

A-00108408

APPLICATION

F1 AMB



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

January 13, 1992

IN REPLY PLEASE  
REFER TO OUR FILE

S. Berne Smith  
Attorney at Law  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

A-108408  
F. 1, Am-B

Re: Application of C. T. Hertzsch, Inc. - A-00108408 - (transferee)  
Schwerman Trucking Co. - A-00092811 - (transferor)

Dear Sir:

We are returning herewith the above-mentioned application in triplicate and the filing fee of \$350.00.

We cannot accept the application because the transferor has to pay its outstanding assessment. Please contact our Assessment Section if you have any questions (717)787-5620. Please feel free to resubmit the application after said assessment has been satisfied.

Very truly yours,

Marlene Wendt, Application Examiner  
Application Section  
Bureau of Transportation  
(717)787-5558

enc.  
MW



MCNEES, WALLACE & NURICK  
ATTORNEYS AT LAW

100 PINE STREET  
P. O. BOX 1166

HARRISBURG, PA. 17108-1166

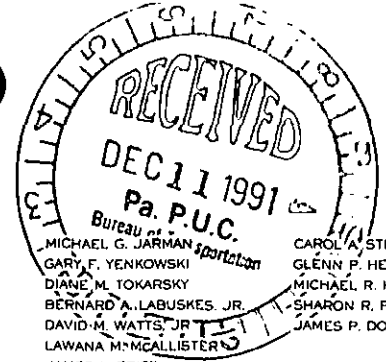
TELEPHONE (717) 232-8000

FAX (717) 236-2665

OF COUNSEL  
GILBERT NURICK  
EDWARD C. FIRST, JR.  
ROBERT H. GRISWOLD  
SAMUEL A. SCHRECKENGAUST, JR.

THOMAS C. HERWEG  
EXECUTIVE DIRECTOR

December 10, 1991



MICHAEL G. JARMAN  
GARY F. YENKOWSKI  
DIANE M. TOKARSKY  
BERNARD A. LABUSKES, JR.  
DAVID M. WATTS, JR.  
LAWANA M. MCALLISTER  
CAROL A. STEINOUR  
GLENN P. HEISEY  
MICHAEL R. KELLEY  
SHARON R. PAXTON  
JAMES P. DOUGHERTY  
JAMES L. FRITZ  
STEVEN J. WEINGARTEN  
LAWRENCE R. WIEDER  
STEPHEN E. GEDULDIG  
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MARKIAN R. SLOBODIAN  
DONNA J. LONG  
P. NICHOLAS GUARNESCHELLI  
LESLIE A. LEWIS JOHNSON  
MARK M. VAN BLARGAN  
JONATHAN H. RUDD  
ROBERT F. YOUNG

FRANCIS B. HAAS, JR.  
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HENRY R. MACNICHOLAS  
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H. LEE ROUSSEL  
C. GRAINGER BOWMAN  
BURTON H. SNYDER  
JOHN S. OYLER  
DELANO M. LANTZ  
HARVEY FREEDENBERG  
ERIC L. BROSSMAN  
ROBERT D. STETS  
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FRANKLIN A. MILES, JR.  
MICHAEL A. DOCTROW  
STEPHEN A. MOORE  
DANA STEVENS SCADUTO  
ELIZABETH A. DOUGHERTY  
BRUCE D. BAGLEY

In Re: C. T. Hertzsch, Inc. -  
Purchase (portion) Schwerman Trucking Co.  
A-00108408, Folder 1, Am- B

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

Dear Mr. Rich:

On behalf of C. T. Hertzsch, Inc., and Schwerman Trucking Co., enclosed are the original and two copies of an application for a transfer of a portion of the operating authority of Schwerman to Hertzsch. The applicant's check in the amount of \$350 is enclosed to cover the filing fee.

You will note that this is the proposed transfer of a single paragraph of Schwerman's operating authority. We believe that it is clear from the application exactly what is being transferred as compared to what is being retained, but if there are any questions, please do not hesitate to contact the undersigned. We will appreciate this matter being processed and published as promptly as possible. Thank you for your attention to this matter.

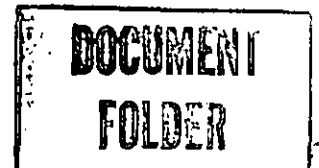
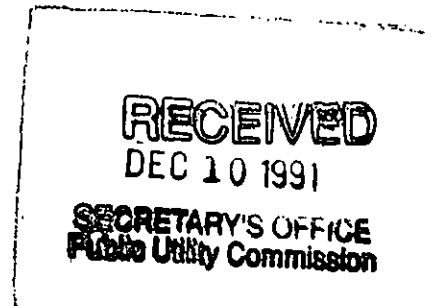
Very truly yours,

MCNEES, WALLACE & NURICK

By 

S. Berne Smith

SBS/ec  
Enclosures  
cc: James R. Ziperski, Esquire (w/enc.)



# MCNEES, WALLACE & NURICK

ATTORNEYS AT LAW

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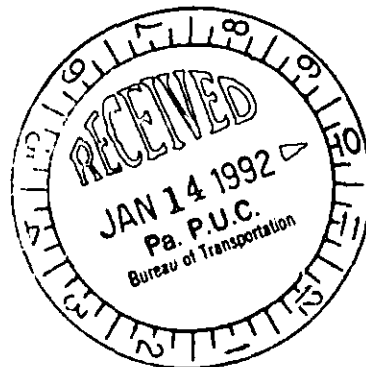
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ALAN R. BOYNTON, JR.  
BRUCE D. BAGLEY

January 14, 1992

In Re: Application of C. T. Hertzsch, Inc.  
A-00108408 (Transferee)  
Schwerman Trucking Co.  
A-00092811 (Transferor)



A. 108408  
F.I., Am-B

Ms. Marlene Wendt  
Application Examiner  
Application Section - Room 409  
Bureau of Transportation  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17120

Dear Marlene:

This will confirm telephone conversation with you today in response to your letter of January 13, 1992, returning the above-captioned application because the Commission's records indicated that Schwerman still had an outstanding assessment. According to our information, the outstanding assessment of Schwerman was paid by check dated December 19, 1991, and mailed December 31, 1991, in the amount of \$1,479. This check paid the supplemental assessment in the amount of \$336, plus the balance due on the original assessment of \$1,143. The check number is 289697. The contact person at Schwerman is Joel Kasten (1-800-558-0677).

We have discussed this with Mr. Louis Miller in the Assessment Section, and he is going to double-check his records. The Commission shows receipt of the \$336, but apparently did not docket the additional 1,143 which was paid by the same check.

5/1/92  
Mr. Miller called  
they do not have  
any assessment.



