


PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
August 6, 1993	:	AUG-93-T-759*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	August 26, 1993
6. <u>APPROVED BY:</u>	:	
	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Keener-Farley 7-4386	:	
8. <u>DOCKET NO.:</u>	:	
A-00108408, F. 1, Am-C	:	

9. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) Application of North American Bulk Transport, Inc., Milwaukee, WI, 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 fly ash, in bulk, in tank vehicles, between points in Pennsylvania.

(b) Two protests were filed but withdrawn without restrictive amendment. No oral hearings were held. Three supporting shippers submitted verified statements indicating a public need for the proposed service.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application and dismissing pending ETA and TA applications.

LKF:kmb

DOCKETED
 JAN 24 1994

10. MOTION BY: Commissioner Chm. Rolka Commissioner Quain - Yes
 Commissioner Crutchfield - Yes
 SECONDED: Commissioner Rhodes Commissioner Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.

FOLDER

LDA



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

September 1, 1993

IN REPLY PLEASE
REFER TO OUR FILE

A-00108408
F.1, Am-C

DAVID H RADCLIFF ESQUIRE
2216 WALNUT STREET
HARRISBURG PA 17103

DOCUMENT
FOLDER

Application of North American Bulk Transport,
a corporation of the State of Indiana

Enclosed is the compliance order issued by the Commission
in this proceeding.

The application will not be permitted to operate or engage
in any transportation granted by the enclosed order until a tariff
has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above
requirement will be subject to the penalty provisions of the
Public Utility Commission.

Commission regulations require compliance with the above requirements
within sixty (60) days of the date of this letter. Failure to comply
within the sixty (60) day period will cause the Commission to rescind
the action of August 26, 1993 and dismiss the application without
further proceeding.

Very truly yours,

John G. Alford, Secretary

DOCKETED

SEP 20 1993

smk
Encls.
Cert. Mail
Receipt Requested
Tariff Contact Person: Joseph Machulsky (717) 787-5521
C T HERTZSCH INC
PO BOX 754
MILWAUKEE WI 53201-0754

MODIFICATION

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

Public Meeting held August 26, 1993

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

DOCKETED
SEP 20 1993

Application of North American Bulk Transport,
a corporation of the State of Indiana, for
amendment to its common carrier certificate,
which grants the right, inter alia, to trans-
port, 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 fly ash,
in bulk, in tank vehicles, between points in
Pennsylvania.

A-00108408
F. 1
Am-C

David H. Radcliff for the applicant.

Raymond A. Thistle, Jr., for the protestants, Reber Corporation and Laurence M.
Darnell, t/d/b/a Lenrad Leasing Co.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed
January 8, 1993. Public notice of the application was given in the Pennsylvania
Bulletin of February 13, 1993. Two protests were filed to the application but
were withdrawn without a restrictive amendment. The now unopposed application
is certified to the Commission for its decision without oral hearing. The
record consists of verified statements submitted by the applicant and three
supporting shippers.

On August 4, 1993, the Commission received applications from this
applicant for emergency temporary authority and temporary authority to transport
fly ash for one of the supporting shippers in this permanent authority
application. By our action on the permanent authority application, it will be
unnecessary to act on the ETA and TA and they will, therefore, be dismissed.

North American Bulk Transport, Inc. (NABT or applicant), is an
Indiana corporation, with its principal place of business in Milwaukee,
Wisconsin. It was initially certificated in 1989, under the name of C. T.
Hertzsch, Inc., but recently changed its name to the current designation, with

the approval of this Commission. NABT and Schwerman Trucking Co. (A-00092811) are wholly owned by Evergreen Holding Co. and as such are subject to the provisions of Chapter 21 of the Public Utility Code, Relations With Affiliated Interests, 66 Pa C.S. §§2101-2107.

As pertinent to this application, NABT operates facilities in Northampton and Stockertown, both in Northampton County. Thirty-six tractors and forty-five tank trailers are assigned to the Northampton terminal and ten tractors and ten tank trailers are assigned to the Stockertown terminal. As a currently operating carrier, the applicant has a comprehensive safety program for drivers and vehicles. As evidence of its financial capacity to perform the additional service, NABT reports assets of \$1,964,644, with liabilities of \$798,529, leaving a shareholders' equity of \$1,166,115.

