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July 20, 1992

John G. Alford, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

RE: Empire Wrecking Co. of Reading, PA; Docket No. A-
00108448C9201; LETTER ANSWER TO ORDER TO SHOW CAUSE

Dear Secretary Alford:

I am writing in an attempt to correct an erroneous representation made in the Commission's Order to Show Cause entered the July 8, 1992, and respond to the Order to Show Cause as a precautionary measure. In its July 8, 1992 Order, directed by certified mail dated July 6, 1992 to our client, Empire Wrecking Co., of Reading, PA ("Empire Wrecking"), the Commission represented that Empire Wrecking (i) was a common carrier, and (ii) had not as of the date of the Order filed its Assessment Report for calendar year 1991.¹

Empire Wrecking is in fact not a common carrier, but a contract carrier, as evidence by the Contract Carrier Permit issued by the Commission on October 30, 1991, a copy of which I have attached as **Appendix "A."** Under the mistaken belief that it was required to file its Annual Report for calendar year 1991 and the Assessment Report (Form MT-91) sent to it by the Commission, Empire

¹ The Order was adopted at the June 4, 1992 Public Meeting, but as noted above, was not entered until July 8, 1992. The Assessment Report or an answer to the Order to Show Cause was directed to be filed on or before July 26, 1992.

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Wrecking filed the latter two documents on April 2, 1992.² On July 13, 1992, and as a result of the Commission's July 8, 1992 Order, Empire Wrecking filed with the Commission, its Annual Report as a contract carrier for calendar year 1991. A copy of that report is attached as **Appendix "B."**

I have alerted Barry L. Ernst, Director, Bureau of Transportation and H. Kirk House, Deputy Chief Counsel, Law Bureau of the Commission's erroneous classification of Empire Wrecking, the fact that it had filed an Annual Report and an Assessment Report for calendar year 1991, and that it has rectified the situation by the July 13, 1992 filing of its Annual Report as a contract carrier for calendar year 1991.

I believe that under the circumstances and with the filing of the Annual Report for contract carrier for calendar year 1991, Empire Wrecking has complied with Paragraph No. 3 of the Commission's Order to Show Cause, and that the Order to Show Cause should be discharged without further proceedings pursuant to Paragraph No. 3.

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

TPB/kmg

cc: H. Kirk House, Deputy Chief Counsel - Law Bureau
Barry L. Ernst, Director of Bureau of Transportation
Harry J. O'Neill, III, President - Empire Wrecking Co. of
Reading, PA

² The confusion regarding Empire Wrecking's status apparently stems from the fact that its initial application sought common carrier authority, but after hearing the Initial Decision of the ALJ, found evidence that it warranted only contract carrier authority.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A. 00108448, Folder 1


EMPIRE WRECKING COMPANY OF READING PENNSYLVANIA

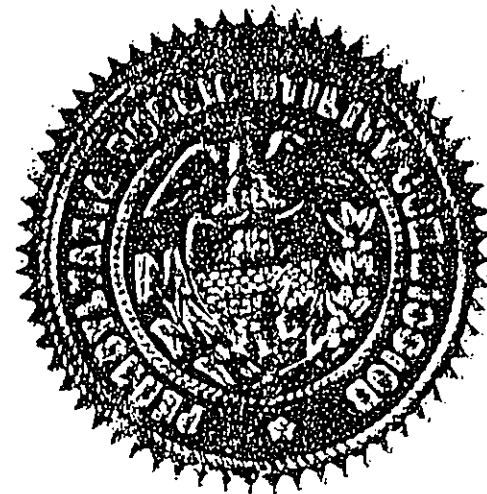
The Pennsylvania Public Utility Commission hereby certifies that after an investigation had on the above entitled application, it has, by its order made and entered, a copy of which is attached hereto and made part hereof, found and determines that the granting of said

CONTRACT CARRIER PERMIT

will be consistent with the public interest and the policy declared in Section 2501 of the Public Utility Law, and this permit is issued evidencing its approval of the said application as set forth in said order.

In Testimony Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 30th day of OCTOBER, 19 91.


Secretary



Pennsylvania Public Utility Commission
BUREAU OF TRANSPORTATION
P.O. BOX 3265, Harrisburg, Pennsylvania 17105-3265

ANNUAL REPORT
CONTRACT CARRIER

CALENDAR YEAR
1991

P.U.C. Permit
No. A. 00108448
I.C.C. Certificate
No. MC _____

Name and Address of Reporting Carrier
Empire Wrecking Co.
1420 Clarion Street
Reading, PA 19601

Correct Name and Address if Different Than Shown

Out-of-State Carriers Please Provide Pennsylvania Address and Telephone Number For Contact Purposes.

Telephone No. (215) 372-6511

Address _____

File By March 31, 1992

- 1. This report covers period from: Nov 1, 19 90 to October, 19 91
- 2. If carrier is an individual or a partnership, list name or names below: _____
- 3. If business is conducted under a trade name, give date of registration under Fictitious Names Act: _____, 19 _____

INCOME STATEMENT

PA GROSS OPERATING REVENUES . . . \$ NONE

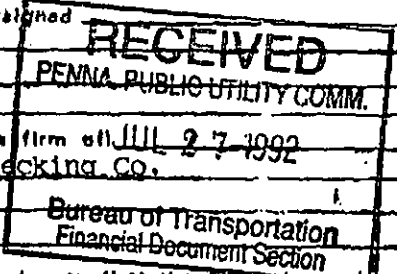
INTERSTATE OPERATING REVENUES . . . \$ NONE

GROSS OPERATING REVENUES \$ NONE

- FOR INCORPORATED CARRIERS**
- 4. Date of incorporation: November 25, 1955
 - 5. In what state? Pennsylvania
 - 6. Directors at end of year: _____
Harry J. O'Neill President
Todd M. O'Neill Vice Pres / Sec.
Wayne S. Frost Treasurer
 - 7. Principal Stockholders: _____
Wholly owned subsidiary of O'Neill
Financial.

AFFIDAVIT
COMMONWEALTH OF PENNSYLVANIA } 55
COUNTY OF Berks

I, for and on behalf of the undersigned
trading as for of the firm of Empire Wrecking Co.
Bureau of Transportation
Financial Document Section



on my (or our) oath do say that the following return has been prepared under my (or our) direction from the original books, papers and records of this carrier and that I (or we) have carefully examined same and declare it to be a complete and correct statement of the business and affairs of said carrier to the best of my (or our) knowledge, information and belief.

- 8. Officers at end of year:
President: Harry J. O'Neill
Vice-President: Todd M. O'Neill
Secretary: Todd M. O'Neill
Treasurer: Wayne S. Frost
General Manager: _____

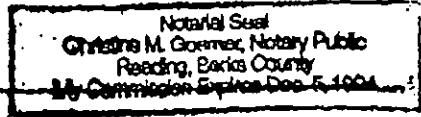
Harry O'Neill President
Wayne Frost Treasurer
Officer in Charge of Accounts

Telephone No. (215) 372-6511
Area Code

Subscribed and sworn to before me this day of July 13th, 19 92

Signed Christine M. Saccone

My commission expires: 12-5-94



ALLEGATION

BEGIN-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.

CU22

A-00108448

Filed AS Common

protected ~~to~~

Change to Contract For Two Carriers.