January 14, 1992

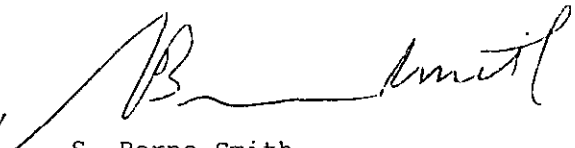
Page 2

Consequently, we will very much appreciate your expediting further processing of this application so that notice of it can be published and the matter brought to conclusion. Thank you for your help.

Very truly yours,

McNEES, WALLACE & NURICK

By

  
S. Berne Smith

SBS/ec

Enclosures

cc: Mr. Louis E. Miller  
Mr. Richard H. Prevette  
Mr. James R. Ziperski

APPLICATION FOR APPROVAL OF TRANSFER  
AND EXERCISE OF COMMON OR CONTRACT CARRIER RIGHTS

RECEIVED  
DEC 10 1991

SECRETARY'S OFFICE  
Public Utility Commission

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

768610

Application of C. T. Hertzsch, Inc.  
(Applicant/Transferee-Buyer)

for approval of the transfer and to exercise the right

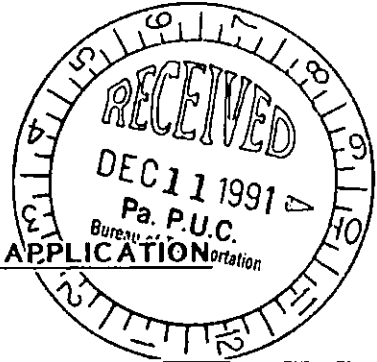
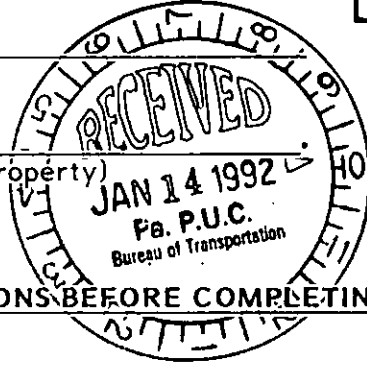
as a common carrier, described at Docket  
(common-contract)

No. A-00092811, Folder No. 1 (portion), issued to

Schwerman Trucking Co.  
(Transferor-Seller)

for transportation of property  
(persons-property)

PUC USE ONLY  
Docket No. A-108408  
Folder No. 1, Am-B



SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION

1. C. T. Hertzsch, Inc.  
(Full and correct name of applicant/transferee)

2. None  
(Trade name, if any)

APPL: A-108408

COMPL. active ✓

The trade name N/A (has or has not) been registered with the Secretary of the MVIC ✓

CHECKED BY mw

Commonwealth on N/A (date) (attach copy of stamped registration form.)

3. 282 U. S. Highway 31  
(Business Street Address)

(P.O. Box, if any)

DOCUMENT  
FOLDER

Speed Clark IN 47172-1396 812/246-3324  
(City) (County) (State) (Zip) (Telephone)

General Office Address: 611 South 28th Street  
Post Office Box 754  
Milwaukee, WI 53201-0754

F. I AMENDMENT B

DOCKETED  
APPLICATION DOCKET  
JAN 16 1992  
ENTRY No. mw

4. Applicant's attorney (for this application) is: **Berne Smith,**

C/O McNeese, Wallace & Nurick, 100 Pine Street, Harrisburg, PA 717/232-8000  
(Name) (Address) (Telephone)

5. Any documents should be mailed to:

Transferee: Atty. James R. Ziperski, 611 So. 28th St., P. O. Box 736, Milwaukee, WI 53201  
(Name) (Address)

Transferor: Atty. James R. Ziperski, 611 So. 28th St., P. O. Box 736, Milwaukee, WI 53201  
(Name) (Address)

6. Applicant does hold Pa. PUC authority under Docket Number  
(does or does not)

A- 108408 and operates as a common carrier.  
(common or contract)

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

at Docket No. MC 114241 and subs thereto

8. Applicant is (check one):

Individual. **N/A**

Partnership. Must attach a copy of the partnership agreement (unless a copy is presently on file with PUC), and list names and addresses of partners below (use additional sheet if necessary).

N/A  
(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. **Required corporate information has been previously submitted to the PA P.U.C. in connection with another application. There have been no changes in corporate officers, directors, or ownership since the initial filing.**

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.

Evergreen Holding Corp. (Wisconsin Domestic Corporation) owns 100% of the stock of both the transferor and transferee, which companies compete against each other in the transportation of bulk commodities both within and outside the Commonwealth of Pennsylvania.

10. Applicant proposes to acquire part of the operating rights now held (all or part) 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. Sheets Attached

11. The reason for the transfer is ... from a geographic standpoint, C. T. Hertzsch, Inc. is in a better position to service the shipper (and shipping public).

12a. The following must be attached:

- Sales Agreement.
- List of equipment to be used to render service. (summarize by type)
- Operating authority to be transferred/retained.
- Statement of Financial Condition. **Annual report on file with Commission**
- Statement of unpaid business debts of transferor and how they will be satisfied. **Schwerman Trucking Co. will remain in business in Pennsylvania and pay its debts in the usual course of business.**
- Statement of safety program.
- Statement of transferee's experience.

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

- Partnership Agreement. **N/A**
- Trade Name registration certificate. **N/A**
- Certificate of Incorporation. (Pa. Corporation only) **N/A**
- Certificate of Authority. (Foreign ((out-of-state)) Corporation only) **On file with Commission**
- Statement of corporate charter purpose. (corporations only) **On file with Commission**
- List of corporate officers and stockholders. (corporations only) **On file with Commission**
- Copy of short form certificate showing date of death of transferor and name of executor or administrator/administratrix. **N/A**

13. 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.
14. 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 the transfer.

WHEREFORE, Transferee and Transferor request that the Commission grant the Transfer.

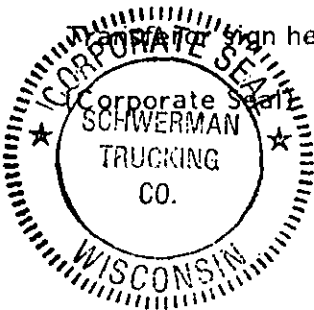
**C. T. HERTZSCH, INC.**



Transferee sign here: By: Samuel B. Wasson 12/2/91  
 (each partner must sign) (Date)  
 Samuel B. Wasson, Vice President

Attest: James R. Ziperski  
 James R. Ziperski, Assistant Secretary

**SCHWERMAN TRUCKING CO.**



Transferor sign here: By: Geoffrey M. Redman 12/2/91  
 Geoffrey M. Redman, Vice President (Date)

Attest: Thomas A. Robinson 12/2/91  
 Thomas A. Robinson, Secretary

STATEMENT OF FINANCIAL CONDITION

INCOME STATEMENT

For the 12-month period ending \_\_\_\_\_  
(Date)