Donald Bjork, marketing manager of American Fly Ash Company, submitted a verified statement in support of this application. This company markets fly ash, a coal combustion by-product, for electric utility companies. Fly ash is used as a mineral filler for ceramics and asphalt, for filling abandoned mine shafts, for manufacturing concrete blocks, for stabilizing soil, and for manufacturing different types of specialty cements. This shipper plans to purchase fly ash from power plants located in the counties of Berks, Fayette, Montour and Northampton and have it shipped to customers throughout the state. Potential destinations include cement manufacturing plants in the counties of Allegheny, Butler, Northampton and York. This shipper, with its headquarters in Naperville, Illinois, is new to the Pennsylvania market and hopes to expand its customer list. In order to have the maximum flexibility, it seeks a carrier with statewide authority.

Stephen T. Benza, general manager of the northeast region for JTM Industries, Inc. (JTM), submitted a verified statement in support of this application. This shipper, with offices in Allentown, Lehigh County, is a marketer of fly ash. It purchases fly ash from various producers located in the counties of Lancaster, Northampton, Northumberland, and York. The fly ash is then shipped to customers located in the counties of Allegheny, Butler, Lawrence, Lehigh, Northampton and York. Approximately 100,000 tons were moved last year and JTM expects to tender about 50,000 tons per year to NABT upon approval of this application.

Charles J. Poandl, customer service manager for LaFarge Corporation (LaFarge), submitted a verified statement in support of this application. This shipper operates a plant in Whitehall, Lehigh County, that produces cement and masonry products, which are transported by NABT under its current authority. By this application, NABT will transport fly ash inbound to LaFarge for use in its manufacturing process. The fly ash can potentially originate at any power plant in Pennsylvania. Mr. Poandl stated, "Although at this time, we are contemplating receiving fly [ash] in tank vehicles, certain sources may require the use of dump trailers or other types of equipment, LaFarge asks that no restriction be placed on the type of [sic] vehicle that may be used." The Commission cannot grant this request since the applicant requested a limitation to tank vehicles in its advertisement of the application and we cannot now expand the scope of the application. We will caution the applicant and this shipper that service will be limited to tank vehicles.

After a complete review of the record before us, we find:

1. That the applicant has shown that there is a public need for the proposed service.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to the applicant on December 8, 1989, as amended, be further amended to include the following right:

To transport, as a Class D carrier, fly ash, in bulk, in tank vehicles, between points in Pennsylvania.

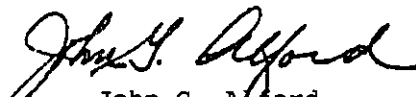
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just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

IT IS FURTHER ORDERED: That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the pending applications for emergency temporary authority (F. 6001) and temporary authority (F. 1, Am-C) be and are hereby dismissed.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: August 26, 1993

ORDER ENTERED: SEP - 1 1993

0001
HERTZSCH, C. T., INC.
P. O. BOX 754
MILWAUKEE WI 53201-0754
SELF

0002
DAVID H RADCLIFF ESQ /
2216 WALNUT STREET
HARRISBURG PA 17103
APPLICANT

0003
RAYMOND A THISTLE JR ESQ /
206B BENSON EAST
100 OLD YORK ROAD
JENKINTOWN PA 19046
REBER CORPORATION P

0004
RAYMOND A THISTLE JR ESQ
206B BENSON EAST
100 OLD YORK ROAD
JENKINTOWN PA 19046
LAURENCE M DARNELL P

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-108408 F.I.

4a. Article Number

044149

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

9-10-93

Richard H. Perette

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

KIP SEP 10 1993

6. Signature (Agent)

[Signature]

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00108408 F.I. AM-C

CO

4a. Article Number

044857

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

9-3-93

David W. Radcliff, Jr.

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

[Signature]

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
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- Print your name and address on the reverse of this form so that we can return this card to you.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

A-00108408 F.I. AM-C

CO

4a. Article Number

044858

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

SEP 03 1993

Raymond A. Thistle, Jr., Esq.

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

[Signature]

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

EXTENSION OF TIME FOR COMPLIANCE ORDERS
MOTOR CARRIERS

RAM

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

DAVID H RADCLIFF ESQUIRE

2216 WALNUT STREET

HARRISBURG PA 17103

Applicant/Attorney

NORTH AMERICAN BULK TRANSPORT, a corp of the State of IN

DOCUMENT
FOLDER

Commission Order Adopted: August 26, 1993

Extension of time until: December 15, 1993

DOCKETED
NOV 12 1993

Reason for Extension: needs more time

Outstanding Requirements: tariff

Requested By: Dave Radcliff

NORTH AMERICAN BULK TRANSPORT
CT HERTZSCH INC
PO BOX 754
MILWAUKEE WI 53201-0754

Approval given by:

Elizabeth McConnell Dittler
Elizabeth McConnell Dittler
PUC - Service Section
717-787-3366