Old York Road  
Jenkintown, PA 19046

Richard H. Pevette, Director of Commerce  
North American Bulk Transport, Inc.  
P.O. Box 754  
Milwaukee, WI 53201-0754

RECEIVED

APR 21 1993

Public Utility Commission  
SECRETARY'S BUREAU  
Information Control Division

DOCKETED

APR 29 1993

DOCUMENT  
FOLDER

ORIGINAL

RAYMOND A. THISTLE, JR.

ATTORNEY AT LAW  
206B BENSON EAST  
100 OLD YORK ROAD  
JENKINTOWN, PA. 19046

May 21, 1993

(215) 576-0131

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

Re: Application of North American  
Bulk Transport, Inc.  
Docket A-00108408, F.1, Am-C  
Withdrawal of Protest

Dear Secretary Alford:

On March 4, 1993, I filed an original plus two copies of a Joint Protest on behalf of Reber Corporation and Laurence M. Darnell, t/d/b/a Lenrad Leasing Co., against the above referenced permanent authority application.

After further consideration, my clients, Reber Corporation and Laurence M. Darnell, t/d/b/a Lenrad Leasing Co., have instructed me to and I do hereby withdraw their protests, but I wish to remain a party of record to receive any final orders of the Commission in this proceeding.

Thank you for your attention and consideration in this matter.

Very truly yours,

*Raymond A. Thistle, Jr.*  
Raymond A. Thistle, Jr.

**DOCKETED**

JUN 09 1993

**DOCUMENT  
FOLDER**

RAT:mt

cc: Bud Huntingdon, Office of Chief ALJ  
David H. Radcliff, Esquire  
Reber Corporation  
Lenrad Leasing Co.

**RECEIVED**

MAY 25 1993

**SECRETARY'S OFFICE  
Public Utility Commission**

ORIGINAL

DAVID H. RADCLIFF, P.C.  
2216 WALNUT STREET  
HARRISBURG, PA 17103

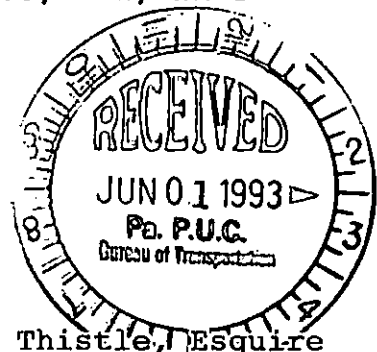
DAVID H. RADCLIFF

(717) 236-9318

May 28, 1993  
File: 1229.5

RE: NORTH AMERICAN BULK TRANSPORT, INC., A.108408, F.1, Am-C  
(Fly Ash)

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



Dear Mr. Alford:

I am in receipt of a letter from Raymond A. Thistle, Esquire withdrawing the protest of Reber Corporation and Laurence M. Darnell, t/d/b/a Lenrad Leasing Co. in the above captioned proceeding. The application is now unprotested.

I request that the case be forwarded to the Technical Review Section for handling on modified procedure.

Very truly yours,

*David H. Radcliff*  
David H. Radcliff



DHR/dtr  
e:\letters\cester.ltr  
cc: Richard H. Pevette, Director of Commerce  
North American Bulk Transport, Inc.  
P.O. Box 754  
Milwaukee, WI 53201-0754

SECRETARY'S BUREAU  
Information Control Division

DOCUMENT  
FOLDER

DOCKETED  
JUN 10 1993

RVL

NVL

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

June 7, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

DAVID RADCLIFF  
ATTORNEY AT LAW  
2216 WALNUT STREET  
HARRISBURG PA 17103

In re: A-00108408, F.1, Am-C - Application of North American Bulk Transport Inc.

Dear Sir:

The above referenced application has been assigned for review without oral hearing. In order to reach a determination on the application, you are being required to file verified statements in accordance with 52 Pa. Code Section 3.381(e)(1). You will be required to file:

- A. VERIFIED STATEMENT OF APPLICANT
- B. VERIFIED STATEMENT(S) IN SUPPORT OF THE APPLICATION.