See Annual Report on  
file with Commission

REVENUE and GAINS

Operating Revenue	
Net Revenue from non-carrier operation	
Dividend and Interest revenues	
Other non-operating revenue	
Gains	
Total Revenue and Gains	

EXPENSES

Equipment Maintenance and Garage Expense	
Insurance Expense	
Employee Salaries	
Supervisory Salaries	
Officer Salaries	
Fuel Expense	
Purchased Transportation (Lease Expense)	
Materials and Supplies Expense	
General Office Expense	
Advertising Expense	
Telephone Expense	
Accounting Expense	
Legal Expense	
Uncollectible Revenue	
Depreciation Expense	
Amortization	
Operating Taxes and Licenses	
Rent Expense	
Loss	
Total Operating Expense and Losses	

Net Income before Taxes	
Provision for Income Taxes	
Net Income	

STATEMENT OF FINANCIAL POSITION (Balance Sheet)

as of \_\_\_\_\_

Date

ASSETS

See Annual Report on  
file with Commission

CURRENT ASSETS

Cash \_\_\_\_\_  
 Accounts Receivable \_\_\_\_\_  
 Notes Receivable \_\_\_\_\_  
 Other current assets (Specify) \_\_\_\_\_  
 Total current assets \_\_\_\_\_

TANGIBLE ASSETS

Land \_\_\_\_\_  
 Motor Vehicle Equipment \_\_\_\_\_  
 Less: Accumulated Depreciation - \_\_\_\_\_ = \_\_\_\_\_  
 Buildings and Structures \_\_\_\_\_  
 Less: Accumulated Depreciation - \_\_\_\_\_ = \_\_\_\_\_  
 Investments and Funds (Specify) \_\_\_\_\_  
 Intangible Assets \_\_\_\_\_  
 Other assets (Such as advances and  
 idle equipment - specify) \_\_\_\_\_

LIABILITIES

Current Liabilities (liabilities due within one year of date)

Accounts Payable \_\_\_\_\_  
 Notes Payable \_\_\_\_\_  
 Equipment Obligations \_\_\_\_\_  
 Other Liabilities (attach schedule) \_\_\_\_\_  
 Total Current Liabilities \_\_\_\_\_

Long Term Liabilities (liabilities due after one year of date)

Accounts Payable \_\_\_\_\_  
 Notes Payable \_\_\_\_\_  
 Equipment Obligations \_\_\_\_\_  
 Other Liabilities (attach schedule) \_\_\_\_\_  
 Total Long Term Liabilities \_\_\_\_\_

Total Liabilities \_\_\_\_\_

Net Worth (partnerships & individuals) \_\_\_\_\_

OWNERS EQUITY (Corporations only)

Capital Stock (Corporations only) \_\_\_\_\_  
 Additional paid-in capital \_\_\_\_\_  
 Retained Earnings (Corporations only) \_\_\_\_\_  
 Less: Treasury Stock \_\_\_\_\_ = \_\_\_\_\_  
 Total Owner's Equity (Corporations only) \_\_\_\_\_

Total Liabilities & Owner's Equity  
(Corporations only) \_\_\_\_\_

**AUTHORITY TO  
BE  
RETAINED  
BY  
TRANSFEROR**

ITEM NO.	Permanent Intrastate Operating Authority Irregular Route
	PENNSYLVANIA
1.	<p>To transport, as a Class D carrier, <u>cement</u> in bulk or containers for the Penn-Dixie Industries, Inc., from its plant in the Village of West Winfield, Winfield Township, Butler County, to points within an airline distance of one hundred twenty-five (125) miles of said plant.</p> <p>CERTIFICATE NO. 92811 Folder 1 CERTIFICATE DATE: May 31, 1966</p>
2.	<p>To transport, as a Class D carrier, <u>cement</u> from the plant site of Lehigh Portland Cement Company in the Village of Universal, Penn Township, Allegheny County to points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 1 CERTIFICATE DATE: May 31, 1966 (amended November 2, 1981)</p>
3.	<p>To transport, as a Class D carrier, <u>cement</u> in bulk and/or in bags for the Lone Star Industries, Inc. from the plant site of the said corporation in the Borough of Nazareth and the Township of Nazareth, Northampton County, to points in Pennsylvania, with the right to return to the plant site, refused, rejected or damaged shipments or parts thereof.</p> <p>CERTIFICATE NO. 92811 Folder 1 CERTIFICATE DATE: May 31, 1966</p>
4.	<p>To transport, as a Class D carrier, <u>cement</u> in bulk and/or in bags for the Penn-Dixie Industries, Inc., from plant sites of the said industry in the County of Northampton to points in Pennsylvania, with the right to return to the plant sites, refused, rejected or damaged shipments or parts thereof.</p> <p>CERTIFICATE NO. 92811 Folder 1 CERTIFICATE DATE: May 31, 1966</p>
5.	<p>To transport, as a Class D carrier, <u>cement</u> in bulk and/or in bags for the Lehigh Portland Cement Company from the plant site of said Company in the Borough of Northampton, Northampton County to points in Pennsylvania, with the right to return to the plant site, refused, rejected or damaged shipments or parts thereof.</p> <p>CERTIFICATE NO. 92811 Folder 1, Am-C CERTIFICATE DATE: May 31, 1966 (Amended 12/1/81)</p>

ITEM  
NO.Permanent Intrastate Operating Authority  
~~Irregular Route~~

## PENNSYLVANIA

5.

To transport, as a Class D carrier, dry cement, for the Lehigh Portland Cement Company originating at its plants in the Village of Universal, Penn Township, Allegheny County, and the Borough of Northampton, Northampton County, for the Penn-Dixie Industries, Inc., 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 the Lone Star Industries, Inc., originating at its plant in the Borough of Nazareth and the Township of Nazareth, Northampton County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that no right, power or privilege is granted to transport 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 the said city and county, except in bulk in tank vehicles or hopper-type vehicles.

CERTIFICATE NO. 92811 Folder 1

CERTIFICATE DATE: May 31, 1966

7.

#

To transport, as a Class D carrier, cement from the production plant of the Lone Star Industries, Inc. on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania, and the return of refused, rejected or damaged shipments or parts of shipments to the points of origin.

CERTIFICATE NO. 92811 Folder 1, Am-E

CERTIFICATE DATE: May 31, 1966, revised January 30, 1984

8.

#

To transport, as a Class D carrier, cement originating at the Production plant of the Lone Star Industries, Inc. in the Township of Neville, Neville Island, Allegheny County, having a prior or subsequent movement by rail or water, between points in Pennsylvania; provided that the transportation of 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 cement in bulk in tank vehicles or in hopper-type vehicles.

