

A-00108408

APPLICATION

F1 AMA

GRAF, ANDREWS & RADCLIFF, P. C.
ATTORNEYS AT LAW
407 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17101

CHRISTIAN V. GRAF
FREDERICK W. ANDREWS
DAVID H. RADCLIFF
GREGORY R. LYONS

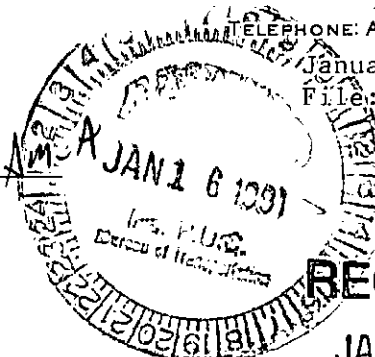
OF COUNSEL
JOHN E. FULLERTON

TELEPHONE: A. C. 717-236-9318

January 14, 1991

File: 1229.3

RE: C. T. HERTZSCH, INC., A. 108408, F. 1
(Cement)



RECEIVED

JAN 16 1991

SECRETARY'S OFFICE
Public Utility Commission

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Dear Mr. Rich:

On behalf of C. T. Hertzsch, Inc. we enclose herewith the following:

1. The original and one copy of an application for a Certificate of Public Convenience and Necessary.
2. Carrier's check in the amount of \$350 to cover the filing fee.
3. The original and 2 copies of an application for ETA, extension thereof and Temporary Authority.
4. Carrier's check in the amount of \$100 and our check in the amount of \$100 to cover the filing fee.

We are mailing copies of these applications to the applicant, to co-counsel for applicant and to the supporting shipper and are mailing copies to Mr. Ernst, Director of the Bureau of Transportation.

Very truly yours,

Christian V. Graf
Christian V. Graf



CVG:ter
Enclosures

cc: Barry Ernst, Director
Bureau of Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Richard H. Prevette, Esquire
620 South 29th Street
P.O. Box 736
Milwaukee, Wisconsin 53201-0736

Richard Hohlefeldler, President
C. T. Hertzsch, Inc.
282 U.S. Highway 31
Speed, Indiana 47172-1396

Dennis Miller, Traffic Manager
Allentown Cement Company, Inc.
P.O. Box 199
Bladon, PA 19510-0199

David H. Radcliff, Esquire

7. Applicant does hold Interstate Commerce Commission authority
(does or does not)

at Docket No. MC 114241.

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 Indiana and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on October 4, 1988 (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. Attach the following, as appropriate (check those attached):

A Partnership Agreement.

B Trade Name registration certificate.

C Certificate of Incorporation or Authority. Previously Filed

D Statement of corporate charter purpose. Previously Filed

E List of corporate officers and stockholders. See Exhibit 9

THIS MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :
_____ County : ss:

_____, 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.

Signature of Affiant

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

Signature of Official Administering Oath

AFFIDAVIT OF APPLICANT (Corporation)

STATE OF WISCONSIN :
Milwaukee _____ County : ss:

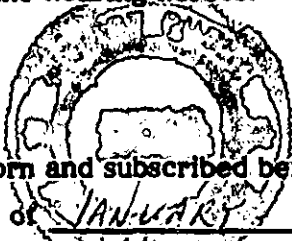
Samuel B. Wasson _____, being duly sworn (affirmed) according to
law, deposes and says that he is Vice President of _____
(Office of Affiant)

C. T. Hertzsch, Inc. _____; that he is authorized to and does make this
(Name of Corporation)

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
C. T. Hertzsch, Inc. _____ to be able to prove the same

(Name of Corporation)

at the hearing hereof.



Sworn and subscribed before me this 7th
day of JANUARY 19 91
My Commission Expires IS PERMANENT

Signature of Affiant

Samuel B. Wasson
Vice President

Signature of Official Administering Oath

88761673
Commonwealth of Pennsylvania
Department of State



CERTIFICATE OF AUTHORITY

To All to Whom These Presents Shall Come, Greeting:

Whereas, Under the provisions of the Corporation Law, a Foreign Corporation is required to obtain a "Certificate of Authority" before it may do business in the Commonwealth and

Whereas,

C. T. HERTZSCH, INC.

has presented to the Department of State an Application for the same, and in accordance with the requirements of the law, has designated as its registered office in this Commonwealth

