

A-00108448

APPLICATION

F1 AMC

ORIGINAL

THE LAW FIRM OF  
MALATESTA HAWKE & McKEON

JOSEPH J. MALATESTA, JR.  
WILLIAM T. HAWKE  
KEVIN J. McKEON  
LOUISE A. KNIGHT  
THOMAS J. SNISCAK  
THOMAS P. BROGAN  
TERRANCE J. FITZPATRICK  
LILLIAN SMITH HARRIS  
JANET L. MILLER  
SUSAN J. SMITH  
SCOTT T. WYLAND

HARRISBURG ENERGY CENTER  
100 NORTH TENTH STREET  
HARRISBURG, PENNSYLVANIA 17101  
(717) 236-1300  
FAX (717) 236-4841

MAILING ADDRESS:  
P.O. BOX 1778  
HARRISBURG, PA 17105

November 9, 1993

RECEIVED  
93 NOV -9 PM 4:10  
PA, P. U. C.  
INFO. CONTROL DIV.

John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
Room B-18, North Office Building  
Post Office Box 3265  
Harrisburg, Pennsylvania 17105-3265

RE: Application of Empire Wrecking Co. of Reading, PA; Docket  
No. A-00108448 *FIAC*

Dear Secretary Alford:

Enclosed for filing with the Commission are the original and two (2) copies of the Application of Empire Wrecking Co. of Reading, PA, for contract carrier authority. The Verified Statement of E. J. Breneman, Inc., the Shipper in this application, is attached to and made part of this application. Finally, I have enclosed the applicant's check in the amount of \$350.00 for the filing fee.

Of course, should you have any questions with regard to this matter, please feel free to give me a call.

Very truly yours,

*Thomas P. Brogan*  
Thomas P. Brogan

RECEIVED  
93 NOV 10 PM 1:38  
PA PUC  
BUREAU OF  
TRANSPORTATION

TPB/cll

Enclosure

cc: Mr. Harry J. O'Neill, III

DOCUMENT  
FOLDER

ORIGINAL

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

(SEE INSTRUCTIONS BEFORE PREPARING APPLICATION)

In re: Application of

APPLICATION DOCKET

Empire Wrecking Co. of Reading, PA

No. A-00108448

for a certificate of public convenience or a permit evidencing the Commission's approval of the right and privilege of operating motor vehicles as a motor carrier for the transportation of **PROPERTY**.

Folder No.

RECEIVED RECEIVED  
PA P.U.C.  
REG. CONTROL DIV.  
93 NOV -9 PM 1:19  
93 NOV 10 PM 1:38  
PA P.U.C.  
REG. CONTROL DIV.

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Empire Wrecking Co. of Reading, PA

(Full and correct name of applicant)

2. N/A

(Trade name, if any)

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

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

3. 1420 Clarion Street

N/A

(Business Street Address)

(P.O. Box, if any)

Reading

Berks

PA

19601

215-372-6511

(City)

(County)

(State)

(Zip)

(Telephone)

4. Applicant's attorney (for this application) is:

Thomas P. Brogan

Malatesta Hawke & McKeon, P. O. Box 1778, Harrisburg, PA 17105 (717) 236-1

(Name)

(Address)

(Telephone)

5. Any notice, process or order of the PUC should be served upon:

Applicant's attorney - See No. 4 above

(Name)

(Address)

6. Applicant does hold Pa. PUC authority under Docket No. A-00108448  
(does or does not)

and operates as a contract  
(common or contract)

DOCUMENT FOLDER

DOCKETED  
APPLICATION DOCKET  
NOV 17 1993  
ENTRY No. 11-15-93

11-15-93 ATB Brogan will send Original App.

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

at Docket No. N/A

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 Pennsylvania and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on 11/29/55 (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.

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

- A  Partnership Agreement.
- B  Trade Name registration certificate.
- C  Certificate of Incorporation or Authority.
- D  Statement of corporate charter purpose.
- E  List of corporate officers and stockholders.