CERTIFICATE NO. 92811 Folder 1, Am-E

CERTIFICATE DATE: May 31, 1966, revised January 30, 1984

# Shipper Name Change.

ITEM NO.	Permanent Intrastate Operating Authority Irregular Route
	PENNSYLVANIA
9.	<p>To transport, as a Class D carrier, <u>Fluorspar</u>, in bulk in tank or hopper-type vehicles, from points in the Borough of Braddock, Allegheny County, to points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 2 CERTIFICATE DATE: May 31, 1966</p>
10.	<p>To transport, as a Class D carrier, <u>perlite</u>, in bulk in tank or hopper-type vehicles, from points in the Borough of Carnegie, Allegheny County, and the City of Allentown, Lehigh County, to points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 2 CERTIFICATE DATE: May 31, 1966</p>
11.	<p>To transport, as a Class D carrier, <u>fly ash</u>, in bulk in tank or hopper-type vehicles, from the power plants of Duquesne Light Company in or near the Villages of South Heights, Beaver County, and Elrama, Washington County, to points within one hundred fifty (150) miles of the points of origin.</p> <p>CERTIFICATE NO. 92811 Folder 2 CERTIFICATE DATE: May 31, 1966</p>
12.	<p>To transport as a Class D carrier, <u>fluorspar</u>, in bulk in tank or hopper-type vehicles, from points in the City of New Kensington, Westmoreland County, and the Borough of West Elizabeth, Allegheny County, to points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment A CERTIFICATE DATE: August 29, 1966</p>
13.	<p>To transport, as a Class D carrier, <u>perlite</u>, in bulk in tank or hopper-type vehicles, for Pennsylvania Perlite Corporation, Perlite Manufacturing Company and Panacalite Perlite Company, between points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment B CERTIFICATE DATE: October 10, 1966</p>

ITEM NO.	Permanent Intra state Operating Authority Irregular Route
	PENNSYLVANIA
14.	<p>To transport, as a Class D carrier, <u>liquid and compressed gases</u> (excluding petroleum gases) in cylinders, cylinder cradles and shipper-owned trailers, and empty cylinders, cylinder cradles and shipper-owned tank trailers, for the Air Reduction Company, Inc., from its plant in the City of Butler, Butler County, to points in Pennsylvania, and vice versa; provided that the transportation of cylinders and cylinder cradles to or from points beyond an airline distance of two hundred (200) statute miles of the plant of the Air Reduction Company, Inc., in the City of Butler, Butler County, shall be in specially constructed cylinder trailers and only from the plant of Air Reduction Company, Inc., in the City of Butler, Butler County, to its other plants and warehouses, and vice versa.</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment D CERTIFICATE DATE: July 10, 1967</p>
15.	<p>To transport, as a Class D carrier, <u>vermiculite</u> from points in the township of Wayne, Lawrence County, to points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment E CERTIFICATE DATE: February 24, 1969</p>
16.	<p>To transport, as a Class D carrier, <u>cement</u>, in bulk or in containers, from points in the borough of Wampum, Lawrence County, to points in Pennsylvania</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment F CERTIFICATE DATE: January 6, 1971</p>
17.	<p>To transport, as a Class D carrier, <u>cement mill waste and stack dust</u>, in bulk, between points in Pennsylvania.</p> <p>subject to the following conditions:</p> <p>FIRST: That no right, power or privilege is granted to transport fly ash from the city of New Kensington, Westmoreland County, and points within an airline distance of 35 statute miles of the limits of said city; the township of Goshen, Clearfield County; the township of Monogahela, Greene County; and points in the counties of Armstrong and Indiana.</p> <p>SECOND: That no right, power or privilege is granted to transport stack dust and cement mill waste in dump vehicles.</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment G CERTIFICATE DATE: August 1, 1973</p>

ITEM NO.	Permanent Intrastate Operating Authority Irregular Route
PENNSYLVANIA	
18.	<p>Cement, in bulk, in tank vehicles, from points in the City of Erie, Erie County, to points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment H CERTIFICATE DATE: October 29, 1975</p>
19.	<p>To transport, as a Class D carrier, <u>dry bulk cement</u>, in tank or hopper-type vehicles, and <u>dry cement</u> in bags or containers, between points in the counties of Lehigh, Northampton, Berks, Montgomery, and York, and from points in the said counties to points in Pennsylvania; and the return of refused or rejected merchandise, empty containers and such other facilities used in the transportation of cement, from points in Pennsylvania to points in the counties of Lehigh, Northampton, Berks, Montgomery, and York.</p> <p>CERTIFICATE NO. 92811 Folder 1, Amendment B CERTIFICATE DATE: March 25, 1977</p>
20.	<p>To transport as a Class D carrier, <u>Slag</u>, in bulk in tank vehicles, from the facilities of Dravo Lime Company located in Neville Island, Neville Township, Allegheny County, to points in the borough of Shipping port, Beaver County.</p> <p>CERTIFICATE NO. 92811 Folder 1, Amendment D CERTIFICATE DATE: October 15, 1982</p>
21.	<p>To transport, as a Class D carrier, <u>coke</u>, in bulk, in tank or hopper type vehicles, from the Township of Cherry, Butler County, to points in Pennsylvania.</p> <p>CERTIFICATE NO. 92811 Folder 2, Amendment I CERTIFICATE DATE: March 8, 1982</p>
22.	<p>To transport, as a Class D carrier, <u>metal fluxing compound</u>, in bulk, in tank or hopper-type vehicles, for Hart Metals, Inc., from points in the borough of Tamaqua, Schuylkill County, to points in Pennsylvania, and vice versa.</p> <p>To transport, as a Class D carrier, <u>lime</u>, in bulk, in tank or hopper-type vehicles, for Hart Metals, Inc., from points in Spring Township, Centre County, and the borough of Leetsdale, Allegheny County, to points in the borough of Tamaqua, Schuylkill County, and vice versa.</p> <p>With both of the above rights subject to the following conditions: Certificate Added</p> <p>(a) That no right, power or privilege is granted to provide service to or from the facilities of New Enterprise Stone &amp; Lime Co., and its subsidiaries.</p> <p>(b) That no right, power or privilege is granted to transport liquid commodities in bulk.</p> <p>CERTIFICATE NO. 92811 Folder 1, Amendment F CERTIFICATE DATE: August 20, 1984</p>

ITEM  
NO.Permanent Intrastate Operating Authority  
Irregular Route

PENNSYLVANIA

23.

To transport, as a Class D carrier, flyash, in bulk, for National Minerals Corporation from the facilities of Duquesne Light Co., located in the county of Allegheny, to points in Pennsylvania and vice versa;

subject to the following condition:

That no right, power or privilege is granted to perform transportation in dump vehicles.

