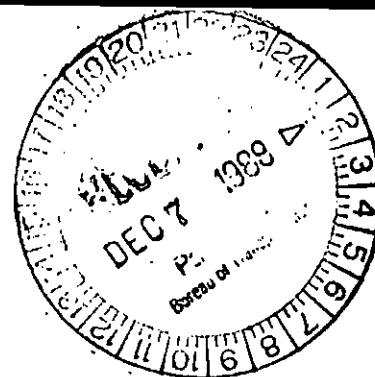


LAW OFFICES
PETER G. LOFTUS, P.C.
240 PENN AVENUE-SUITE 300
SCRANTON, PENNSYLVANIA 18503
AREA CODE 717
347-1453



PETER G. LOFTUS

December 5, 1988

RECEIVED

DEC 7 1988

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

SECRETARY'S OFFICE
Public Utility Commission

Re: Application of Empire Wrecking Co. of Reading, Pa.
A-00108448

FILE

Dear Secretary Rich:

Enclosed for filing are the original and two copies each of a Protest and Interrogatories directed to the above-captioned Applicant by Seaboard Tank Lines, Inc. Copies have been mailed to the Applicant's counsel of record.

Your prompt attention to this matter is appreciated.

Very truly yours,

A handwritten signature in cursive script that reads 'Peter G. Loftus'.

Peter G. Loftus
Counsel for Protestant

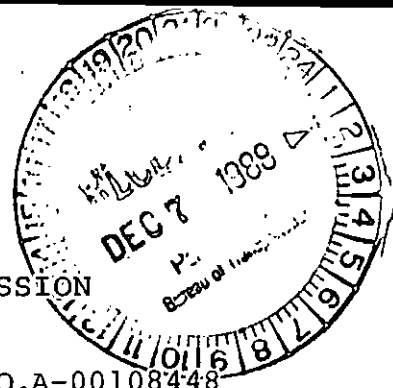
PGL:lc

Enclosures

cc: Seaboard Tank Lines, Inc.
Kenneth E. Sands, Jr., Esq.

DOCUMENT
FOLDER

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE:

DOCKET NO. A-00108448

APPLICATION OF
EMPIRE WRECKING CO. OF
READING, PA.

RECEIVED

DEC 7 1988

P R O T E S T

FILE

SECRETARY'S OFFICE
Public Utility Commission

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In accordance with 52 Pa. Code Section 31.3(b) and 3.381, SEABOARD TANK LINES, INC., Box 166 Monahan Avenue, Dunmore, Pennsylvania 18512, Docket No. A-00071220, herein protests the captioned application on the following grounds:

1. The Protestant, Seaboard Tank Lines, Inc., is a motor carrier transporting petroleum products, in bulk, in tank vehicles, having been granted a Territorial Scope of operation by the P.U.C. encompassing the Applicant's requested area of operation. A copy of said operating authority is attached hereto, intended to be made part hereof and marked Exhibit A.

2. The service proposed would be competitive with and detrimental to the existing authorized service of the protestant.

3. There exists no public need for the proposed service. The existing service is adequate.

**DOCUMENT
FOLDER**

DOCKETED
APPLICATION DOCKET
DEC 8 1988
ENTRY No. *101*

4. The proposed operation by the Applicant is not necessary or proper for the service, accommodation, convenience or safety of the public.

5. The Applicant lacks the capacity to meet the needs, obligations and responsibilities for the proposed service.

6. The Applicant has not properly advertised or given notice of its application.

7. The application, as filed, is overly broad, general in nature, without restriction or description of purpose, precluding the Protestant from being adequately appraised of the scope, nature, purpose and extent of the Applicant's business or intended business.

By Peter G. Loftus,
Peter G. Loftus, Esquire
Counsel for Protestant

Suite 300
240 Penn Avenue
Scranton, PA 18503

(717) 347-1453

Dated: December 5, 1988

SEABOARD TANK LINES, INC.

FOLDER NOS. 3 and 7

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles from points within five (5) miles by the usually traveled highways of the limits of the Boroughs of Bradford and Eldred, McKean County; Warren, Warren County; Titusville, Crawford County; Oil City, Venango County; Butler and Karns City, Butler County, to points in the Pennsylvania east of a line running northeast and southwest from the New York-Pennsylvania state line near Eldred, McKean County, Southwesterly through Renovo, Clinton County and Tyrone, Blair County and hereinafter referred to as the Renovo-Tyrone Line.

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles for the Tulsa Petroleum Corporation from Marcus Hook, Delaware County, and Eldred, McKean County and from point to point in Pennsylvania, as designated by the Tulsa Petroleum Corporation and vice versa.

To transport, as a Class D Carrier, petroleum products in bulk, in tank vehicles for the Pennsylvania Refining Company from points in the City of Scranton, Lackawanna County, to points in the territory east of the Renovo - Tyrone Line, starting at a point in the northeasterly part of Pennsylvania on the New York - Pennsylvania Border at or near Hallstead; thence to Honesdale; thence to Stroudsburg; thence to Easton; thence to Marcus Hook; thence to Reading; thence to Clarks Ferry; thence to Butler; thence to Franklin; thence to Titusville; thence to Warren; thence to Bradford; thence to Eldred; thence in a straight line along the Pennsylvania - New York Border to the place of beginning.

To transport, as a Class D Carrier, petroleum and petroleum products in bulk, in tank vehicles, between points in the Borough of Macungie, Lehigh County and within one hundred fifty (150) miles of the limits of said Borough.

FOLDER 7, AM-A

To transport, as a Class D Carrier, litharge, dry, in bulk, from the Borough of Dunmore, Lackawanna County, to points in Pennsylvania, with the right to return refused, rejected, or damaged shipments to point of origin.

FOLDER 7, AM-B

To transport, as a Class D carrier, petroleum and petroleum products, in bulk, in tank-type vehicles, between points in Pennsylvania; subject to the following conditions:

1. That no right, power or privilege is granted to provide service from points in the Borough of Warren, Warren County, to points in the Borough of Northeast, Erie County, and the Borough of Corsica, Jefferson County.
2. That no right, power or privilege is granted to provide service for United Refining Company; Pennzoil Products Co.; Witco Chemical Co.; Kendall-Amalie Division, from, to or between points in the counties of Warren, Venango and McKean.

EXHIBIT A

Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION



IN RE: APPLICATION OF
EMPIRE WRECKING CO.
OF READING, PA.

APPLICATION DOCKET
NO. A-00108448

DEC 7 1988

SECRETARY'S OFFICE
Public Utility Commission

INTERROGATORIES PROPOUNDED BY THE PROTESTANT
UNDER 62 PA. C.S.A., SECTION 333

The Protestant, Seaboard Tank Lines, Inc., through its attorney, Peter G. Loftus, Esquire, does hereby propound the following Interrogatories upon the Applicant to be answered by him personally and under oath within a reasonable time not to exceed thirty (30) days after the receipt hereof as required by said Act. As used in these Interrogatories, the term "Applicant" shall include in addition to the named party their attorneys, agents, servants, employees, representatives, private investigators and others who are in possession of or who may have obtained information for or on behalf of the said named party.

These Interrogatories shall be deemed to be continuing and any information secured subsequent to the filing of answers thereto which would have been includable in the answers had it been known or available shall be supplied by supplemental answers as soon as such information becomes known or available and in all events prior to the hearing of this matter pursuant to 66 Pa. C.S.A., Section 333.

**DOCUMENT
FOLDER**

DOCKETED
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ENTRY No.

1. Identify by name and address all proposed shippers you plan to service, if the captioned application is granted.

2. For each said shipper, identify the product or products you propose to haul. If petroleum products, identify specifically what types of petroleum products, their derivatives, and/or by-products, by their generally accepted commercial names.

3. For each such product identify by name and address to whom said product is to be delivered.

4. For each such product identify what is the anticipated annual volume.

5. Identify by name, address and telephone number each witness you propose to call at the hearing and the subject matter of their expected testimony.

6. Will you produce without the necessity of issuing a subpoena duces tecum all documents, photographs, maps, recordings or other material whatever which you plan to introduce at the hearing? If so, please attach copies of same to your answers.

By Peter G. Loftus
Peter G. Loftus, Esquire
Counsel for Protestant
Suite 300, 240 Penn Avenue
Scranton, PA 18503

DATED December 5, 1988

(717) 347-1453

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: APPLICATION OF

APPLICATION DOCKET

Empire Wrecking Co. of Reading, Pa.
1420 Clarion Street
Reading Pa 19601

A-00108448

PROTEST

RECEIVED

FILE

DEC 8 1988

SECRETARY'S OFFICE
Public Utility Commission

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

In accordance with 52 PA. Code 53.381, protest of the above application is hereby made on behalf of

A. Duie Pyle, Inc.

P.O. Box 564
West Chester, Pa. 19380

A.100089

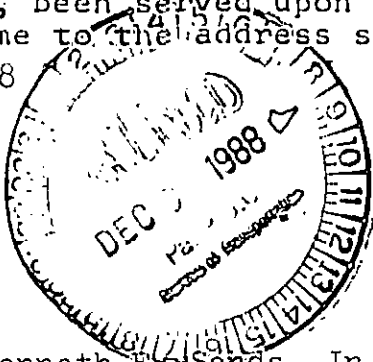
on the following grounds:

(1) That the service proposed will be competitive with and detrimental to the existing authorized service of the above named motor carrier.

(2) That there is no public need for the proposed service, nor would the approval of the application for such proposed service be necessary or proper for the service, accomodation, convenience or safety of the public.

A copy of the pertinent operating authority of the above named carrier is appended hereto. Also appended hereto is a restrictive amendment which, if accepted by the Commission, will result in the withdrawal of the protest of the carrier above named.

I hereby certify that a copy of the Notice of Protest has, on this date, been served upon applicant and its counsel by mailing a copy of same to the address set forth in the Pennsylvania Bulletin dated 12 3 88



By Henry J. Wahls
Henry J. Wahls

A. DUIE PYLE INC.
P.O. Box 564
West Chester, Pa. 19380

cc: Kenneth E. Sands, Jr. Esq.
528 Elm Street
Reading Pa. 19601

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
DEC 9 1988
ENTRY No. JK

A. DUIE PYLE, INC.

ADVERSE IMPACT

A. Duie Pyle, Inc., provides an active, daily service pursuant to Pennsylvania Public Utility Commission authority which duplicates, in part, the authority sought by the instant application. In addition, A. Duie Pyle, Inc. is constantly soliciting additional traffic within the application territory.