Application of  
Empire Wrecking Co. of Reading, PA.  
Docket No. A-108448

Supplement to Paragraphs Nos. 8 and 9

1. **Certificate of Incorporation and Articles of Incorporation**  
(attached to Supplement)

2. **Statement of Charter Purpose**

The purposes of the incorporation are: to wreck, demolish, tear down, destroy or otherwise dispose of in part or in whole, any and all classes of structures, bridges or buildings of any kind and nature; and to carry on any other lawful business whatsoever in connection with the foregoing or which is calculated, directly or indirectly, to promote the interest of the corporation.

3. **List of Stockholders**

Empire Wrecking Co. of Reading, PA is a wholly owned subsidiary of O'Neill Financial, Inc. All of the stock of O'Neill Financial, Inc. is owned by Harry J. O'Neill, III and Todd M. O'Neill.

4. **List of Corporate Officers**

<u>Name</u>	<u>Title</u>
Harry J. O'Neill, III	President
Todd M. O'Neill	Vice-President/Secretary
Wayne S. Frost	Treasurer7778

ORIGINALITY OF PRESENT:

DEPARTMENT OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, Under the provisions of the Business Corporation Law, approved the 5th day of May, Anno Domini, one thousand nine hundred and thirty-three, the Department of State is authorized and required to issue a

CERTIFICATE OF INCORPORATION

evidencing the incorporation of a business corporation organized under the terms of that law.

AND WHEREAS, The stipulations and conditions of that law have been fully complied with by the persons desiring to incorporate as

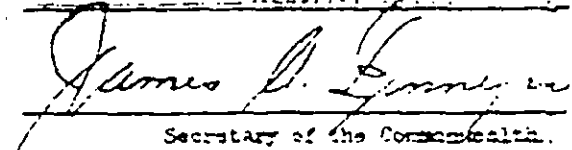
EMPIRE BRICKING CO. OF READING, INC.

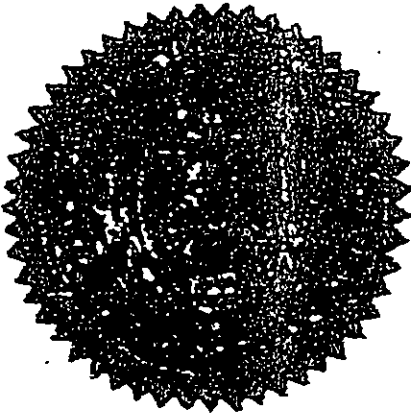
THEREFORE, KNOW YE, That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, create, erect, and incorporate the incorporators of and the subscribers to the shares of the proposed corporation named above, their associates and successors, and also those who may thereafter become subscribers or holders of the shares of such corporation, into a body politic and corporate in deed and in law by the name aforesaid and hereinbefore specified, which shall exist

perpetually

and shall be invested with, and have and enjoy all the powers, privileges, and franchises incident to a business corporation and be subject to all the duties, requirements, and restrictions specified and enjoined in and by the Business Corporation Law and all other applicable laws of this Commonwealth.

GIVEN under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 29th day of November in the year of our Lord one thousand nine hundred and fifty-five and of the Commonwealth the one hundred and eightieth

  
Secretary of the Commonwealth.



9170-705

OCT 29 1991

Microfilm Number \_\_\_\_\_

Filed with the Department of State on \_\_\_\_\_

Entry Number 110549

*Robert M. Spont*

Deputy Secretary of the Commonwealth

### STATEMENT OF CORRECTION

DSCB:15-138 (Rev 90)

91 OCT 29 11:55

In compliance with the requirements of 15 Pa.C.S. § 138 (relating to statement of correction) the undersigned association or other person, desiring to correct an inaccurate record of corporate or other action or correct defective or erroneous execution of a document, hereby states that:

1. The name of the association or other person is: EMPIRE WRECKING CO. OF READING, PA.

2. The (a) address of this association's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) <u>1400 Carbon Street</u>	<u>Reading</u>	<u>PA</u>		
Number and Street	City	State	Zip	County

(b) c/o: \_\_\_\_\_  
 Name of Commercial Registered Office Provider \_\_\_\_\_ County \_\_\_\_\_

an association represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the association is located for venue and official publication purposes.