CERTIFICATE NO. 92811, Folder 2, Amendment J

CERTIFICATE DATE: March 3, 1986

**AUTHORITY TO  
BE  
TRANSFERRED  
TO  
TRANSFeree**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

SEP 20 1987

Public Meeting held September 17, 1987

Commissioners Present:

Bill Shane, Chairman  
Linda C. Taliaferro  
Frank Fischl  
William H. Smith, not voting

Application of Schwerman Trucking Co., a corporation of the State of Wisconsin, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, cement from the production plant of the Lone Star Industries, Inc. on Neville Island, Neville Township, Allegheny County, to points in Pennsylvania: 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 located in the township of Richland, Bucks County, to points in Pennsylvania, and vice versa.

A-00092811  
F. 1  
Am-G

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McNees, Wallace & Nurick by S. Berne Smith for the applicant.  
Peter G. Loftus, P.C. for protestant, Seaboard Tank Lines, Inc.

---

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 16, 1987. Public notice of the application was published in the Pennsylvania Bulletin of April 4, 1987. A single protest was filed by Seaboard Tank Lines, Inc. The protest was withdrawn upon restrictive amendment excluding the right to transport petroleum products in bulk.

The now unopposed application is certified to the Commission without oral hearing. The record consists of verified statements entered by the applicant and one supporting party.

#### DISCUSSION AND FINDINGS

Schwerman Trucking Co. currently operates pursuant to a grant of common carrier authority issued by this Commission on May 31, 1966 with amendments thereto, transporting generally, cement in bags or bulk, and other specified bulk commodities in tank or hopper-type vehicles from specified points in Pennsylvania. By the instant application, it seeks authority to transport 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 located in the township of Richfield, Bucks County, to points in Pennsylvania, and vice versa.

Applicant has three terminal facilities in Pennsylvania which are located at the following points: Neville Island, Nazareth and York. All terminals have office space and repair facilities, parts department, fueling facilities and parking area. The terminal facilities located at Nazareth and York will be used in providing service for the shipper herein, as they are located in proximity to shipper's facility. The company-owned equipment located in Pennsylvania includes 106 tractors, 121 tank trailers and 49 flatbeds. Forty-five (45) flatbeds, ninety-seven (97) tank trailers, and eighty-eight (88) tractors are located at the Nazareth and York facilities. A driver safety award program is in effect. All equipment as it returns to the terminal at the end of each day's work is repaired immediately as necessary.

The 1986 Annual Report on file with the Commission shows total current assets of \$4,742,602, total assets of \$24,337,128, total current liabilities of \$9,339,683 and total stockholders' equity of \$5,357,111. On total operating revenues of \$45,898,141, a net carrier operating income of \$2,449,445 was realized. A net income of \$1,627,418 was realized.

A review of applicant's record reveals that all reports have been filed, the due assessment has been paid, and the insurance is in full force.

Georgia-Pacific Corporation is a manufacturer of lumber, lumber mill products, plywood, doors, roofing, paper, paperboard, woodpulp, plastics, chemicals, resins, gypsum products and iron and steel products and other items utilized in the building and construction industry. Its customers include building contractors, lumber yards, federal, state and local government installations, farm and ranch stores, building and building material supply houses. Georgia-Pacific has five distribution centers located in Pennsylvania through which it markets its products. The point from which shipper requires service is its roofing plant in Richland Township, Bucks County; points of destination include all points in Pennsylvania, and vice versa service is

required. The outbound transportation includes roofing and building materials and the inbound transportation includes materials, equipment and supplies used in or incidental to the manufacture, installation and distribution of roofing and building materials. The roofing and building materials, and materials, equipment and supplies include, but are not limited to the following items: asphalt sealer; asphalt paving joints; asphalt paving blocks; asphalt paving joint compounds; asphalt flashing blocks; asphalt eave filler strips; boards, fibreboard and/or pulpboard impregnated with asphalt; caps, roofing; capping, roof ends; clamps, roofing; coating, roofing in packages; compounds, asphalt N.O.1; creosote, in packages; felt or paper, building, roofing or sheathing; felt, scrap or waste; fasteners, roofing; filler, asphalt; flanges, roof; granules, roofing; nails, in packages; pitch, roofing; roof edge and building materials; roofing, composition or prepared as described in NMFC; slag, granulated; straps, granulated; tape, roofing; and tar, roofing. Georgia-Pacific ships approximately 35 truckloads per week in Pennsylvania; applicant will be tendered approximately one to 10 truckloads per week. All traffic will consist of truckload shipments with a weight of 40,000 to 48,000 pounds.

We find that:

1. Applicant currently operates pursuant to a common carrier certificate issued by this Commission on May 31, 1966, with amendments thereto.
2. The instant application was met by one protest and was restrictively amended to include one restriction.
3. The evidence of record is sufficient to establish necessity for the service as amended.
4. Applicant has the equipment, experience, ability and fitness necessary to render the proposed service, as amended.
5. The applicant has established that approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as amended, and that the certificate issued on May 31, 1966, 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 located 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 petroleum products in bulk.

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 Code and the rules and regulations of this 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,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1987