123 SOUTH BROAD STREET C/O C T CORPORATION SYSTEM
PHILADELPHIA, PA 19109

Therefore, Know Ye, I Do By These Presents, issue unto such corporation, this Certificate of Authority to transact in the Commonwealth of Pennsylvania the business of

TRANSPORT DRY BULK COMMODITIES IN TANK VEHICLES

Given under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 4th day of October in the year of our Lord one thousand nine hundred and eighty-eight and of the Commonwealth the two hundred thirteenth



James J. Hoyt
Secretary of the Commonwealth

1057383

Officers & Directors of Applicant

| | | |
|-----------------------|-------------------------------|---|
| President | Richard H. Hohlefelder | 282 U.S. Highway 31 Speed, IN 47172 |
| Vice President | Samuel B. Wasson | 620 South 29th Street Post Office Box 736 Milwaukee, WI 53201-0736 |
| Secretary | Samuel B. Wasson | " |
| Treasurer | Samuel B. Wasson | " |

BOTH MEN ARE ALSO DIRECTORS

6. If this application is for temporary authority, applicant does X does not have pending an application for permanent authority to perform the same service as proposed herein. If it has, give docket number, filing date and status. If applicant does not have a pending permanent application currently on file, application for permanent authority must be enclosed.

Permanent authority application enclosed.

7. If this application is for emergency temporary authority, and not accompanied by applications for corresponding temporary and permanent authority, state when the applications for temporary and permanent authority will be filed.

N/A

8. "Applicant's Statement" shall be prepared by the applicant or authorized representative of the applicant and shall contain the information as stated at Appendix A.

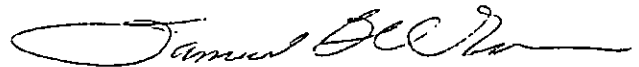
See attached Appendix A.

9. "Statements of Supporting Shippers or Witnesses" shall be prepared by the shipper or witness, or an authorized representative of the shipper or witness and shall contain the information as stated at Appendix B.

See attached Appendix B.

Applicant further declares that:

10. It is aware that a grant of the requested authority will create no presumption that corresponding permanent authority will be granted.
11. If the requested authority is granted, applicant will comply with the tariff and insurance requirements of the Public Utility Law before beginning operation.



(Signature)

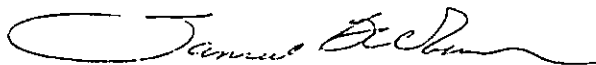
Vice President
(Corporate Title)

(Date)

APPLICANT'S STATEMENT

- (A) There are 17 tandem-axle diesel tractors, 21 tandem-axle pneumatic tank trailers and 7 tandem axle flatbed trailers. The tank trailers are specialized equipment.
- (B) The Northampton terminal consists of an office, and maintenance facility adjacent to the office. Office personnel consists of a terminal manager and two dispatchers. There are fueling facilities and a lighted parking area.
- (C) The filing of this application did not result from a road check or investigation by the Commission.
- (D) Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, PA. 17101. 717/236-9318.
- (E) See attached copy of First Revised Page 38, Tariff PA P.U.C. No.1.
- (F) There are no rates under suspension. No application has been filed for special permission to file rates on less than 30 days notice in connection with any ETA, TA or permanent authority application.
- (G) Evidence of insurance is on file with the Commission.
- (H) Applicant is non-union.

C.T. HERTZSCH, INC.



Samuel B. Wasson
Vice President

First Revised Page
Cancels
Original Page 38

C. T. HERTZSCH, INC.
Commodity Tariff

Frt.-PA. P.U.C. No. 1

SECTION TWO
DISTANCE COMMODITY RATE TABLE NO. 1
(Rates are in Dollars and Cents Per Ton of 2000 Pounds)
APPLICABLE ON CEMENT