The protestant presently derives approximately \$ 2,000,000 annually in revenue from traffic handled within the scope of this application. A grant of the authority requested would tend to divert both traffic and revenue from A. Duie Pyle, Inc., thereby adversely affecting protestant's overall operation.

CERTIFICATE - A00107226

Freight PA. P.U.C. No.12
Cancels Freight PA. P.U.C.
No. 2 and No. 11

PYLE CORPORATION, t/d/b/a

A. DUIE PYLE, INC.

DIRECTORY OF OPERATING AUTHORITY

between points in

PENNSYLVANIA

This tariff applies only when, and to the extent its application is authorized in tariffs made subject hereto by specific reference to the Freight PA. P.U.C. number shown

All rates and charges not brought forward are cancelled

ISSUED: JUNE 18, 1987

EFFECTIVE: June 19, 1987

(Except as otherwise provided)

Effective Date: June 19, 1987

As specified under authority of
PA Code, Title 52, Section 23.42

Issued by

PYLE CORPORATION, t/d/b/a

A. DUIE PYLE, INC.

200 Garfield Avenue

West Chester, Pennsylvania 19380

DESCRIPTION OF CERTIFICATED RIGHTS

(e) Iron and steel articles in shipments of 10,000 lbs. or more from Philadelphia to points in Lehigh and Northampton Counties and vice versa; and from the facilities of Bethlehem Steel Corporation in Lehigh and Northampton Counties, and from the facilities of American Nickeloid Company, Inc. in Walnutport, Northampton County.

46. To transport, as a Class D carrier, iron and steel, iron and steel articles and products, and materials, equipment and supplies used in the manufacture and distribution of iron and steel, and iron and steel articles and products, for Lukens Steel Company, between points in the city of Coatesville, Chester County, and within an airline distance of three (3) statute miles of the limits of said city, and from the said territory to points in Pennsylvania, and vice versa.

with right no. 46 subject to the following condition:

That no right, power or privilege is granted to transport liquid commodities in tank vehicles.

47. To transport, as a Class D carrier, property, except household goods in use and commodities, in bulk, between points in the counties of Lackawanna, Luzerne, Monroe, Carbon, Schuylkill, Lehigh, Northampton, Dauphin, Lebanon, Berks, Bucks, Cumberland, York, Lancaster, Chester, Montgomery, Philadelphia, Franklin, Adams and Delaware.

with right no. 47 subject to the following conditions:

That no right, power or privilege is granted to transport:

1. From the facilities of AMP, Inc., in the counties of Adams, Chester, Cumberland, Dauphin, Franklin, Lancaster, Schuylkill and York,
2. From the facilities of Hershey Foods Corporation in the counties of Dauphin, Lebanon, Lancaster and Cumberland,
3. Limestone and limestone products from the facilities of J.E. Baker Co. in York County,

SUGGESTED RESTRICTIVE AMENDMENTS

Limit scope of authority to specific accounts.

or

Limit to a specific area (towns or counties).

or

Limit to specific commodities.

or

Limit to o/t flat beds or van trailers.

APPENDIX 3



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Bureau of Motor Transportation

RECEIVED

DEC 19 1988

SECRETARYS OFFICE
Public Utility Commission

December 16, 1988

A-00108448

Application of Empire Wrecking Company

Protest of
KENNEDY TRANSFER
Battle Hollow Road
Route 219 South
DuBois, Pa. 15801

AND NOW COMES KENNEDY TRANSFER and protests the above application for the following reasons.

1. The approval of said application is not necessary or proper for the accommodation, convenience, service or safety of the public.
2. The facilities of this protestant and other authorized carriers are ample to meet all of the requirements of the shipping and receiving public in the territory involved in the above application.
3. The approval of this application will be prujudicial to your protestants since it will authorize additional competition with the potential resulting loss in revenue by the protestants and injury to the public.

WHEREAS we respectfully pray that the above application be dismissed.

KENNEDY TRANSFER A.89629

by *R. Kennedy*
Robert R. Kennedy, Owner

Copy of said protest mailed to:

Kenneth E. Sands, Jr.
Attorney at Law
528 Elm Street
Reading, Pa. 19601

Empire Wrecking Co. of Reading, Pa.
1420 Clarion Street
Reading, Pa. 19601

DOCUMENT
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DOCKETED
APPLICATION DOCKET
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ENTRY No.

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166

HARRISBURG, PA. 17108-1166

TELEPHONE (717) 232-8000

TELECOPIER (717) 236-2665



DEC 16 1988

SECRETARYS OFFICE
Public Utility Commission

WILLIAM A. CHESNUTT

December 16, 1988

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

Re: Application of Empire Wrecking Co. of Reading Pa.
PA PUC Docket No. A.00108448
Protest on behalf of Daily Express, Inc.


Dear Secretary Rich:

Enclosed for filing on behalf of Daily Express, Inc., please find an original and two (2) copies of a protest to the above-captioned application. Copies of the protest are being forwarded directly to the applicant and applicant's attorney.

Please acknowledge receipt hereof by date stamping the copy of this letter of transmittal.

Very truly yours,

MCNEES, WALLACE & NURICK

By 
William A. Chesnutt

WAC/law

Enclosures

cc: Kenneth E. Sands, Jr., Esquire (w/enclosures)
Empire Wrecking Co. (w/enclosures)
E. S. Moore, Jr., Daily (w/enclosures)



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

DEC 16 1988

In re:

EMPIRE WRECKING CO. OF READING, PA.
A. 00108448
PROTEST ON BEHALF OF DAILY EXPRESS, INC.

SECRETARYS OFFICE
Public Utility Commission

AND NOW COMES, Daily Express, Inc. and protests this application, notice of which appeared in the Pennsylvania Bulletin as shown in attached Appendix "A", representing as follows:

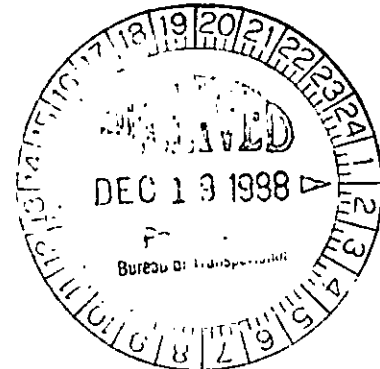
1. The name, business address and telephone number of the protestant are as follows:

Daily Express, Inc.
P. O. Box 39
Carlisle, PA 17013
(717) 243-5757

2. The name, business address and telephone number of the protestant's attorney are:

William A. Chesnutt, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
Harrisburg, Pennsylvania 17108-1166
(717) 232-8000

3. Protestant holds authority issued by this Commission in conflict with that sought by applicant in this proceeding. Protestant transports a substantial amount of traffic between points in the application territory. This transportation, as well as other transportation which protestant could perform within the scope of the application, and the revenues derived, or to be derived, therefrom, are important to protestant. Said traffic and revenue could be diverted from protestant by approval of the instant



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ENTRY No.

application. Diversion of present and future traffic would have an adverse impact on protestant.

4. This Commission has issued various authorities to protestant under Docket No. A.0085189. An abstract of pertinent portions of the authorities issued under that docket, upon which Daily predicates this protest, is set forth in Appendix "B" attached hereto. Daily provides an adequate and satisfactory service under those authorities. The authority sought in this application is in substantial conflict with the authorities set forth in Appendix "B".

5. Approval of this application in conflict with the authority of protestant is not necessary or proper for the service, accommodation, convenience, or safety of the public. Moreover, approval of this application would endanger and impair the operations of Daily in a manner and to an extent contrary to the public interest.

6. Restrictive amendment by applicant of the authority sought here to eliminate any and all conflict with authority now held by Daily and acceptance of such amendment by the Commission, would result in withdrawal of this protest.

7. This protest also relates to the fitness of the applicant.

WHEREFORE, Daily Express, Inc. respectfully prays that this application be dismissed.

DAILY EXPRESS, INC.

By: *McNees, Wallace & Nurick*
McNEES, WALLACE & NURICK

P. O. Box 1166
Harrisburg, PA 17108-1166

Dated: December 16, 1988

We wish to emphasize that the foregoing listing is not to be viewed as all inclusive. Comments need not be restricted to these explicit issues but should address all areas of interest relating to this subject matter; *Therefore,*

It Is Ordered:

1. That the Investigation instituted by Commission Order entered October 4, 1984 at M-840401 is hereby reinstated as described in the foregoing body of the Order through publication of this Order in the *Pennsylvania Bulletin*.

2. That a copy of this Order shall be served on all parties which submitted comments to our Order of October 4, 1984 at M-840401.

3. That all interested parties file an original and 10 copies of comments with the Commission under Docket No. M-840401 within 60 days of publication. All comments should be addressed as follows: Jerry Rich, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pa. 17120.

JERRY RICH,
Secretary

[Pa.B. Doc. No. 88-2026. Filed December 2, 1988, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without a hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 27, 1988 and shall conform with the provisions for the content of protests as set forth at 52 Pa. Code § 3.381(c) (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application of the permanent authority application or both.

Applications of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as common carriers for transportation of *property* as described under each application.

A-00108199, Folder 2. Charles A. McCauley, Inc. (100 Industrial Way, Hawthorn, Clarion County, Pa. 16230)—property, (except commodities in bulk, household goods in use, and shipments requiring the use of special equipment), for Owens Brockway Glass Container Company, between points in Pennsylvania. *Attorney:* R. Scott Mahood, 4029 Hudson Drive, Boardman, OH 44512.

A-00108435. Lester Sites (261 Nottingham Street, Plymouth, Luzerne County, Pa. 18651)—sand, stone, gravel, aggregates, bituminous concrete, asphalt, cinders, clinkers and other crushed stone, from points in the counties of Lackawanna, Luzerne, Susquehanna, Wyoming and points in the county of Monroe on and north of Interstate Highway Route 80, to points in Pennsylvania lying on and east of U. S. Highway Route 15 and on and north of Interstate Highway Route 80, provided that no right,

power or privilege is granted to (1) transport limestone or limestone products; and (2) provide service to or from the facilities of Lycoming Silica Sand Co. *Attorney:* Robert J. Borthwick, 222 South Main Street, Taylor, Pa. 18517.