ORDER ENTERED: SEP 23 1987

11/15/91

FLT #33	UNIT NO	MOD IR	MAKE	MODEL	SERIAL NUMBER	DATE DATE		
						IN TERM	OUT SYS	OCT MILES
NHP	2676	34	TRANS	FLAT-45FT	1TT74520XE1020268	0291		3693
NHP	9406	74	HEIL	HOP	926406	0791		0
NHP	9413	75	HEIL	HOP	926729	1190		1748
NHP	9412	75	HEIL	HOP	926728	1190		2712
NHP	9456	70	HEIL	HOP	921821	0190		4740
NHP	9453	69	HEIL	HOP	920928	0190		1699
NHP	9452	69	HEIL	HOP	920927	0190		0
NHP	9450	69	HEIL	HOP	920925	0190		1803
NHP	9445	68	HEIL	HOP	920086	1190		367
NHP	9439	80	HEIL	HOP	931414	0991		2146
NHP	9436	80	HEIL	HOP	931412	0991		2164
NHP	9467	71	F	HOP	0MN-5J35001	0190		2446
NHP	9478	73	B	HOP	2917245	0190		1658
NHP	9475	72	B	HOP	1799245	0190		0
NHP	9486	72	HEIL	HOP	923932	0791		0
NHP	9483	73	B	HOP	2822245	0190		1349
NHP	0595	79	F	VACUUM	0MV823402	0690		1179
NHP	2972	78	TM	FLAT-40FT	T63645	0590		2811
NHP	2971	78	TM	FLAT-40FT	T61399	0590		4067
NHP	2588	68	F	FLAT-40FT	FWJ293101	0991		3319
NHP	7565	73	FRUEH	HOP	UNR471607	0590		1671
NHP	7564	73	FRUEH	HOP	UNR471604	0590		3329
NHP	7460	72	F	HOP	0MPS74931	0591		78
NHP	6819	65	TM	FLAT-41FT	P31T0CAGB10237	0991		3058
NHP	4611	91	IH	F9300S8A	2HSFEGTR0MC045038	0690		6553
NHP	4610	91	IH	F9300S8A	2HSFEGTR9MC045037	0690		8440
NHP	4609	91	IH	F9300S8A	2HSFEGTR7MC045036	0690		6144
NHP	4608	91	IH	F9300S8A	2HSFEGTR5MC045035	0690		7407
NHP	8211	77	MACX	R685ST	R685ST67230	0190		4563
NHP	8208	76	MACX	R685ST	R685ST62783	1190		2198
NHP	8207	76	MACX	R685ST	R685ST62782	0591		725
NHP	8203	76	MACX	R685ST	R685ST62778	0391		3329
NHP	7573	73	FRUEH	HOP	UNR483223	0590		3124
NHP	7572	73	FRUEH	HOP	UNR483218	0590		4231
NHP	7571	73	FRUEH	HOP	UNR483212	0590		3756
NHP	7570	73	FRUEH	HOP	UNR483209	0590		3968
NHP	7569	73	FRUEH	HOP	UNR483207	0590		3644
NHP	7568	73	FRUEH	HOP	UNR483201	0590		2420
NHP	7567	73	FRUEH	HOP	UNR471619	0590		379
NHP	7566	73	FRUEH	HOP	UNR471615	0590		5033
NHP	0520	78	F	HOP	0MY777308	1091		1099
NHP	0518	78	F	VACUUM	0MY777306	0390		0
NHP	0514	78	F	HOP	0MY777302	1091		444
NHP	0485	80	F	VACUUM	0MV823410	0390		1594
NHP	8213	77	MACX	R685ST	R685ST66662	0391		3979
NHP	8229	79	MACX	R686ST	R686ST33633	0190		4306
NHP	8227	79	MACX	R686ST	R686ST33631	1190		3947
NHP	8236	80	MACX	R686ST	R686ST66220	0190		0
NHP	8234	80	MACX	R686ST	R686ST66218	0190		3072
NHP	8232	79	MACX	R686ST	R686ST33636	1190		1898
NHP	8231	79	MACX	R686ST	R686ST33635	0190		6933
NHP	8243	84	IH	F-2575	1HT0F2576EHA13268	0190		3582
NHP	8240	80	MACX	R686ST	R686ST66224	1090		6439
NHP	8665	78	TM	FLAT-40FT	T-63644	0190		3803
NHP	8664	78	TM	FLAT-40FT	T-63643	0290		5253
NHP	8231	87	MACX	R690ST	1M1N256Y7FA002948	0290		4889
NHP	3291	75	MACX	R685ST	R685ST51157	0391		3720
NHP	2290	75	MACX	R685ST	R685ST51156	1190		5270
NHP	8292	75	MACX	R685ST	R685ST51158	0391		1619
NHP	8651	76	TM	FLAT-40FT	P60315	0290		3790
NHP	8295	75	MACX	R685ST	R685ST51161	1190		3187
NHP	8652	76	TM	FLAT-40FT	P60316	0290		5188

**Addendum to the Application for  
Approval of Common Carrier Rights**

**Question 12A**

Statement of unpaid business debts of Transferor and how they will be satisfied.

**Answer**

Schwerman Trucking Company will remain in business in Pennsylvania and pay its debts in the usual course. The Schwerman Company has been conducting operations in Pennsylvania for approximately forty years under authority granted by the Commission and has consistently paid its taxes and debts with no defaults during that time period. These facts are a matter of public record.

Statement of Safety Program

**Answer**

The Transferee, C. T. Hertzsch, Inc., has been in business as a motor carrier for over thirty-five years and carries a satisfactory safety rating from the Federal Department of Transportation. It has a safety program which is monitored by the executive officers of the corporation to comply with the rules and regulations of the Commonwealth of Pennsylvania.

Statement of Transferee's experience.

**Answer**

As previously stated, the Transferee has been in business as both an intrastate and interstate motor carrier in excess of thirty-five years. Originally it started in business as the house carrier for Louisville Cement Company at its Speed, Indiana plant in the early nineteen-fifties. The sole proprietorship was incorporated in May of 1953 and has consistently conducted business as a bulk carrier since that date, without interruption. The Transferee, which is a wholly-owned subsidiary of Evergreen Holding Corporation, is staffed by capable managers and executive personnel both within and without the Commonwealth of Pennsylvania.

PURCHASE AGREEMENT

THIS AGREEMENT has been entered into this 2nd day of December, 1991, by and between Schwerman Trucking Co., a Wisconsin corporation, hereinafter called the "Seller", and C. T. Hertzsch, Inc., an Indiana corporation, hereinafter called the "Buyer".

1. PURPOSE

The Seller is engaged in the trucking business in the State of Pennsylvania, and is operating under authority granted by, among other agencies, the Pennsylvania Public Utility Commission. The buyer desires to buy and the seller to sell certain operating authority rights of the seller more particularly described hereafter in this agreement. This agreement is executed for the purpose of carrying out such purchase and sale.

2. ITEMS SOLD

The buyer will buy and seller will sell a certain intrastate operating authority as authorized by the Pennsylvania Public Utility Commission in Motor Carrier Certificate A.00092811 File 1 AM-G, a copy of which is attached as Appendix A to this agreement. The price for the authority is \$1,000.00 (the intangible value of the certificate) subject to the conditions specified in Section 6, infra, of this agreement.

3. PAYMENT

The purchase price of the operating rights sold hereunder is as stated in Paragraph 2 above.

4. SELLER'S REPRESENTATIONS

(a) The seller makes the representations and warranties, which

shall survive the closing for a period of one (1) year, set forth in subsequent subparagraphs of this Paragraph 4.

(b) Seller is a corporation validly existing and in good standing under the laws of the State of Wisconsin, properly qualified to do business in the State of Pennsylvania, and with corporate powers and authority sufficient to enable it to conduct its business and carry out this agreement.

(c) The seller will forthwith jointly with buyer undertake all steps necessary and proper to enable them to consummate the transaction herein provided for, including an appropriate application to the Pennsylvania Public Utility Commission for the purpose of transferring, causing to be vested, or causing to be granted, to the buyer, the operating rights to which reference has above been made. The particular methods of transferring, causing to be vested, or causing to be granted, to the buyer, the operating rights shall be determined from time to time by mutual agreement of the parties.

(d) The consummation of the transaction provided by this agreement will not violate the provisions of any existing contract or agreement of the seller.

(e) Except as hereinafter in this subparagraph provided, seller has good and merchantable title to the operating rights sold hereunder, free and clear of all liens or encumbrances whatsoever; there are no contracts or restrictions which will prevent the seller from conveying such title to buyer; and there is no litigation pending and seller has no knowledge of any claims of any person, firm, or governmental authority involving the title to the operating rights to be sold hereunder.