3. The statute by or under which it was incorporated or the preceding filing was made, in the case of a filing that does not constitute a part of the articles of incorporation of a corporation, is: BCL of May 5, 1993, P.L. 364

4. The inaccuracy or defect, which appears in Department of State form \_\_\_\_\_ filed on 11-29-55 and recorded in Roll and Film Number 55.23 - 1128 et seq., is:  
The Certificate of Incorporation was typed in error to read Empire Wrecking Co. of Reading, Inc. The Articles of Incorporation reveal the correct name, as listed in 1. above.

5. (Check one of the following):
- The portion of the document requiring correction in corrected form is set forth in Exhibit A attached hereto and made a part hereof.
  - The original document to which this statement relates shall be deemed reexecuted.
  - The original document to which this statement relates shall be deemed stricken from the records of the Department.

IN TESTIMONY WHEREOF, the undersigned association or other person has caused this statement to be signed by a duly authorized officer thereof or otherwise in its name this 29th day of October, 1991.

Charles A. Ottaviano  
 (Name)  
 BY *Charles A. Ottaviano*  
 (Signature)

TITLE: Director - Corporation Bureau

1400 Schuykill Ave., Reading, Pa.  
1987 Grand Blvd., Wyomissing, Pa.

etc. The names and addresses of the incorporators and the number and class of shares subscribed by each are:

Name	Address (Including street and number, if any)	No. and class of Shares
Richard T. Law	1987 Grand Blvd., Wyomissing, Pa.	25
Harry J. O'Neill, Jr.	1400 Schuykill Ave., Reading, Pa.	25
Mary L. Law	1987 Grand Blvd., Wyomissing, Pa.	1

etc. The number of incorporators who are citizens of the United States is \_\_\_\_\_

Richard T. Law (SEAL) \_\_\_\_\_ (SEAL)  
Harry J. O'Neill, Jr. (SEAL) \_\_\_\_\_ (SEAL)  
Mary L. Law (SEAL) \_\_\_\_\_ (SEAL)

Commonwealth of Pennsylvania } ss:  
County of BERKS

Before me, \_\_\_\_\_ a Notary Public \_\_\_\_\_ in and for the county aforesaid, personally came the above named Richard T. Law, Harry J. O'Neill, Jr. and Mary L. Law.

who in the form of law, acknowledged the foregoing instrument to be their act and deed for the purposes therein specified.

Witness my hand and seal of office the 25th day of December, A. D. 1955

Harvey R. Dickinson  
Notary Public  
My Commission Expires:  
21st 1959

(SEAL)

ARTICLES OF INCORPORATION

TO THE DEPARTMENT OF STATE:  
COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the "BUSINESS CORPORATION LAW," approved the 5th day of May, A. D. 1933, P. L. 364, as amended, the undersigned, desiring that they may be incorporated as a business corporation, do hereby certify:

1st. The name of the corporation is EMPIRE WRECKING CO. OF READING, PA.

2nd. The location and post office address of its initial registered office in this Commonwealth is  
1887 Grand Blvd. Wyomissing Berks  
(number) (street) (city) (county)

3rd. The purpose or purposes of the corporation are: to wreck, demolish, tear down, destroy or otherwise dispose of in part or in whole, any and all classes of structures, bridges and buildings of any kind and nature whatsoever; and to carry on any other lawful business whatsoever in connection with the foregoing or which is calculated, directly or indirectly, to promote the interest of the corporation.

4th. The term of its existence is Perpetual

5th. The authorized capital stock of the corporation is \$10,000.00 divided into\*  
1,000 shares @ \$10.00 par

6th. The value of the property with which the corporation will begin business is \$500.00

\*The amount of the value of the property with which the corporation will begin business shall be stated in the certificate of incorporation and the amount of the value of the property with which the corporation will begin business shall be stated in the certificate of incorporation and the amount of the value of the property with which the corporation will begin business shall be stated in the certificate of incorporation.