TRUCKLOAD MINIMUM WEIGHT: In Bulk - 23.5 TONS
TRUCKLOAD MINIMUM WEIGHT: In Bags - 22.5 TONS

| DISTANCE IN MILES NOT OVER | R A T E S | DISTANCE IN MILES NOT OVER | R A T E S |
|----------------------------------|-----------|----------------------------------|-----------|
| 10.0 | \$ 4.63 | 175.0 | \$20.73 |
| 15.0 | 5.26 | 180.0 | 21.36 |
| 20.0 | 5.72 | 185.0 | 22.03 |
| 25.0 | 6.19 | 190.0 | 22.43 |
| 30.0 | 6.60 | 195.0 | 22.80 |
| 35.0 | 7.07 | 200.0 | 23.14 |
| 40.0 | 7.48 | 205.0 | 23.83 |
| 45.0 | 8.00 | 210.0 | 24.40 |
| 50.0 | 8.15 | 215.0 | 24.73 |
| 55.0 | 8.37 | 220.0 | 25.29 |
| 60.0 | 8.80 | 225.0 | 25.99 |
| 65.0 | 9.26 | 230.0 | 26.62 |
| 70.0 | 9.50 | 240.0 | 27.55 |
| 75.0 | 9.97 | 250.0 | 28.45 |
| 80.0 | 10.39 | 260.0 | 29.55 |
| 85.0 | 11.10 | 270.0 | 30.01 |
| 90.0 | 11.40 | 280.0 | 31.71 |
| 95.0 | 12.13 | 290.0 | 32.60 |
| 100.0 | 12.74 | 300.0 | 33.48 |
| 105.0 | 13.18 | 310.0 | 34.54 |
| 110.0 | 13.54 | 320.0 | 35.62 |
| 115.0 | 14.30 | 330.0 | 36.62 |
| 120.0 | 14.80 | 340.0 | 37.73 |
| 125.0 | 15.46 | 350.0 | 38.81 |
| 130.0 | 15.83 | 360.0 | 39.86 |
| 135.0 | 16.50 | 380.0 | 41.85 |
| 140.0 | 17.10 | 400.0 | 43.91 |
| 145.0 | 17.62 | 420.0 | 46.08 |
| 150.0 | 18.10 | 440.0 | 47.75 |
| 155.0 | 18.75 | 460.0 | 50.02 |
| 160.0 | 19.17 | 480.0 | 52.03 |
| 165.0 | 19.76 | 500.0 | 53.97 |
| 170.0 | 20.26 | | |

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For explanation of abbreviations and reference marks, see Page 4

ISSUED: JANUARY 16, 1990

EFFECTIVE: FEBRUARY 19, 1990

ISSUED BY: Richard J. Hohlefelder, President
282 U.S. Hwy. 31
Speed, Indiana - 47172

APPENDIX B

Statements of Supporting Shippers or Witnesses must include:

- (A) A Description of the specific commodity which will be transported, if the transportation of property is involved.

Portland and Masonry cements in bulk and package.

- (B) Points or areas to, from or between which the transportation will be provided.

To all points in Pennsylvania from customer's plant at Evansville, Maiden creek Twp., Berks County, Pennsylvania.
(See attachment for representative points.)

- (C) A statement of the shipper's current and recent needs concerning volume of traffic, frequency of movement and manner of transportation.

100-500 tons or 4-20 truck loads daily to be shipped in bulk tankers.

- (D) A statement indicating when the service shall be provided.

Service beginning February 1st, to be provided 6 days a week, any time of day.

- (E) A statement indicating how long the need for service will continue and whether the supporting shipper or witness will support the permanent authority application.

Service needed for at least 90 days, Allentown Cement will support C. T. Hertzsch for permanent authority.

- (F) An explanation of the consequences of not having the service made available.

Allentown Cement requires a carrier that can guarantee time deliveries on a call in basis without 24 hour notice, consequences resulting in loss of order or customer.

- (G) A description of the circumstances which created an immediate need for the requested service.

A decision by management not to continue hauling its own product or raw materials. Also as a result of carriers not being able to deliver loads on time orders were lost or had to be scheduled for the following day causing an inconvenience for our customers.

A statement of whether efforts have been made to obtain the service from existing carriers, including the dates and results of these efforts.

| CARRIER | DATE | # LOADS | RESULTS |
|-----------------|------|---------|--|
| Chemical Leaman | 9/11 | 1 | No equipment or driver Allentown transportation delivered. |
| Chemical Leaman | 9/13 | 1 | No equipment or driver Allentown transportation delivered. |
| Chemical Leaman | 9/14 | 1 | No equipment or driver Allentown transportation delivered. |
| Chemical Leaman | 9/26 | 2 | No equipment or driver Allentown transportation delivered. |
| Chemical Leaman | 9/28 | 3 | No equipment or driver Allentown transportation delivered. |
| Schwerman | 9/28 | 3 | No equipment or driver Allentown transportation delivered. |

Names and addresses of existing carriers who have failed or refused to provide the service, and the reasons given for failure or refusal.