(f) From the date of this agreement to the date of closing, the seller will conduct its business in the ordinary course, and will, with

respect to such business, engage in no transactions not in the ordinary course of business unless the buyer shall consent in writing thereto.

(g) The seller and buyer will share equally the legal costs of transferring the authority.

#### 5. BUYER'S REPRESENTATIONS

(a) The buyer makes the representations and warranties which shall survive the closing for a period of one (1) year, set forth in subsequent subparagraphs of this Paragraph 5.

(b) The buyer is a corporation validly existing and in good standing under the laws of the State of Indiana , properly qualified to do business, and with adequate corporate powers and authority to conduct its business and carry out this agreement.

(c) Buyer will, before the date of closing, take all steps necessary and proper to enable it to consummate the transactions herein provided for, including cooperating with the seller with respect to obtaining appropriate approval of the relevant regulatory agency.

(d) The consummation of the transaction provided by this agreement will not violate the provisions of any existing contract or agreement of the buyer.

#### 6. CLOSING

(a) The closing of the transaction provided by this agreement shall take place within twenty (20) days after the order of the Pennsylvania Public Utility Commission has become final, (as used herein, the word "final" shall be construed to mean the expiration of the time within which any third party may petition any relevant regulatory agency for reconsideration of or rehearing with respect to said order or orders, including the time within which such party may appeal from such order or orders to any court of competent jurisdiction).

If any such appeals or further proceedings are initiated after the entry of the original order or orders by any such relevant regulatory agency, then the time for closing shall be extended until a date which is twenty (20) days after the time when a third party may not undertake any further proceedings in this matter by way of petition to any relevant regulatory agency or appeals to the courts. The closing shall take place at the offices of the seller at such time and date, within said twenty (20) day period, as the parties may mutually agree upon.

(b) The following shall be a condition precedent to the closing of the transaction provided by this agreement:

That there be transferred to the buyer, or that buyer shall obtain, at or prior to the closing or in connection therewith, those operating authorities granted to the seller by the Pennsylvania Public Utility Commission, to which authority reference has above been made.

(c) At the closing the seller shall deliver to the buyer the following documents:

(1) The final order of the Pennsylvania Public Utility Commission authorizing the transfer of the operating rights which are the subject of this transaction and as may be necessary to vest in the buyer good title.

(2) The opinion of counsel for the seller that the seller has the corporate standing represented in Paragraph 4 above and has taken the steps required to be taken by it pursuant to Paragraph 4 above to validly transfer the assets to be sold by it.

(3) Certified copy of the resolution of the Board of Directors of the seller authorizing or ratifying the execution of this agreement.

(4) Any other documents required to be delivered by the seller at the closing to comply with its undertakings hereunder.

(d) At the closing the buyer shall deliver to the seller the following:

(1) Cashier's or certified check for the consideration stated in this agreement.

(2) The opinion of counsel for the buyer that the buyer has the corporate standing represented in Paragraph 5 above and has taken all steps necessary to validly acquire the assets to be sold hereunder to the buyer as provided in Paragraph 5 above.

(3) Certified copy of the resolution of the Board of Directors of the buyer authorizing or ratifying the execution of this agreement.

(4) Any other documents required to be delivered by buyer at the closing to comply with its undertakings hereunder.

7. DELIVERY

The operating rights to be sold under this agreement shall be delivered in the form of a certificate of the Pennsylvania Public Utility Commission to the buyer in its name at the time of closing.

8. COVENANT NOT TO COMPETE

From and after the date of the closing and for a period of five (5) years thereafter, seller, covenants and agrees that it will not directly or indirectly, in any manner whatsoever, engage in the transportation of **Georgia Pacific commodities** in intrastate commerce only where such transportation would be in conflict with the specific operating rights to be sold herein.

It is understood and agreed that the remedy at law for a breach of the covenant contained in the above paragraph is not adequate and that the buyer shall be entitled to equitable relief for any breach of this covenant.

9. INABILITY TO OBTAIN APPROVAL

In the event that an Order shall be issued and become final whereby the **Pennsylvania Public Utility Commission** shall refuse to approve and authorize the transfer to or the vesting in the buyer of the operating rights hereinabove referred to, or in the event that said agency shall fail to approve and authorize the aforesaid transfer within thirty-six (36) months from the date hereof, either party shall have the option, by notice in writing delivered to the other prior to the granting of such authority, to cancel and terminate this agreement.

10. DEFAULT

(a) In the event of a default by the buyer in any of the terms and conditions to be performed by it on or prior to the date of closing, the seller shall receive, as liquidated damages, the sum of **Five Hundred Dollars (\$ 500.00 )** or may seek specific performance of this agreement in a court of competent jurisdiction within the State of **Pennsylvania**.

(b) In the event of the default by the seller in any of the

terms and conditions to be performed by it on or prior to the closing, the buyer is entitled to the same liquidated damages and relief specified in Paragraph 10 (a) that the seller is entitled to.

11. MISCELLANEOUS PROVISIONS

(a) Both the buyer and seller represent and warrant to each other that they have not employed any brokers to render services in connection with the transactions contemplated by this agreement and that they know of no claims for brokerage which have been made or could be made in connection with the consummation of this agreement, and buyer and seller agree to hold each other harmless against any and all claims for brokerage commissions or fees by any person, firm or corporation resulting from any act of the buyer or the seller as the case may be.

(b) Any notices to be given pursuant to this agreement shall be given by certified mail to the following addresses:

To the seller: Schwerman Trucking Co.  
611 So. 28th St., P. O. Box 1601  
Milwaukee, WI 53201-1601, Att: Legal Dept.

To the buyer: C. T. Hertzsch, Inc.  
611 So. 28th St., P. O. Box 754  
Milwaukee, WI 53201-0754, Att: Legal Dept.

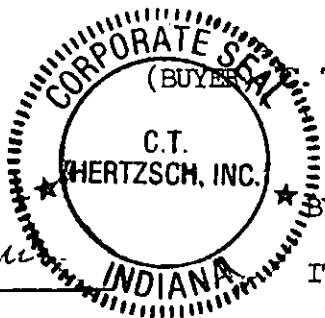
(c) All notices, releases, statements and communications to customers of the seller and to the general public and the press relating to the transactions contemplated by this agreement shall be made at such times and in such manner as may be mutually agreed upon by the buyer and seller.

(d) This agreement shall be binding and inure to the benefit of the respective parties and their successors and assigns.

IN WITNESS WHEREOF, the parties have accordingly caused this agreement to be executed and delivered in their respective names and behalf of their respective officers thereunto duly authorized, all as of the day and year first above written.