A-00108437. Robert L. Shaffer, t/d/b/a Crystal Pools Dalmatia (R. D. # 1, Box 25, Dalmatia, Northumberland County, Pa. 17017)—water, from points in the borough of Millersburg, Dauphin County and the city of Sunbury, Northumberland County, to points in the counties of Northumberland, Snyder, Dauphin and Schuylkill. *Attorney:* Roger Weist, 244 Market Street, Sunbury, Pa. 17801.

A-00108448. Empire Wrecking Co. of Reading, Pa. (1420 Clarion Street, Reading, Berks County, Pa. 19601), a corporation of the Commonwealth of Pennsylvania—property, which because of its size or weight, requires the use of special equipment, between points in that part of Pennsylvania, on and east of U. S. Traffic Route 219. *Attorney:* Kenneth E. Sands, Jr., 528 Elm Street, Reading, Berks County, Pa. 19601.

Applications of the following for approval of the *additional* right and privilege of operating motor vehicles as common carriers for transportation of *property* as described under each application.

A-00079143, Folder 9. Harrisburg Taxicab & Baggage Company, t/d/b/a Yellow Cab (1328 North Third Street, Harrisburg, Dauphin County, Pa. 17102), a corporation of the Commonwealth of Pennsylvania—additional right—property, between points in the boroughs of Mechanicsburg and Shiremanstown, and the townships of Silver Spring, Hampden and Lower Allen, Cumberland County, and from points in said area, to points within an airline distance of 15 statute miles of the limits of said area, and vice versa; subject to the following conditions: (1) that no right, power or privilege is granted to transport a lot of packages or articles, the total weight of which exceeds 100 pounds when shipped from one consignor at one location at one origin point to one consignee at one location at one destination point on the same day; (2) that no right, power or privilege is granted to transport any single package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined; (3) that in the rendition of the service herein authorized, each package or article shall be considered as a separate and distinct shipment; (4) that no right, power or privilege is granted to provide any service to any bank or banking institution; and (5) that all transportation service rendered hereunder shall be limited to that in which all shipments picked up on a given calendar day shall be delivered on the same calendar day. *Attorney:* Lloyd R. Persun, P. O. Box 729, Harrisburg, Pa. 17108-0729.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of *property* as described under each application.

A-00039396, Folder I. Am-C. Leonard Kunes (P. O. Box 205, Weedville, Elk County, Pa. 15868)—contractors' equipment, machinery and supplies, building materials, excavated materials and other road building construction materials, such as are usually transported in dump trucks, as a Class D carrier, between points in the county of Elk and within 50 miles, by the usually traveled highways, of the limits of said county; provided, no haul shall exceed a distance of 25 miles from point of origin to point of construction or disposal, and the transportation

Authorities of Daily Express, Inc. under Pa. PUC Docket No. A. 0025189,
to perform transportation as a Class D motor common carrier, of:

Folder 2:

prefabricated buildings and component parts thereof for Inland Homes Corporation between points in the Borough of Manover, York County, and within an airline distance of five (5) miles of the limits of said borough and from points in said territory to other points in Pennsylvania,

Folder 3:

property from the plant of United States Steel Corporation (formerly United States Steel Homes, Inc.,) located in the Township of Hampden, Cumberland County, to points in Pennsylvania, and vice versa;

Folder 3. Am-A:

farm wagons, combines, self-propelled vehicles (except highway trucks and automobiles) and equipment, attachments and parts intended for use in conjunction with farm wagons, combines and self-propelled vehicles (except highway trucks and automobiles), when moving in conjunction therewith, by driveaway and towaway service, between points in Pennsylvania.

farm wagons, combines, self-propelled vehicles (except highway trucks, buses, automobiles and chassis thereof) and equipment, attachments and parts intended for use in conjunction with farm wagons, combines and self-propelled vehicles (except highway trucks, buses, automobiles and chassis thereof), when moving in conjunction therewith, by truckaway service, between points in Pennsylvania.

DAILY EXPRESS, INC.
A.0085189, continued:

Folder 3, Am-B

unpacked glass and glass in packages which because of size or weight require the use of special equipment, and unpacked glass and glass in packages which because of size or weight do not require the use of special equipment, when moving in mixed shipments with the unpacked glass and glass in packages which because of size or weight require the use of special equipment from the plant site of PPC Industries, Inc., in the township of South Middleton, Cumberland County, to points in Pennsylvania, and vice versa.

Folder 3, Am-C

feed, fertilizer, lime, farm machinery, farm supplies, fresh tomatoes, peas, beans, sweet corn, apples, hay, straw, potatoes and livestock between points in the borough of Hanover, York County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough, provided that all transportation shall begin or end at a farm.

livestock from points in the borough of Hanover, York County, and within fifty (50) miles by the usually traveled highways of the limits of the said borough to points within one hundred fifty (150) miles by the usually traveled highways of the limits of the said borough, and vice versa, provided that all transportation shall begin or end at a farm.

building materials, such as are usually transported in bulk in dump trucks, between points in the borough of Hanover, York County, and within twenty-five (25) miles by the usually traveled highways of the limits of the said borough; provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

property, excluding household goods in use, between points in the borough of Gettysburg, Adams County, and within ten (10) miles by the usually traveled highways of the limits of the said borough.

property, excluding household goods in use, from points in the borough of Gettysburg, Adams County, and within ten (10) miles by the usually traveled highways of the limits of the said borough, to points within forty (40) miles by the usually traveled highways of the limits of the said borough, and vice versa.

DAILY EXPRESS, INC.
A.0085189

Folder 3. Am-C, continued:

feed, insecticides and fertilizer for E. S. Kelley from the borough of Gettysburg, Adams County, to points within fifty (50) miles by the usually traveled highways of the limits of the said borough, and vice versa.

farm products and supplies from farms in the county of Adams to points within thirty-five (35) miles by the usually traveled highways of the limits of the borough of Gettysburg, Adams County.

products from Adams County Farm Bureau Station in the borough of Gettysburg, Adams County, to points within fifty (50) miles by the usually traveled highways of the limits of said borough, and vice versa;

food and food products for Davenport, Inc., between points in the city of Harrisburg, Dauphin County.

property for the Glen-Gary Shale Brick Corporation from rail sidings in the city of Harrisburg, Dauphin County, to points in the said city.

property for the Glen-Gary Shale Brick Corporation from the city of Harrisburg, Dauphin County, to plants of the said corporation located in the city of Reading and the boroughs of Shoemakersville, Wyeomissing and Ephrata, and vice versa.

brick from plants of the Glen-Gary Shale Brick Corporation located at Harrisburg, Reading, Shoemakersville, Wyeomissing and Ephrata to points of construction within one hundred (100) miles by the usually traveled highways of the respective plants; provided, however, that the right, power and privilege hereby granted shall include the right to transport excess parts of such loads to dealers' places of business.

coal and coke between points in the city of Harrisburg, Dauphin County, and within six (6) miles by the usually traveled highways of the limits of the said city.

river coal from wharves on the Susquehanna River in Dauphin County to points in the city of Harrisburg, Dauphin County, and within six (6) miles by the usually traveled highways of the limits of the said city.

DAILY EXPRESS, INC.
A.0095199

Folder 3. Am-C, continued:

building and construction materials, such as are transported in dump trucks, between points not to exceed a distance of twenty-five (25) miles from point of origin to point of destination in the counties of Dauphin, Cumberland, Perry, York, Lebanon and Lehigh.

tractors for The Oliver Corporation from the city of Harrisburg, Dauphin County, to farms within one hundred (100) miles by the usually traveled highways of the limits of the said city.

building construction materials between points in the city of Harrisburg, Dauphin County, and within twenty (20) miles by the usually traveled highways of the limits of the said city; provided that no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination;

contractors' equipment, farm machinery, and other heavy and bulky property, which because of its weight or bulk requires special handling, or service, between points in the city of Harrisburg, Dauphin County, and within an airline distance of twenty-five (25) miles of the State Capitol in the said city and from points in said area to points in Pennsylvania, and vice versa, excluding the city of Lancaster as a point of origin.

iron and steel and iron and steel articles and products between points in the county of Dauphin located within an airline distance of fifteen (15) miles of the State Capitol in the city of Harrisburg, and from points in said territory to other points in Pennsylvania, and vice versa, excluding the city of Lancaster, Lancaster County, as a point of origin;

(1) logs, pallets, wood chips or shavings, poles, mine timber, wood flour or fiber in bags, in bulk or packages, wood fiber products, furring strips and crating lumber, and (2) fasteners, moulding and other accessories and supplies for use in erection or installation of items in (1), between points in the county of Bradford and from points in said county to other points in Pennsylvania, and vice versa;

DAILY EXPRESS, INC.
A.CC851S9

Folder 3. Am-E

buildings, building panels, building parts, and materials, accessories and supplies used in the installation, erection and construction of buildings, building panels, and building parts, except commodities in bulk, from the plant site and storage facilities of the Butler Manufacturing Company in the townships of Annville and North Annville, Lebanon County, to points in Pennsylvania.

Folder 3. Am-F

building and construction materials and other heavy objects between points in the counties of Dauphin, Cumberland, Lebanon and Perry;

building and construction materials and other heavy objects from points in the counties of Dauphin, Cumberland, Lebanon and Perry to other points in Pennsylvania and vice versa;

building and construction materials and other heavy objects from the borough of Danville, Montour County, to points in Pennsylvania, east of a line drawn between Eldrad, McKean County, and the intersection of Bedford-Fulton County line with the Pennsylvania-Maryland State line, and vice versa;

steel and steel products for the Bethlehem Steel Company from the rail terminals located in the area east of said north and south line to any other point in said area;

property from the plant sites, construction sites and storage areas of the Downingtown Iron Works, Division of Pressed Steel Tank Company, in the borough of Downingtown, Chester County, and within an airline distance of three (3) miles of the limits of said borough, to points in Pennsylvania located on and west of the Susquehanna River and its north branch, and vice-versa,

iron and steel, iron and steel articles and products and such materials and supplies and equipment used or useful in the production assembly and distribution of iron and steel from the plant site of Allegheny Ludlum Steel Corporation in the township of Valley, Chester County, to points in Pennsylvania, excluding points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester;

DAILY EXPRESS, INC.
A.0035189

Folder 3. A-F, continued:

property, from the facilities of McGraw-Edison Company in the Township of Upper Macungie, Lehigh County, to points in Pennsylvania;

concrete products, from points within four (4) miles of the limits of the borough of Manchester, York County to points in Pennsylvania and vice versa.