1. Chemical Leaman Tank Lines, Inc., Evansville, PA
No drivers available with driver time to make delivery.
2. Schwerman Trucking Co., Rt. 248 & 946, Nazareth, PA
No drivers or equipment available to make delivery.

A statement of whether the supporting shipper or witness has supported a recent application for permanent, temporary or emergency temporary authority covering all or part of the requested service the carrier's name, address and docket numbers, if known, and whether the application was granted or denied and the date of the action, if known.

Temporary Authority for Venezia Transport to haul Allentown product from our location to all parts of PA. Venezia Hauling Inc., PO Box 205, Limerick, PA 19468, Temporary Authority, Docket # A-00105332, Folder 1, AM-B, action unknown.

Names and addresses of all labor unions which represent, or which within the past 12 months have represented, or which have filed a petition to represent the employees of the supporting shipper with the National Labor Relations Board or the Pennsylvania Labor Relations Board.

~~Industrial Workers of North America, Local 54, Bethlehem, PA~~

Signature of person who prepared statement.

see below

Dennis P. Miller

LIST OF REPRESENTATIVE POINTS

Allentown
Altoona
Annville

Berwick
Bethlehem
Bloomsburg

Carlisle
Chambersburg
Conshohocken

Denver
Dunmore

Ephrata
Emmaus

Glenside

Hanover
Hatboro
Harrisburg

Lancaster
Lebanon

Middleburg

Nazareth
New Holland
Newtown
Norristown

Philadelphia
Pottstown

Reading

Scranton
Sinking Springs
State College

Terry Hill

West Coatesville
Williamsport

York

Note: There are an additional 150 destinations to which we regularly ship.

P. O. BOX 3265, HARRISBURG, Pa. 17120

February 15, 1991

IN REPLY PLEASE
REFER TO OUR FILE

Independent Workers of North America
Local 54
c/o Stephen J. Raysely
P. O. Box 117
Northampton. PA 18067

Re: Application of C. T. Hertzsch, Inc. at A-00108408, F.1, Am-A
for Temporary Authority

TO WHOM IT MAY CONCERN:

Please be advised that the above applicant has filed an application for temporary authority to render service as a common carrier or contract carrier in the Commonwealth of Pennsylvania with the Pennsylvania Public Utility Commission. The requested authority is attached.

If you wish to protest this application, the protests are due on or before March 11, 1991 at the above Commission address; and shall conform with the Provisions as set forth in Section 3.383 (5)(ii)(B) of Title 52, PA Code, Chapter 3.

"A union which represents the employes of a motor carrier or supporting shipper, which may be affected by the approval of an application for Temporary Authority, may file a protest to the application. The protests shall be limited to the issue of whether a threatened or existing labor dispute precludes Commission consideration and approval of the Temporary Authority Application."

Very truly yours,

David Ehrhart
Supervisor-Application Section
Bureau of Transportation

DE:nk
Enclosures



February 15, 1991

IN REPLY PLEASE
REFER TO OUR FILE

Christian V. Graf
Attorney at Law
407 North Front Street
Harrisburg, PA 17101

In re: A-00108408, F. 1, Am-A - Application of C. T. Hertzsch, Inc.

Dear Sir:

The application of C. T. Hertzsch, Inc. for permanent and temporary authority has been captioned as attached and will be submitted for review provided no protests are filed on or before March 11, 1991. If protests are filed, you will be advised as to further procedure.

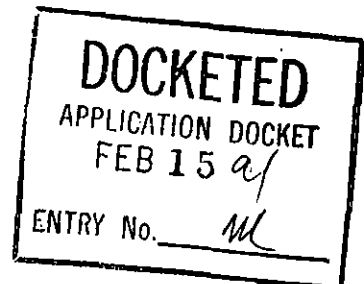
You are further advised that the above application will be published in the Pennsylvania Bulletin of February 16, 1991.