WITNESS:

James R. Ziperski  
James R. Ziperski

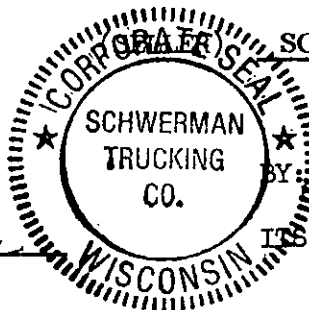


T. HERTZSCH, INC.

BY: Samuel B. Wasson  
Samuel B. Wasson  
ITS: Vice President

WITNESS:

Bonnie Bartlein  
Bonnie Bartlein



SCHWERMAN TRUCKING CO.

BY: Geoffrey M. Redman  
Geoffrey M. Redman  
ITS: Vice President



THIS MUST BE COMPLETED BY NOTARY PUBLIC  
AFFIDAVIT OF TRANSFEREE/APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :

: ss:

\_\_\_\_\_ County :

N/A

\_\_\_\_\_, 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 TRANSFEREE/APPLICANT (Corporation)

STATE OF WISCONSIN

~~COMMONWEALTH OF WISCONSIN~~ :

: ss:

MILWAUKEE County :

Samuel B. Wasson, being duly sworn (affirmed) according to law, deposes and says that he is Vice President of C. T. Hertzsch, Inc.,  
(Office of Affiant) (Name of Corporation)

that he is authorized to and does make 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 C. T. Hertzsch, Inc. to be able to prove the same  
(Name of Corporation)

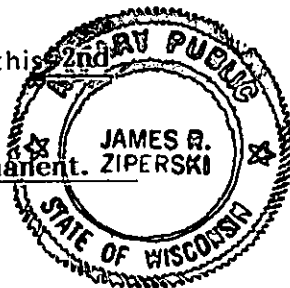
the same at the hearing hereof.

Samuel B. Wasson  
Signature of Affiant

Samuel B. Wasson, Vice President

Sworn and subscribed before me this 2nd  
day of December 19 91

My Commission ~~Expires~~ is permanent.



James R. Ziperski  
Signature of Official Administering Oath

James R. Ziperski, Notary Public  
Milwaukee County, Wisconsin

THIS MUST BE COMPLETED BY NOTARY PUBLIC  
AFFIDAVIT OF TRANSFEROR/SELLER (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :

: SS:

\_\_\_\_\_ County :

N/A

\_\_\_\_\_, 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 TRANSFEROR/SELLER (Corporation)

STATE OF WISCONSIN

~~COMMONWEALTH OF PENNSYLVANIA~~ :

: SS:

MILWAUKEE \_\_\_\_\_ County :

Geoffrey M. Redman, being duly sworn (affirmed) according to law,  
deposes and says that he is Vice President of Schwerman Trucking Co. ;  
(Office of Affiant) (Name of Corporation)

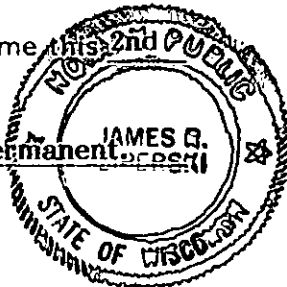
that he is authorized to and does make this affidavit for it; and that the facts above set forth  
are true and correct; or are true and correct to the best of his knowledge, information and belief  
and that he expects the said Schwerman Trucking Co. to be able to prove the  
(Name of Corporation)  
same at the hearing hereof.

*Geoffrey M. Redman*

Signature of Affiant  
Geoffrey M. Redman, Vice President

Sworn and subscribed before me this \_\_\_\_\_  
day of December 1991

My Commission ~~expires~~ is permanent



*James R. Ziperski*

Signature of Official Administering Oath  
James R. Ziperski, Notary Public  
Milwaukee County, Wisconsin

January 31, 1992

S BERNE SMITH  
ATTORNEY AT LAW  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17108-1166

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

Dear Sir:

Acknowledgement is made of an application filed by you on behalf of C.T. Hertzsch, Inc. for the rights of Schwerman Trucking Co.

The application has been captioned as attached and will be submitted for review, provided no protests are filed on or before February 24, 1992. If protests are filed, you will be advised as to further procedure.

This application is accepted with the understanding that Schwerman Trucking Co. will continue to render the service covered by its 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.

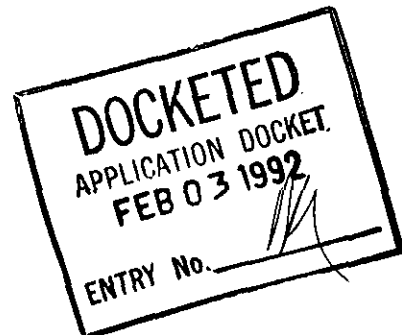
You are further advised that the above application will be published in the Pennsylvania Bulletin of February 1, 1992.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:RP:kmb

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



A-00108408, Folder 1, Am-B C. T. HERTZSCH, INC. (282 U.S. Highway 31, Speed, Indiana 47172), a corporation of the State of Indiana, inter alia - cement from points in the township of Maiden creek, Berks County, to points in Pennsylvania, and vice versa: 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 located 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 petroleum products in bulk; which is to be a transfer of part of the rights authorized under the certificate issued at A-00092811 to Schwerman Trucking Co., a corporation of the State of Wisconsin, subject to the same limitations and conditions. Attorney: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

Published in Pennsylvania Bulletin FEB - 1 1992

BUREAU OF TRANSPORTATION  
COMMON CARRIER  
JANUARY 1992

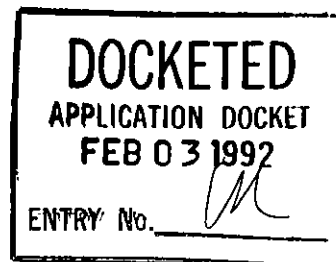
A-00108408  
F. 1  
Am-B

Application of C. T. Hertzsch, Inc., a corporation of the State of Indiana, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, cement from points in the township of Maiden creek, Berks County, to points in Pennsylvania, and vice versa: 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 located 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 petroleum products in bulk; which is to be a transfer of part of the rights authorized under the certificate issued at A-00092811 to Schwerman Trucking Co., a corporation of the State of Wisconsin, subject to the same limitations and conditions.

MW:rs  
1/17/92

Application received: 1/13/92  
Application docketed: 1/16/92

*MW*



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

FEB 24 1992

# PENNSYLVANIA PUBLIC UTILITY COMMISSION



JR

## 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.

C. T. HERTZSCH INC  
282 U.S. Highway 31  
SPPED, INDIANA 47172

Date February 5, 1992

CR 145136 A

**DOCKETED**  
FEB 07 1992

**DOCUMENT**  
**FOLDER**

In re application of C.T. Hertzsch, Inc.  
A-108408, F.1, Am-B.....\$350.00

Revenue account 001780-017601-102 (ek)

ck 2629 Checks \$350.00 Currency \_\_\_\_\_

Utility account 50+26

C. Joseph Weisinger  
For Department of Revenue