Folder 3. A-G

property, from the facilities of E. I. DuPont de Nemours & Co. located in the township of North Towanda, Bradford County, and points within an airline distance of five (5) statute miles thereof, to the facilities of E. I. DuPont de Nemours & Co., located in the township of Plains, Luzerne County, and points within an airline distance of five (5) statute miles thereof and the city of Hazleton, Luzerne County, and points within an airline distance of five (5) statute miles thereof, and vice versa.

Folder 3. A-H

glass and glass products, from the facilities of PPG Industries, Inc., located in the township of Greenwood, Crawford County and in the borough of Ford City, Armstrong County, to points in Pennsylvania, and vice versa.

Folder 3. A-I

property (excluding commodities in bulk and household goods in use) between points in Pennsylvania. Subject to the following conditions: that no right, or privilege is granted: (1) to perform transportation in closed van trailer equipment; (2) to perform transportation to or from the facilities of Bethlehem Steel Corporation in the County of Cambria; (3) to perform transportation to or from the facilities of Patterson Kelly Company, Inc. in the County of Monroe; (4) to perform transportation to or from the facilities of Sharon Steel Corporation at or near the City of Farrell, in the County of Mercer; (5) to transport property which because of size or weight requires the use of rigging and special equipment, from railroad to railroad or from railroad to points of installation between points in Pennsylvania.

DAILY EXPRESS, INC.
A.0095189

Folder 3. Am-J, continued:

transportation to or from the facilities of Sprout-Waldron, Division of Koppers Company, Inc., in the Borough of Muncy, in the County of Lycoming; (7) to transport limestone or limestone products from the facilities of J. E. Baker Co. in the Township of West Manchester, in the County of York; (8) to transport wood or wood products to or from the facilities of Velda U.S., Inc. in the Township of Wayne, County of Clinton; or (9) to transport plate steel from the facilities of Lukens Steel Company, Division of Lukens, Inc., in the Township of Upper Merion, in the County of Montgomery, and in the City of Coatesville, in the County of Chester, to points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Protest of Daily Express, Inc. was served on applicant's attorney as follows:

Kenneth E. Sands, Jr., Esquire
528 Elm Street
Reading, PA 19601

by mailing same by first class mail, postage prepaid, at Harrisburg, Pennsylvania on this 16th day of December, 1988.



WILLIAM A. CHESNUTT
McNEES, WALLACE & NURICK
P. O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000

Attorneys for Protestant
Daily Express, Inc.

Dated: December 16, 1988

PENNSYLVANIA PUBLIC UTILITY COMMISSION



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.

Kenneth E. Sands, Jr.
528 Elm Street
Reading, PA 19601

Date January 5, 1989

**DOCUMENT
FOLDER**

CR 131445 A

In re application of Empire Wrecking Co. of Reading
A-00108448.....\$125.00

DOCKETED
JAN 9 1989

Revenue account 001780-017601-102 (ck)
ck 12172 Checks \$125.00 Currency _____
Utility account 50:26

C. Joseph Meisigner
For Department of Revenue

A. DUIE PYLE, INC.

200 GARFIELD AVENUE, P. O. BOX 564, WEST CHESTER, PA 19381-0564 215 696-5800

Warehousing and Distribution

ORIGINAL
RECEIVED

January 30, 1989

FEB 8 1989

**SECRETARY'S OFFICE
Public Utility Commission**

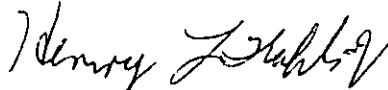
Honorable Jerry Rich
Secretary
PA Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Subject: Application - Empire Wrecking Co. A-00108448

Dear Mr. Rich:

Upon acceptance of Empire's restrictive ammendment, A. Duie Pyle's interest will be satisfied. We do wish to withdraw our protest at that point but do wish to remain party of record.

Very truly yours,



Henry L. Wahls, Jr.
Traffic Manager

cc: Kenneth E. Sands, Jr. Esquire
528 Elm Street
Reading, PA 19601

HLW/slm

**DOCUMENT
FOLDER**

**DOCKETED
FEB 08 1989**

ORIGINAL

RECEIVED

JAN 30 1989

SECRETARY'S OFFICE
Public Utility Commission

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY

COMMISSION

DOCUMENT
FOLDE

A-00108448. Application of Empire Wrecking Co. of Reading, PA. (1420 Clarion Street, Reading, Berks County, Pennsylvania, 19601), a corporation of the Commonwealth of Pennsylvania - for a certificate of public convenience evidencing the Commission's approval of the right and privilege of operating motor vehicles as a motor carrier for the transportation of property between points in Pennsylvania.

APPLICANT'S ATTORNEY: Kenneth E. Sands, Jr., Esquire
528 Elm Street
Reading, Pennsylvania 19601

PENNSYLVANIA BULLETIN REFERENCE: December 3, 1988
Page 5436

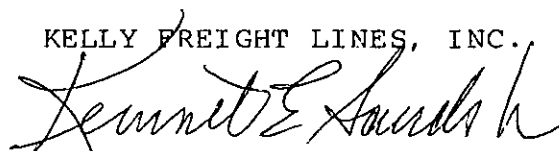
AMENDED RESTRICTIVE AMENDMENT TO APPLICATION OF EMPIRE WRECKING
CO. OF READING, PA.

Empire Wrecking Co. of Reading, PA. agrees that it's application for authority heretofore filed may be amended with the following restrictive amendments:

1. No right, power or privilege is granted to transport household goods and office furniture in use.
2. No right, power or privilege is granted to transport petroleum products, in bulk, within the Commonwealth of Pennsylvania.
3. No right, power or privilege is granted to transport iron and steel products for Lukens Steel Company at Coatesville, Chester County, Pennsylvania or Bethlehem Steel Corporation in Lehigh and Northampton Counties.

Respectfully submitted,

KELLY FREIGHT LINES, INC.



By Kenneth E. Sands, Jr., Esq.
Attorney for Applicant

DOCKETED
JAN 31 1989

ORIGINAL

LAW OFFICES
PETER G. LOFTUS, P.C.

SUITE 724 BANK TOWERS
SCRANTON, PENNSYLVANIA 18503

PETER G. LOFTUS

AREA CODE 717
347-1453

February 2, 1989

The Honorable Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17120

RECEIVED

FEB 6 1989

Re: Empire Wrecking Co.
A-00108448

SECRETARY'S OFFICE
Public Utility Commission

Dear Secretary Rich:

We are in receipt of a Restrictive Amendment in the above referenced application from Kenneth E. Sands, Jr., Esquire.

Based upon the Restrictive Amendment, Seaboard Tank Lines, Inc., withdraws its protest contingent upon acceptance of said amendment by the Commission.

Please continue to carry us on the mailing list for all future notices, orders, opinions, etc.

Very truly yours,

Peter G. Loftus

PGL/rm
Enclosures

cc: Walter P. Orzolek, Manager
Seaboard Tank Lines, Inc.
Kenneth E. Sands, Jr., Esquire

DOCUMENT
FOLDER

DOCKETED
FEB 08 1989

ORIGINAL

Kennedy Transfer

Moving & Storage Specialists
Rte. 219 South P. O. Box 704
DuBois, PA 15801
(814) 371-7430



February 8, 1989

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

RECEIVED

FEB 10 1989

Application of Empire Wrecking Co.
A-00108448

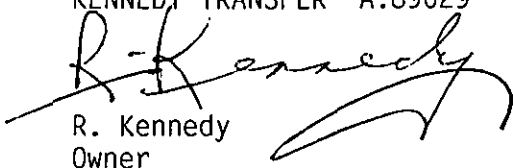
SECRETARYS OFFICE
Public Utility Commission

Dear Sir:

As per the enclosed copy of the restrictive amendment, we hereby withdraw our protest to the above application.

Sincerely yours,

KENNEDY TRANSFER A.89629


R. Kennedy
Owner

**DOCUMENT
FOLDER**

DOCKETED
FEB 15 1989

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
June 7, 1989

In Re: A-00108448

(See attached list)

Application of Empire Wrecking Co. of Reading, Pa.

Right to transport, as a common carrier, property, which because of its size or weight, requires the use of special equipment, between points in that part of Pennsylvania, on and east of U.S. Traffic Route 219.

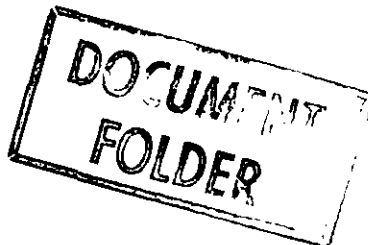
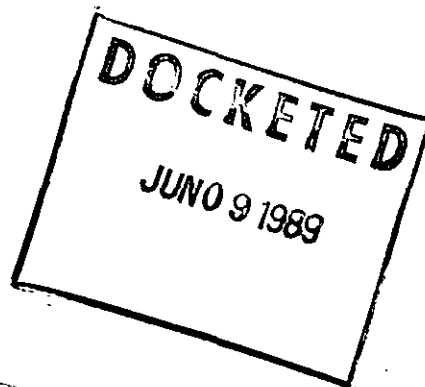
NOTICE

This is to inform you that an initial hearing on the above captioned case will be held Wednesday, July 26, 1989, at 10:00 a.m., in available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania.