Very truly yours,

David Ehrhart
Supervisor - Application Section
Bureau of Transportation

DE:RP:rs

cc: Applicant
282 U.S. Highway 31
Speed, IN 47172



A-00108408, Folder 1, Am-A C.T. HERTZSCH, INC. (282 U.S. Highway 31, Speed, Indiana 47172), a corporation of the State of Indiana - cement and dry bulk materials and supplies used or useful in the manufacture of cement (except fly ash) in tank or hopper type vehicles, between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport, (a) Sand from the facilities of U.S. Silica in Huntingdon and Mifflin Counties; (b) Limestone and limestone products in tank vehicles from points in York County; (c) To or from the facilities of Bellefonte Lime and Center Lime & Stone Co., Inc., located in Centre County; (d) Limestone and limestone products from points in Lebanon County; and lime and limestone products for Mercer Limestone Co. from Slippery Rock Township, Butler County; (e) For Glenn O. Hawbaker, Inc., New Enterprise Stone & Lime Co., Inc., Martin Limestone, Inc., Union Equipment Company, Inc.; Valley Quarries, Inc.; (f) Material and supplies used or useful in the manufacture of cement within fifty (50) statute miles of the borough of Homestead, Allegheny County, and from said territory to points in Pennsylvania, and vice versa; (g) Cement for Armstrong Cement & Supply Corporation or from the facilities of Armstrong Cement & Supply Corporation located in the township of Winfield, Butler County to points in Pennsylvania, and vice versa; (h) To or from the facilities of Eastern Industries, Inc., Corson Lime Co., G. & W. H. Corson and United Gypsum Company; (i) To or from the facilities of Allentown Cement Company in Maiden creek Township, Berks County; (j) Lime to the facilities of Georgia-Pacific Corporation located in Richland Township, Bucks County: SO AS TO PERMIT the transportation of cement, from points in the township of Maiden creek, Berks County, to points in Pennsylvania, and vice versa: APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00108408, F. 1, Am-A, SEEKING THE RIGHT CITED ABOVE. Attorney: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

DATE _____ SERVICE _____ FEB 16 1991

BUREAU OF TRANSPORTATION
COMMON CARRIER
FEBRUARY 1991

A-00108408
F. 1
Am-A

Application of C.T. Hertzsch, Inc., a corporation of the State of Indiana, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, cement and dry bulk materials and supplies used or useful in the manufacture of cement (except fly ash) in tank or hopper type vehicles, between points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to transport, (a) Sand from the facilities of U.S. Silica in Huntingdon and Mifflin Counties; (b) Limestone and limestone products in tank vehicles from points in York County; (c) To or from the facilities of Bellefonte Lime and Center Lime & Stone Co., Inc., located in Centre County; (d) Limestone and limestone products from points in Lebanon County; and lime and limestone products for Mercer Limestone Co. from Slippery Rock Township, Butler County; (e) For Glenn O. Hawbaker, Inc., New Enterprise Stone & Lime Co., Inc., Martin Limestone, Inc., Union Equipment Company, Inc.; Valley Quarries, Inc.; (f) Material and supplies used or useful in the manufacture of cement within fifty (50) statute miles of the borough of Homestead, Allegheny County, and from said territory to points in Pennsylvania, and vice versa; (g) Cement for Armstrong Cement & Supply Corporation or from the facilities of Armstrong Cement & Supply Corporation located in the township of Winfield, Butler County to points in Pennsylvania, and vice versa; (h) To or from the facilities of Eastern Industries, Inc., Corson Lime Co., G. & W. H. Corson and United Gypsum Company; (i) To or from the facilities of Allentown Cement Company in Maiden creek Township, Berks County; (j) Lime to the facilities of Georgia-Pacific Corporation located in Richland Township, Bucks County: SO AS TO PERMIT the transportation of cement, from points in the township of Maiden creek, Berks County, to points in Pennsylvania, and vice versa: APPLICATION FOR TEMPORARY AUTHORITY HAS BEEN FILED AT A-00108408, F. 1, Am-A, SEEKING THE RIGHT CITED ABOVE.

FW:kmb
2/1/91

Application received: 1/16/91
Application docketed: 1/30/91
TA Application received: 1/16/91
TA Application docketed: 1/30/91

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
FEB 15 91
ENTRY No. ML

NH

MAR 11 1991

TA

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.