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)

COMMONWEALTH OF PENNSYLVANIA :


\_\_\_\_\_ Berks County : ss:

\_\_\_\_\_ Harry J. O'Neill, III \_\_\_\_\_, being duly sworn (affirmed) according to law, deposes and says that he is President \_\_\_\_\_ of Empire Wrecking Co. \_\_\_\_\_  
(Office of Affiant)

\_\_\_\_\_ of Reading, PA \_\_\_\_\_; 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 Empire Wrecking Co. of Reading, PA \_\_\_\_\_ to be able to prove the same  
(Name of Corporation)


at the hearing hereof.

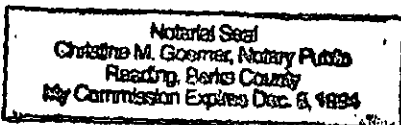
  
\_\_\_\_\_  
HARRY O'NEILL Pres.  
Signature of Affiant

Sworn and subscribed before me this 14

day of November 19 93

My Commission Expires 12-5-94

  
\_\_\_\_\_  
Signature of Official Administering Oath



THE LAW FIRM OF

MALATESTA HAWKE & McKEON

JOSEPH J. MALATESTA, JR.  
WILLIAM T. HAWKE  
KEVIN J. McKEON  
LOUISE A. KNIGHT  
THOMAS J. SNISCAK  
THOMAS P. BROGAN  
TERRANCE J. FITZPATRICK  
LILLIAN SMITH HARRIS  
JANET L. MILLER  
SUSAN J. SMITH  
SCOTT T. WYLAND

HARRISBURG ENERGY CENTER  
100 NORTH TENTH STREET  
HARRISBURG, PENNSYLVANIA 17101  
(717) 236-1300  
FAX (717) 236-4841

MAILING ADDRESS:  
P.O. BOX 1778  
HARRISBURG, PA 17105

November 17, 1993

RECEIVED  
93 NOV 17 PM 1:03  
PA PUC  
BUREAU OF  
TRANSPORTATION

HAND DELIVERY

Ms. Nancy Kauffman  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Room 409  
Transportation and Safety Building  
Harrisburg, PA 17105-3265

RE: Empire Wrecking Co. of Reading, PA; Docket No. A-00108448 *FLAC*  
-- Contract Carrier Authority, E.J. Breneman, Inc.

Dear Ms. Kauffman:

Enclosed, please find the original signature and affidavit pages for the application I filed on November 9, 1993 on behalf of our firm's client, Empire Wrecking Co. of Reading, PA. As you know, we had inadvertently failed to supply you with an original of the Application. I ask that you substitute these pages for the copied pages on one of the applications provided to you and mark that as the original. I thank you in advance for your cooperation and apologize for any inconvenience this oversight may have caused.

Of course, should you have any questions with regard to this matter, please feel free to give me a call.

Very truly yours,

*Thomas P. Brogan*  
Thomas P. Brogan

TPB/c11

Enclosures

cc: Harry J. O'Neill, III  
Empire Wrecking Co. of Reading



PENNSYLVANIA PUBLIC UTILITY COMMISSION



RCR

RECEIPT RECEIVED

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

93 NOV 24 AM 8:21

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

THOMAS P. BROGAN  
PO BOX 1778  
HARRISBURG PA 17105

Date November 23, 1993

CR 150553 A

DOCUMENT FOLDER

DOCKETED  
DEC 1 1993

In re application of Empire Wrecking Co. of Reading PA  
A-00108448, F. U., Am=C.....\$350.00

Revenue account 001780-017601-102 (ck)

ck 7945 Checks \$350.00 Currency \_\_\_\_\_

Utility account 50:26

C. Joseph Meisinger  
For Department of Revenue

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

Published in Pennsylvania Bulletin DEC - 4 1993

BUREAU OF TRANSPORTATION  
CONTRACT CARRIER  
NOVEMBER 1993

A-00108448,  
F.1, Am-C

Application of Empire Wrecking Company of Reading, Pennsylvania, a corporation of the Commonwealth of Pennsylvania, for amendment to its contract carrier permit, for the right to transport, by motor vehicle, road and highway construction equipment for E. J. Breneman, Inc., between points in Pennsylvania.

NK  
11/19/93

Application received: 11-9-93  
Application docketed: 11-17-93

NH

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
DEC 02 1993  
ENTRY No. mw

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

DEC 27 1993