The presiding officer in this proceeding is Administrative Law Judge Morris Solomon. Judge Solomon can be contacted at P.O. Box 3265, Harrisburg, Pennsylvania 17120; telephone (717) 783-5452.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Solomon
Mr. Bramson
Mrs. Pappas
Mrs. Howell
File Room



Kenneth E. Sands, Jr., Esquire
528 Elm Street
Reading, PA 19601

Empire Wrecking Co. of Reading PA
1420 Clarion Street
Reading, PA 19601

Peter G. Loftus, Esquire
Suite 724
Bank Towers
Scranton, PA 18503

William A. Chesnutt, Esquire
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108

Henry L. Wahls, Jr.
A. Duie Pyle, Inc.
P.O. Box 564
West Chester, PA 19381

Robert R. Kennedy, Owner
Kennedy Transfer
Battle Hollow Road
Route 219 South
Dubois, PA 15801

FRANCIS B. HAAS, JR.
G. THOMAS MILLER
DONALD W. WENSEL
RICHARD R. LEFEVER
J. THOMAS MENAKER
CLYDE W. MCINTYRE
S. BERNE SMITH
ROD J. PERA
EDWARD W. ROTHMAN
ROBERT A. MILLS
W. JEFFRY JAMOUNEAU
HERBERT R. NURICK
DAVID E. LEHMAN
NORMAN I. WHITE
F. MURRAY BRYAN
RICHARD W. STEVENSON
WILLIAM A. CHESNUTT
HENRY R. MACNICHOLAS
WILLIAM M. YOUNG, JR.
ROBERT M. CHERRY
DAVID B. DISNEY
H. LEE ROUSSEL
MAURICE A. FRATER
C. GRAINGER BOWMAN
BURTON H. SNYDER
JOHN S. OYLER
DELANO M. LANTZ
HARVEY FREEDENBERG
JASON S. SHAPIRO
ERIC L. BROSSMAN
ROBERT D. STETS
TERRY R. BOSSERT

MARY JANE FORBES
JEFFREY B. CLAY
DAVID M. KLEPPINGER
NEAL S. WEST
FRANKLIN A. MILES, JR.
MICHAEL A. DOCTROW
STEPHEN A. MOORE
DANA S. SCADUTO
ELIZABETH A. DOUGHERTY
ALAN R. BOYNTON, JR.
BRUCE D. BAGLEY
MICHAEL G. JARMAN
GARY F. YENKOWSKI
DIANE M. TOKARSKI
BERNARD A. LABUSKES, JR.
ANNE K. FIORENZA
JOHN M. ABEL
RICHARD S. KAHLBAUGH
KEVIN J. FREDERICK
DAVID M. WATTS, JR.
TRENT HARGROVE
LAWANA M. JOHNS
WILLIAM G. PRINS
JAY H. FEASTER
DONALD B. KAUFMAN
JAY H. FRITZ
ABIGAIL A. TIERNEY
ROBERT B. ARMOUR
DONNA J. LONG
TIMOTHY L. CLAWGES
P. NICHOLAS GUARNESCHELLI

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

100 PINE STREET
P. O. BOX 1166
HARRISBURG, PA. 17108-1166
TELEPHONE (717) 232-8000
TELECOPIER (717) 236-2665

STERLING G. MCNEES
1923-1959
DAVID M. WALLACE
1942-1967

RETIRED PARTNERS
HARRY H. FRANK
JAMES H. BOOSER
JAMES W. HAGAR
ARTHUR L. BERGER
JAMES H. KING
MOSES K. ROSENBERG

OF COUNSEL

GILBERT NURICK
EDWARD C. FIRST, JR.
ROBERT H. GRISWOLD
JEFFERSON C. BARNHART
SAMUEL A. SCHRECKENGAUST, JR.

June 13, 1989

Kenneth E. Sands, Jr., Esquire
528 Elm Street
Reading, PA 19601

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

JUN 14 1989

Re: Application of Empire Wrecking Co. of Reading
PA PUC Docket No. A.00108448
Our File: 01800-496-0

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Sands:

We represent Daily Express, Inc., protestant in the above-captioned application.

Section 333(c) of the Public Utility Code, 66 Pa.C.S. §333(c) requires that you send us the names of the witnesses you expect to call in this case, the companies that they represent, and the subject matter of their expected testimony including any specifics regarding our client. We request that you give us this information by Friday, July 14, 1989.

Please treat this request as one of a continuing nature and provide us with any additions, or other modifications.

Very truly yours,

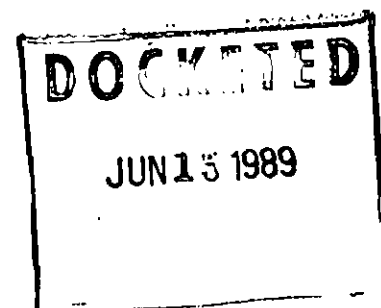
MCNEES, WALLACE & NURICK

By *William A. Chesnutt*

William A. Chesnutt
Counsel for
Daily Express, Inc.

WAC/law

cc: Honorable Morris Solomon
Mr. Jerry Rich
Mr. E. S. Moore, Jr.
Mr. Robert F. Long



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
July 17 1989

In Re: A-00108471

(See letter dated May 26, 1989)

Application of Marty's Home Decorating, Inc., t/d/b/a Big Marty's, Inc.
Right to transport, as a common carrier, persons, in limousine service,
between points in the counties of Bucks, Montgomery and Philadelphia.

NOTICE

This is to inform you that further hearings on the above captioned case will be held on Thursday, September 21, 1989, September 28, 1989 and October 5, 1989, all commencing at 10:00 a.m. in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

cc: Judge Smolen
Mr. Bramson
Mrs. Pappas
Mrs. Howell
File Room

DOCKETED
JUL 20 1989

DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
July 17, 1989

In Re: A-00108448

(See attached letter dated June 7, 1989)

Application of Empire Wrecking Co. of Reading, Pa.

Right to transport, as a common carrier, property, which because of its size or weight, requires the use of special equipment, between points in that part of Pennsylvania, on and east of U.S. Traffic Route 219.

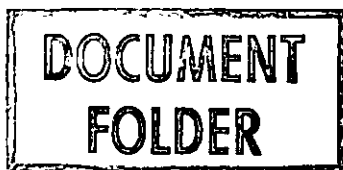
NOTICE

This is to inform you that the presiding officer in the subject proceeding scheduled for Wednesday, July 26, 1989 has been changed from Judge Solomon to Judge Kashi. Judge Kashi can be contacted at P. O. Box 3265, Harrisburg, Pennsylvania 17120; telephone (717) 783-5452.

Please mark your records accordingly.

cc: Judge Kashi
Judge Solomon
Mr. Bramson
Mrs. Pappas
Mrs. Howell
File Room

DOCKETED
JUL 20 1989



APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00108448

CASE NAME Application of Empire

Wrecking Co. of

Reading, Pa.

HEARING LOCATION Harrisburg

HEARING DATE July 26, 1989

ALJ Solomon **KASHI**

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO

Testimony taken YES NO

Hearing concluded YES NO

Further hearing needed YES NO

Estimated add'l days _____

RECORD CLOSED YES NO

Date _____

Briefs to be filed YES NO

Date _____

BENCH DECISION YES NO

RECEIVED
FOLDER

RECEIVED

JUL 26 1989

Office of A. L. J.
Public Utility Commission

REMARKS: Briefs 30 days from
rec'd of court with briefs
15 days thereafter

DOCKETED

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

AUG 03 1989

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
<u>Kennoth E. Sands Jr.</u> Telephone No. <u>(215) 378-1639</u>	<u>528 Elm St.</u> City <u>Reading</u> State <u>PA</u> Zip <u>19601</u>	<u>Empire Wrecking Co. of Reading Inc.</u>
<u>McVEES, WALLACE & MURPHY</u> <u>William A. Chesnut</u> Telephone No. <u>(717) 232-8000</u>	<u>P.O. Box 1166</u> City <u>H3B</u> State <u>PA</u> Zip <u>17108</u>	<u>PROTESTANT Daily Express, Inc.</u>
Telephone No. ()	City State Zip	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Jan H. Johnston
Reporter



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

August 18, 1989

IN REPLY PLEASE
REFER TO OUR FILE

TO ALL PARTIES OF RECORD

RECEIVED

AUG 21 1989

SECRETARYS OFFICE
Public Utility Commission

Re: Application of Empire Wrecking Company of
Reading, Docket No. A-00108448

AUL

Dear Sir:

The transcript of testimony taken in the above entitled proceeding indicates that the parties will file briefs.

Allowing thirty (30) days from August 16, which is the date of receipt of the transcript, main briefs shall be filed by September 15, 1989. Reply briefs, if any, shall be filed within fifteen (15) days thereafter. If briefs are not received within the allotted time, they shall not be accepted for filing, except by special permission of the presiding officer.

An original and nine (9) copies of each main and reply brief must be filed with the Secretary of the Commission, a copy must be served on the presiding Administrative Law Judge and three copies on each party of record.

Very truly yours,

George M. Kashi
Judge, Admin. Law

GMK/ad

A-00108448 - Parties of Record

Kenneth E. Sands, Jr., Esquire
528 Elm Street
Reading, Pennsylvania 19601

Empire Wrecking Co. of Reading, PA
1420 Clarion Street
Reading, Pennsylvania 19601

William A. Chesnutt, Esquire
100 Pine Street
P.O. Box 1166
Harrisburg, Pennsylvania 17108

cc: Chief ALJ/Pappas/Scheduler
Annette Shelley
New Filing

LAW OFFICES
KENNETH E. SANDS, JR., P. C.
528 ELM STREET
READING, PA. 19601
(215) 378-1639

KENNETH E. SANDS, JR.
ROBERT R. REBER
WILLIAM F. OCHS, JR.

ORIGINAL

September 12, 1989
My File No. 262

RECEIVED

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

SEP 14 1989

SECRETARY'S OFFICE
Public Utility Commission

Re: Empire Wrecking - PUC

Dear Mr. Rich:

A-00 108448

Enclosed herewith please find an original and nine copies of the Main Brief on Behalf of Empire Wrecking Company of Reading, Inc.

Very truly yours,

KENNETH E. SANDS, JR., P.C.


By Kenneth E. Sands, Jr.

KES: jls
Enclosures

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

IN RE:

Application of Empire Wrecking :
Co. of Reading, Pa., Right to transport :
as a common carrier, property, which :
because of its size or weight, requires :
the use of special equipment, between :
points in that part of Pennsylvania :
on and east of U.S. Traffic Route 219. :

DOCKET NO. A00108448

RECEIVED

SEP 14 1989

SECRETARY'S OFFICE
Public Utility Commission

MAIN BRIEF OF BEHALF OF

EMPIRE WRECKING COMPANY OF READING, INC.