The verified statements should be in paragraph form. Each heading contained in the attached minimum outline should be a separate section or paragraph. You should be aware of the fact that the verified statements will be reviewed based on the Commission's decision in the Application of Blue Bird Coach Lines, Inc., [A-00088807, F.2, Am-K] 72 Pa.P.U.C. 262 (1990), which indicates: (1) the supporting witnesses must give evidence which is probative and relevant to the application proceeding; (2) the supporting witnesses must identify Pennsylvania origin and destination points between which they require transportation and those points must correspond with the scope of the operating territory specified in the application, including requests for vice versa authority; and (3) the number of witnesses which will represent a cross section of the public on the issue of need will vary with the breadth of the intended territory and commodity description.

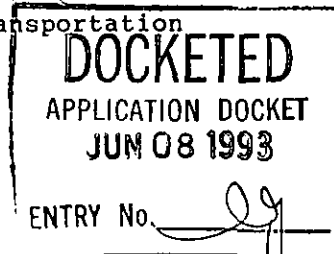
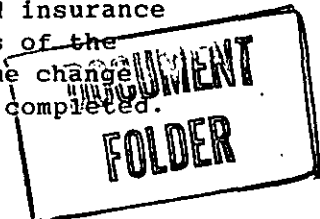
You are being granted an initial thirty (30) days to file verified statements. They will be due on or before JULY 7, 1993.

If additional time is required, it may be requested by telephone but must be followed in writing with the reasons for the extension stated. Questions about the application should be directed to me by telephoning 717-787-4386.

Very truly yours,

*Lawrence E. Keener-Farley*  
Lawrence E. Keener-Farley, Esq.  
Technical Review Section  
Bureau of Transportation

NOTE: No action will be taken on this case until the tariff and insurance provisions of the 1-7-93 name change order are completed.



NOTIFICATION OF ADDRESS CHANGE

NAME North American Bulk Transport, Inc.

Docket # A.108408, F.1, Am-C

TRADE NAME \_\_\_\_\_

OLD ADDRESS P. O. Box 754

Milwaukee, WI, 53201-0754

MAILING ADDRESS P. O. Box 754

Milwaukee, WI, 53201-0754

PHYSICAL ADDRESS Highway 31 East

Speed, IN, 47172

TELEPHONE # (414) 671-3039

AUTHORIZED SIGNATURE *Thomas G. Budnik*

Thomas Budnik, Treasurer

PLEASE PRINT \_\_\_\_\_

Date June 25, 1993

RECEIVED  
93 JUL -1 PM 3:45  
PA. P. U. C.  
INFO. CONTROL DIV.

PLEASE RETURN TO:

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
ATTN: BUREAU OF TRANSPORTATION  
P.O. BOX 3265  
HARRISBURG, PA., 17105-3265

\*PLEASE ADVISE INSURANCE COMPANY OF THE ADDRESS CHANGE.

DOCUMENT  
FOLDER

DA

DAVID H. RADCLIFF, P.C.  
2216 WALNUT STREET  
HARRISBURG, PA 17103

DAVID H. RADCLIFF

July 7, 1993  
File: 1229.5

RECEIVED  
93 JUL -8 AM 10:16  
TELEPHONE: (717) 236-9318  
BUREAU OF  
TRANSPORTATION

RE: NORTH AMERICAN BULK TRANSPORT, INC., A.108408, F.1, Am-C  
(Fly Ash)

Lawrence Keener-Farley, Esquire  
Technical Review Section  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17120

Dear Mr. Keener-Farley:

This letter will confirm our conversation of July 6, 1993, regarding the above application proceeding. I requested an extension of time for the filing for the filing of verified statements.

Verified statements in this proceeding are now due on or before August 6, 1993.

Thank you for your cooperation in this matter.

Very truly yours,

  
David H. Radcliff

DHR/dtr

e:\letters\nrtham.ltr

cc: Richard H. Prevette, Director of Commerce  
North American Bulk Transport, Inc.  
P.O. Box 754  
Milwaukee, WI 53201-0754