DOCUMENT
EMPIRE

SEP.

Kenneth E. Sands, Jr., Esq.
Kenneth E. Sands, Jr., P.C.
528 Elm Street
Reading, PA 19601
Telephone: (215) 378-1639

Dated: September 11, 1989

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN RE:

Application of Empire Wrecking :
Co. of Reading, Pa, Right to transport, :
as a common carrier, property, which : DOCKET NO. A00108448
because of its size or weight, requires :
the use of special equipment, between :
points in that part of Pennsylvania :
on and east of U.S. Traffic Route 219. :

MAIN BRIEF OF BEHALF OF
EMPIRE WRECKING COMPANY OF READING, INC.

STATEMENT OF THE CASE

On September 9, 1988, Empire Wrecking Company of Reading, Pennsylvania, filed an Application with this Commission seeking a Certificate for the right "To transport, as a common carrier, property, which because of its size or weight, requires the use of special equipment, between points in that part of Pennsylvania, on and east of U.S. Traffic route 219."

Notice of the filing of the Application was published in the Pennsylvania Bulletin of December 3, 1988, Volume 18, No. 49.

Protests to the Application were filed by four common carriers as follows:

- (1) Kennedy Transfer
Battle Hollow Road
Route 219 South
Dubois, PA 15801
- (2) A. Duie Pyle, Inc.
200 Garfield Ave.
P.O. Box 564
West Chester, PA 19380
- (3) Seaboard Tank Lines, Inc.
Box 266 Monahan Ave.
Dunmore, PA 18512
- (4) Daily Express, Inc.
P.O. Box 39
Carlisle, PA 17013

An Amendment to the Application was received by the Commission on January 30, 1989. Subsequently thereto, the protests filed by Kennedy Transfer, A. Duie Pyle, Inc., and Seaboard Tank Lines, Inc., were withdrawn.

A hearing was held before the Administrative Law Judge George Kashi on Wednesday, July 26, 1989. Empire Wrecking Company presented the testimony of three witnesses:

- (1) Harry O'Neill, President of Empire Wrecking Company
of Reading, Pennsylvania
1420 Clarion St.
Reading, Berks County, PA

(2) Julius M. Simon, Owner of Simon Eastern Corporation
Temple, Berks County, PA

(3) Frank Neubaum, Sales Department, Giles and Ransom,
Inc.
2975 Galloway Road
Bensalem, PA 19020

The Protestant, Daily Express, Inc., presented the testimony of one witness, Larry Jones, Director of Marketing, Daily Express, Inc., P.O. Box 39, Carlisle, PA 17013.

Notes of Testimony were taken and transcribed by Holbert Associates, by Jan H. Johnston, Suite 203, Cranberry Court, 212 North Third Street, Harrisburg, PA 17101. Reference to Notes of Testimony made herein are to those notes transcribed by Mr. Johnston of the proceedings of July 26, 1989.

Empire Wrecking Company is an existing Pennsylvania corporation, incorporated for the purposes of wrecking, demolishing, tearing down, destroying or otherwise disposing of in part or in whole, any and 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.

SUMMARY OF ARGUMENT

Empire Wrecking Company of Pennsylvania, an existing Pennsylvania corporation, has presented testimony and exhibits contained within its Application which, under this Commission's "Transportation Regulatory Policy", 52 Pa. Code Section 41.14, fully supports the granting of a certificate of public convenience as set forth in the published notices.

ARGUMENT

The Pennsylvania Public Utility Commission has adopted a "Transportation Regulatory Policy", setting forth the entry standards for carriers of passengers and property. This policy was designed to discard monopoly type regulation in favor of encouraging healthy competition. The entry standards codified at 52 Pa. Code Section 41.14 became effective January 1, 1983, and are as follows:

Section 41.14. Evidentiary criteria used to decide motor common carrier applications.

(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.

(b) An applicant seeking motor common carrier authority has a burden of demonstrating that it possesses the technical and financial ability to provide the proposed service and, in addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

(c) The Commission will grant motor common carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to such an extent that, on balance, the granting of authority would be contrary to the public interest.

Using these standards, the Applicant has demonstrated that he is entitled to the granting of a Certificate of Public Convenience as requested. The Applicant's witnesses, Simon Eastern Corporation and Giles and Ransom Incorporated have testified that there is a need for these services to be provided by the Applicant, to wit; specialized transportation of certain equipment on short notice and that these two corporations have had difficulty in the past making arrangements for such services from the existing carriers. Notes of Testimony page 5, Notes of Testimony pages 13 and 14, Notes of Testimony page 18. By the Protestant's own testimony, there is acknowledgment that they are unable to provide short-notice service. Notes of Testimony page 46.

It has also been amply found that the Applicant has the technical and financial ability to provide the proposed service. An existing business, the Applicant has proven that it is now doing approximately \$12,000,000.00 of gross sales per year, employs 22 drivers on a full-time basis, has an 8,000 square foot service shop, 20,000 square feet of storage space, 5,000 square

feet of office space, and employs over 150 people on its total payroll. Notes of Testimony page 8. Already being in a business which necessitates the use of construction equipment, the Applicant for many years has been hauling its own equipment on the tractors and trailers which it presently owns and intends to use if the requested Certificate is granted. Notes of Testimony page 4.

In addition, the Applicant has established a record of safe operation and has a safety and insurance inspection program in place. Also, the Applicant has never been cited for a PUC violation. Notes of Testimony page 9.

It has also been established that the entry into the field of the Applicant would not endanger or impair the operation of the existing common carriers. At the time of the hearing, these existed only one protest to this Application, that of Daily Express, Inc., the other protestants having withdrawn. The Applicant's witnesses have testified that they would use Daily Express, Inc., for long hauls but on intrastate and short haul movements, have not and would not use Daily Express, Inc. Notes of Testimony pages 22, 24, 25, and 30. This is a situation despite the fact that although Daily has an extensive inventory of equipment including some similar pieces of equipment as the Applicant intends to use. By the protestant's own testimony, it

was unsure as to how much equipment was being used on a daily basis, Notes of Testimony page 36, that approximately 75% of its fleet is owner/operator type, Notes of Testimony page 37, which would contribute to delay and inability to make arrangements for transportation on short notice and that the past record of the protestant shows that very few pick-up and deliveries were made in the geographical area as is requested by Applicant for hauls similar to the ones that the Applicant intends to do. The protestant's testimony at Notes of Testimony page 39, indicate that only two Berks County pick-ups were made for the move of construction equipment during peak construction months. In addition, during the month of May, the protestant hauled 41 loads using low-boy equipment but that only two or three of these appeared to have involved construction equipment moves. Notes of Testimony page 41.

Recently, the Public Utility Commission in Re: Richard L. Kinard, Inc., 58 Pa. P.U.C. 548 (1984), provided a definitive interpretation of the policy as set forth in 52 Pa. Code Section 41.14. The need for the Applicant to show the inadequacy of existing service was eliminated, and the burden was shifted to protestants to show that granting the Application would "impair the operations of existing common carriers, contrary to the public interest", (58 Pa. P.U.C. at 551). In Kinard, the Administrative

Law Judge favored (and the Commission approved) alternatives to the "inadequacy" standard. The Commission affirmed the Administrative Law Judge's interpretation of Section 41.14(a) that the central principle of the new policy was that the applicant has the "burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need". The support of shippers, while necessary, was held to be insufficient by itself to meet this requirement. The Administrative Law Judge presented alternatives to the previously adhered to "inadequacy" standard to meet the burden of Section 41.14(a). These alternatives include, but are not limited to:

- (1) different service
- (2) efficiency
- (3) lower rates
- (4) future need
- (5) backup service
- (6) shipper competition
- (7) I.C.C. authority
- (8) certification of authority
- (9) benefit to applicant

(58 Pa. P.U.C. at 551).

In Kinard, the Administrative Law Judge found that the best interest of the shipper and the public were a common element of each of his proposed alternatives to the "inadequacy standard" and any one or more of those alternatives could be sufficient to meet this portion of the policy statement.

The evidence in this case shows that the protestations have all been withdrawn but for one, Daily Express, Inc. The evidence provided also shows that the service to be provided by the Applicant would be a short-notice short-haul type of service. This is a different service than the service presently being provided by the Protestant. It is a service needed by the public as established by the testimony and not being provided by anyone else to their knowledge at the present time. In fact, the witnesses testified that on occasion they were having trouble having their equipment moved. Notes of Testimony pages 18, 24. It goes without saying that for these businesses to have their equipment moved on short notice will be of greater efficiency to them and it is further obvious that at local operations such as Empire Wrecking Company, which owns and operates all of its equipment with its own full-time employees, will be able to operate more quickly and more efficiently than the Protestant who is located in Carlisle and operates its fleet with a 75% owner/operator set up. Notes of Testimony page 37. It is obvious

also that due to the closeness of the Applicant's operation to the potential shippers, there will be less time and mileage involved in moving the transportation equipment to the site of the services to be provided. Finally, the benefit to the Applicant will be great in that it will allow him to maximize the use of the equipment which he already possesses for the transport of his own equipment. Granting of the Certificate will allow him more use of the equipment and the requisite financial benefits therewith associated.

Consequently, the following alternatives listed in Kinard are met; (1) different service, (2) efficiency, (3) lower rates, (4) future need, (5) backup service, and (6) benefit to applicant.

CONCLUSION

The Applicant, Empire Wrecking Company of Reading, Pennsylvania, has demonstrated through testimony and its Application that it meets the standards of this Commission's Transportation Regulatory Policy. Approval of its Application will be responsive to a public demand and/or need. The grant of the requested authority will meet a number of the alternatives to the inadequacy standards listed by the Commission in Kinard. Empire Wrecking Company has experience in hauling its own

equipment and a good safety record. This supports its fitness for authority to operate as an intrastate carrier. It also is on a sound financial footing.

Finally, the Protestant did not provide any basis for this Commission to limit the authority requested or to reject the Applicant's request because it would adversely affect the Protestant or the State's transportation system. On the contrary, the granting of the Certificate to the Applicant would foster healthy competition and would supply a need which does not appear to be fully met by any other carrier. Therefore, the Commission should grant the Application of Empire Wrecking Company of Reading, Pennsylvania, and issue the requested Certificate.

Respectfully submitted,

By: 

Kenneth E. Sands, Jr., Esq.
528 Elm Street
Reading, PA 19601


CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 1989, I served a true and correct copy of the foregoing document by United States First Class Mail, postage prepaid, to the following:

The Honorable George M. Kashi - One copy
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

Jerry Rich, Secretary - Original and Nine Copies
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

William Chesnutt, Esquire - Three Copies
100 Pine Street
Harrisburg, PA - on Behalf of Daily Express, Inc.


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September 15, 1989

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

HAND DELIVERY

RECEIVED

SEP 15 1989

SECRETARY'S OFFICE
Public Utility Commission

Re: Application of Empire Wrecking Co. of
Reading, PA
PA PUC Docket No. A-00108448
Our File: 01800-496-0

Dear Secretary Rich:

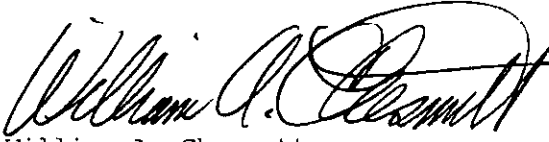
Enclosed for filing with the Commission are an original and nine (9) copies of the Main Brief on Behalf of Protestant Daily Express, Inc. in the above-captioned proceeding.

Copies have also been served on all parties of record.

Please kindly date stamp the attached copy of this letter of transmittal for return to my office verifying your receipt of these documents.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By 
William A. Chesnutt
Counsel for Protestant
Daily Express, Inc.



WAC/law

Enclosures

cc: All parties of record (w/enclosures)
E. S. Moore, Jr. (w/enclosures)
Robert F. Long (w/enclosures)

ORIGINAL

Before the
Pennsylvania Public Utility Commission

In re:
Application of Empire Wrecking Co. of Reading, PA
Docket No. A-00108448

RECEIVED

SEP 15 1989

MAIN BRIEF
ON BEHALF OF PROTESTANT
DAILY EXPRESS, INC.

SECRETARY'S OFFICE
Public Utility Commission

DOCKETED
SEP 19 1989

**DOCUMENT
FOLDER**

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Counsel for Protestant
Daily Express, Inc.

Dated: September 15, 1989

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of Empire :
Wrecking Co. of Reading, PA : Docket No. A-00108448

MAIN BRIEF ON BEHALF OF
PROTESTANT DAILY EXPRESS, INC.

Protestant Daily Express, Inc., by its counsel McNeese, Wallace & Nurick, hereby submits its Main Brief in accordance with the notice issued August 18, 1989 by Administrative Law Judge George M. Kashi. The brief will conform with the provision of 52 Pa. Code §5.501(a). The Judge has not directed compliance with the provisions of 52 Pa. Code §5.501(b).

STATEMENT OF THE CASE

Protestant Daily is generally satisfied with the statement of the case contained in the Main Brief of applicant Empire Wrecking Co. of Reading, PA. As a counter-statement, however, Daily would note that the authority sought as set out at page 2 of applicant's Main Brief has been amended since the application was filed. The amendment states three enumerated restrictions, as follows:

- (1) No right, power or privilege is granted to transport household goods and office furniture in use.
- (2) No right, power or privilege is granted to transport petroleum products, in bulk, within the Commonwealth of Pennsylvania.
- (3) No right, power or privilege is granted to transport iron and steel products for Lukens Steel Company at Coatesville, Chester County, Pennsylvania or Bethlehem Steel Corporation in Lehigh and Northampton Counties.

SUMMARY OF ARGUMENT

Under governing evidentiary criteria used to decide motor common carrier applications, it is provided that "The Commission will grant motor common carrier authority commensurate with the demonstrated public need..." 52 Pa. Code §41.14(c) (emphasis supplied). It is the position of Daily Express, Inc. that the "demonstrated public need" in this record will support a grant of authority no broader than the following:

To transport, as a contract carrier, property which because of its size or weight, requires the use of special equipment:

- (a) For the account of Simon Eastern Corporation between points in the counties of Berks, Bucks, Chester, Lancaster, Lebanon, Lehigh, Montgomery and Schuylkill; and
- (b) For the account of Giles & Ransome, Incorporated from its facilities at Allentown, Bensalem and Fleetwood to points in the counties of Berks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia.

The foregoing formulation of authority would enable applicant to serve the stated needs of the two supporting shippers. Both the commodity and territorial descriptions are framed in terms most generous to the transportation requirements vaguely expressed on this record by the only two shippers offering support to applicant's ambitious request for authority.

It is essential that any grant of authority resulting from this application be framed as contract, rather than common, carrier authorization. As a matter of policy, the Commission has been granting common carrier authorization only when the record demonstrates a need for service to the public generally. Moreover, a grant of common carrier authority to

this applicant would create a violation of the principles stated in Makovsky Bros., Inc. v. Pa. Public Utility Commission, 55 Pa. Cmwlth. Ct. 435, 423 A.2d 1089 (1980), in which it was recognized that common carriers are prohibited against using the same vehicles for common and private carriage. Predominant use of applicant's vehicles is for its own private carriage, with service on a for-hire basis contemplated as a sporadic, incidental usage ancillary to applicant's primary business as an excavating and demolition enterprise.

ARGUMENT

The presiding Administrative Law Judge, acting apparently in his capacity as an impartial guardian of the public interest, developed what scant record exists concerning this applicant's "technical and financial ability to provide the proposed service...." See 52 Pa. Code §41.14(b). Counsel for applicant made no effort to elicit from applicant any indication that, for the future, applicant would demonstrate the propensity to operate safely and legally. See 52 Pa. Code §41.14(b). Applicant's propensity has been to the contrary in the past. Applicant's own witness acknowledged that Empire had conducted unlawful for-hire operations without appropriate operating authority (Tr. 11-12).^{*} The unauthorized transportation activity was also confirmed by one of the supporting shipper witnesses (Tr. 17). In

^{*}References to the record in the proceeding will be governed by the following abbreviations:

Exh. - Exhibits received into evidence at the hearing.
Tr. - Transcript of oral testimony.

the face of these developments, it was incumbent upon applicant's counsel to adduce from the witness a statement that, upon a grant of authority in this matter, applicant would abide by the territorial and commodity restrictions imposed thereon. No such evidence has been adduced. Accordingly, an adequate basis exists for denial of the application in its entirety.

If the Judge concludes, however, to award authority notwithstanding the failure of applicant to demonstrate a propensity to operate safely and legally, the territorial scope of the service authorized should be confined to the needs demonstrated on this record by the supporting shippers. The witness for Simon Eastern Corporation testified that it owns and operates cranes, wheel loaders and skid loaders. It expressed a need for applicant's service to move such commodities, on short notice, for short distances -- "five miles, three miles, one mile...." (Tr. 13). On cross-examination, the witness was asked whether its business was confined to Berks County. The response was that business was conducted in Berks and surrounding counties such as Lehigh and Lancaster. A grant of authority allowing applicant to transport commodities which because of size or weight require the use of special equipment between points in the eight-county area of Berks, Bucks, Chester, Lancaster, Lebanon, Lehigh, Montgomery, and Schuylkill should be more than adequate. The seven-named counties, excluding Berks, comprise all counties "surrounding" Berks. See map attached hereto as Appendix A.

The other supporting shipper witness--Giles & Ransome, Incorporated-- sells and leases construction and mining equipment (Tr. 18). The service territory for the three Giles & Ransome origins pertinent to this applica-

tion encompasses the counties of Berks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia (Tr. 19). All of the traffic to be tendered to applicant would originate at either Allentown, Bensalem or Fleetwood. It is service from those origins to the seven-county destination territory that this shipper supports (Tr. 20).

Applicant is an "excavating contractor for general commercial work", generating annual revenues of \$12 million (Tr. 10). In the conduct of this business applicant owns 40 bulldozers, loaders, backhoes and similar equipment. Every evening (after hours) applicant is moving, on average, 25 pieces of its own equipment, utilizing 22 "full-time" drivers who run steadily (Tr. 8, 11). Because of this pattern of activity, applicant's lowboys and the driver personnel "are available throughout the day" (Tr. 5). The purpose of this application is to allow applicant to use its lowboy trailers in a for-hire carriage operation, when such equipment is not being utilized "for hauling our own equipment" (Tr. 5). As a matter of law, applicant cannot be granted the common carrier authority it seeks. "[A] common carrier...may not use the same vehicles for common and private carriage. See Makovsky Bros., Inc. v. Pa. Public Utility Commission, 55 Pa. Cmwlth. Ct. 435, 423 A.2d 1089 (1980)." Application of Mark M. Krivoski, t/d/b/a Totem Towing, Docket No. A-00106018, F.1, Am-A (Order entered November 3, 1986, p. 2). The Commission goes on to state in the Krivoski order that "A contract carrier may use the same vehicle to transport under his permit and to transport his own property in private carriage." (Ibid.).

Because of the so-called Makovsky principle, contract carrier authorization to this applicant is the only grant of authority that can lawfully be made.

Contract carriage authority is not only required, as a matter of law, but appropriate, as a matter of regulatory policy. The primary business of this applicant is, and will continue to be, as an excavating contractor. The utilization of its idle lowboy trailers to perform sporadic for-hire service for others is economically opportunistic, but not in keeping with the historic concept of a "common carrier" which has a duty to provide service to all who seek it. There can be no doubt that the common carrier obligation to serve in the hands of this applicant would simply give way to the economic self-interest of applicant in seeing that its lowboy trailers were given preference for the hauling of its own equipment, rather than for providing service to the public at large. To the extent that individual contracting shippers are willing to subject themselves to the whims of applicant to provide service, there would seem to be no compelling policy reason not to allow that to occur. However, to allow this applicant to have an unrestricted opportunity to "skim the cream" from the shipping public at large, in competition with a common carrier such as Daily Express, is untenable. As the evidence of Daily demonstrates (see Exh. 3), a grant of unrestricted common carrier authority as sought by applicant between all points within the eastern two-thirds of Pennsylvania would place applicant in a position to compete for traffic from shippers who have not come forward in support of this application, and whose needs are not represented in any

fashion by the two shippers who have discussed, on this record, their very limited and discrete requirements for motor carrier service.

From a territorial standpoint, the "commensurate with the demonstrated public need" language of 52 Pa. Code §41.14(c) is totally compatible with the Commission's holding in Application of C. Veneziale Trucking, Inc., 44 Pa. PUC 170, 181-182 (1960) that:

While evidence of public necessity within every square mile need not be presented, there must be such representative testimony that would make it apparent that a need exists in the territory sought...[taking] into consideration...the number and location of the points involved, the size and population...etc.

The analysis outlined in the Commission's Veneziale decision has been applied in a ruling under the 52 Pa. Code §41.14(c) criteria. In a Ruling on Exceptions by Administrative Law Judge Larry Gesoff under date of April 12, 1984, subsequently affirmed by the Commission in Application of B & D Transfer, Docket No. A-00095587, F.1, Am-B, testimony by a single shipper was deemed inadequate to support a grant of county-wide authorization. A fortiori, vague testimony by two supporting shippers mentioning at best traffic moving within a 10-county area in southeastern Pennsylvania is quantitatively, as well as qualitatively, insufficient to support a grant of non-radial authorization between all points "on and east of U. S. Traffic Route 219" (See Applicant's Main Brief, p. 2).

CONCLUSION

WHEREFORE, protestant Daily Express, Inc. requests that the applica-
tion be denied in its entirety, or in the alternative, that it be granted to
the limited extent set forth at page 2, supra.

Respectfully submitted,

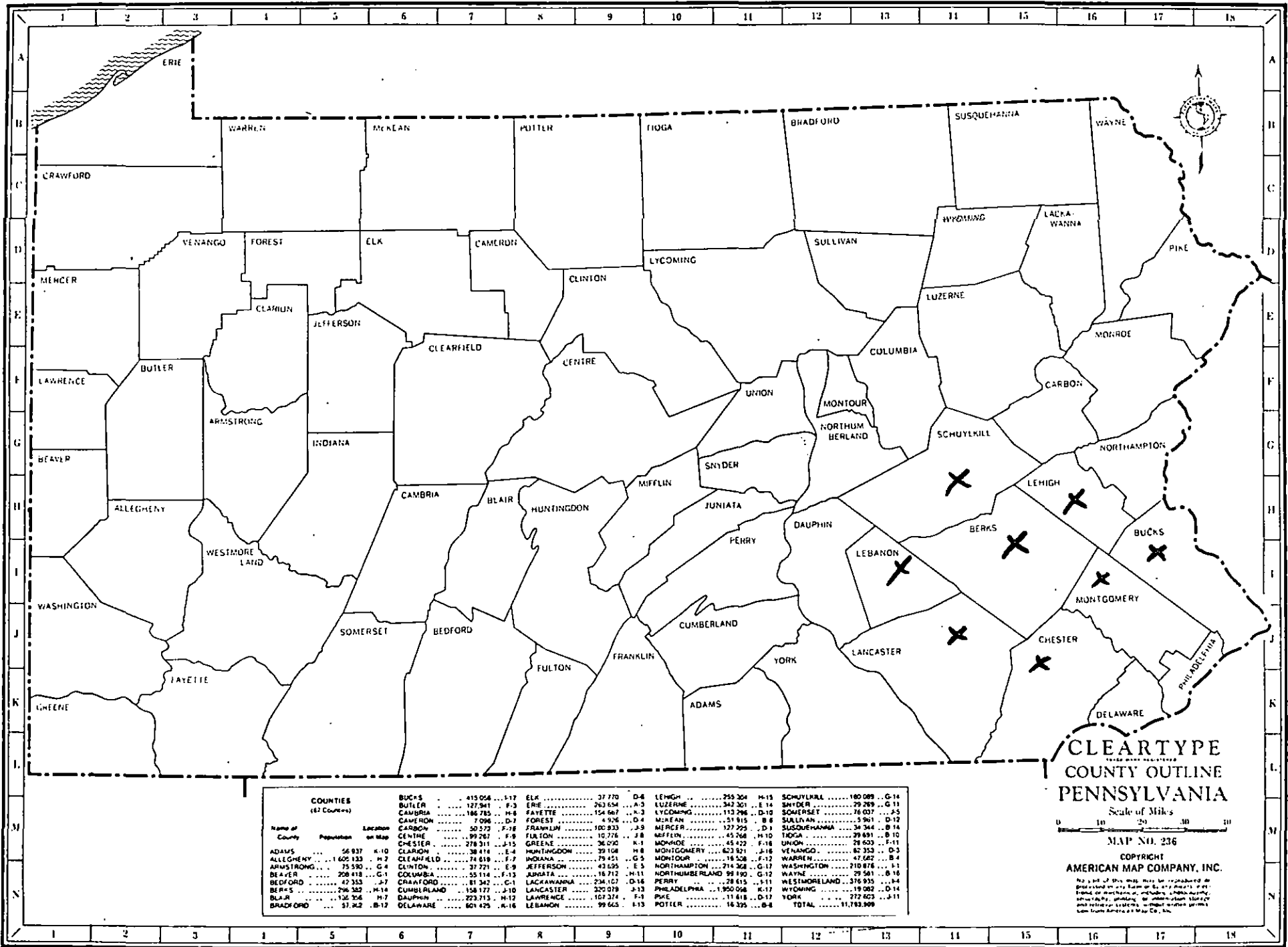
McNEES, WALLACE & NURICK

By 

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Harrisburg, PA 17108-1166
(717) 232-8000

Counsel for Protestant Daily
Express, Inc.

Dated: September 15, 1989



COUNTIES (67 Counties)	Name of County	Population	Location on Map
ADAMS	56,837	K-10	
ALLEGHENY	1,600,133	H-7	
ARMSTRONG	75,590	G-4	
BEAVER	208,418	G-1	
BEDFORD	42,353	J-7	
BERKS	296,362	H-14	
BLAIR	120,206	H-7	
BRADFORD	37,362	B-12	
BUCKS	415,056	F-17	
BUTLER	127,941	F-3	
CAMBRIA	166,783	H-8	
CAMERON	7,096	D-7	
CARBON	50,573	F-18	
CENTRE	99,267	F-9	
CHESTER	278,311	F-15	
CLARION	38,414	E-4	
CLEARFIELD	74,619	F-7	
COLUMBIA	37,721	E-9	
COLUMBIA	55,114	F-13	
CRAWFORD	81,342	G-1	
CUMBERLAND	158,177	J-10	
DAUPHIN	223,713	H-12	
DELAWARE	601,425	K-16	
ELK	37,770	D-6	
ERIE	263,634	A-3	
FAYETTE	154,667	A-3	
FOREST	4,926	D-4	
FRANKLIN	100,833	J-9	
FULTON	10,776	J-8	
GREENE	86,690	K-1	
HUNTINGDON	39,108	H-8	
INDIANA	79,451	G-5	
JEFFERSON	43,695	E-5	
LANCASTER	162,374	F-8	
LEBANON	99,665	E-13	
LEHIGH	255,304	H-15	
LUZERNE	342,301	E-14	
LYCOMING	112,796	D-12	
MCLEAN	51,915	B-6	
MERCER	127,999	D-1	
MERRICK	45,568	H-10	
MONROE	45,422	F-18	
MONTGOMERY	623,821	J-16	
MONTOUR	18,528	F-12	
NORTHAMPTON	274,368	G-17	
NORTHUMBERLAND	99,190	G-12	
PERRY	28,615	F-11	
PHILADELPHIA	1,950,948	K-17	
PIKE	11,418	D-12	
POTTER	14,325	B-8	
SCHUYLKILL	180,089	G-14	
SNYDER	79,289	G-11	
SOMERSET	76,037	F-5	
SULLIVAN	5,901	D-12	
SUSQUEHANNA	34,344	B-14	
TADA	29,481	B-10	
UNION	28,633	F-11	
VENANGO	82,353	D-3	
WARREN	47,682	B-4	
WASHINGTON	210,878	F-11	
WAYNE	29,581	B-16	
WESTMORELAND	376,935	J-4	
WYOMING	19,682	D-14	
YORK	232,623	F-11	
TOTAL	11,783,909		

**CLEARTYPE
COUNTY OUTLINE
PENNSYLVANIA**

Scale of Miles
0 10 20 30

MAP NO. 236

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Main Brief on Behalf of Daily Express, Inc. was served by first-class mail, postage prepaid, on the following parties of record:

The Honorable George M. Kashi (one copy)
Administrative Law Judge
Pennsylvania Public Utility Commission
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P. O. Box 3265
Harrisburg, PA 17120

Kenneth E. Sands, Jr., Esquire (3 copies)
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William A. Chesnutt
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Dated this 15th day of September, 1989, at Harrisburg, Pennsylvania.

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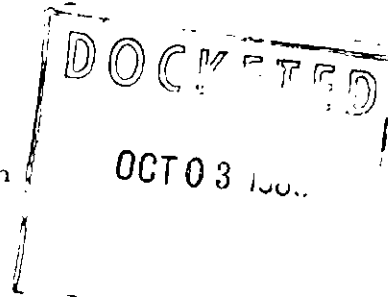
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September 29, 1989



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Public Utility Commission**

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
New Filing Section, Room B-18
P. O. Box 3265
Harrisburg, PA 17120

Re: Application of Empire Wrecking Co. of
Reading, Inc.
PA PUC Docket No. A.00108448
Our File: 01800-496-0

Dear Sir:

In a notice to all parties of record dated August 18, 1989, presiding Administrative Law Judge George M. Kashi set September 15, 1989 as the date for filing main briefs, and further observed: "Reply briefs, if any, shall be filed within fifteen (15) days thereafter."

As counsel for protestant Daily Express, Inc., we timely filed a main brief.

After reviewing the main brief filed on behalf of applicant Empire Wrecking Co. of Reading, Inc., we have concluded not to file a reply brief, allowed, but not required, by Judge Kashi's notice. Daily Express, Inc. believes its position is adequately set forth in the main brief filed September 15, 1989.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By 

William A. Chesnutt
Counsel for Protestant
Daily Express, Inc.

WAC/law

cc: All parties of record
E. S. Moore, Jr.
R. F. Long

