

A-00108448

APPLICATION

F1 AMA

THE LAW FIRM OF

MALATESTA HAWKE & McKEON

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

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

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

May 6, 1993

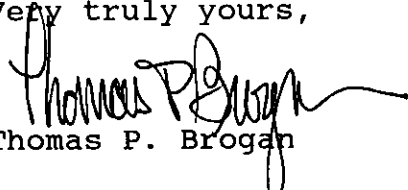
John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
Room B-18, North Office Building  
PO Box 3265  
Harrisburg, PA 17105-3265

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

Dear Secretary Alford:

Enclosed for filing with the Commission are the original and two copies of the application of Empire Wrecking Co. of Reading, Pa. Also enclosed is our firm's check in the amount of \$350.00 to cover the filing fee. Of course, should you have any questions with regard to this matter, please feel free to give me a call.

Very truly yours,

  
Thomas P. Brogan

TPB/kmg

Enclosure

cc: Harry J. O'Neill, III

**RECEIVED**  
MAY 07 1993

Public Utility Commission  
SECRETARY'S BUREAU  
Information Control Division

**DOCUMENT  
FOLDER**

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

(SEE INSTRUCTIONS BEFORE PREPARING APPLICATION)

In re: Application of

Empire Wrecking Co. of Reading, Pa.

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

APPLICATION DOCKET

No. A-108448

Folder No. *E1, AM-A*

RECEIVED

MAY 07 1993

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Empire Wrecking Co. of Reading, Pa.

(Full and correct name of applicant)

Public Utility Commission

SECRETARY'S BUREAU

Information Control Division

2. N/A

(Trade name, if any)

The trade name \_\_\_\_\_ been registered with the Secretary of the  
(has or has not)

Commonwealth on \_\_\_\_\_ (attach copy of stamped registration form).  
(date)

3. 1420 Clarion Street

(Business Street Address)

N/A

(P.O. Box, if any)

Reading

Berks

PA

19601

215-372- 6511

(City)

(County)

(State)

(Zip)

(Telephone)

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

Thomas P. Brogan, Esquire

Malatesta Hawke & McKeon PO Box 1778, Hbg., PA 17105 717-236-1300

(Name)

(Address)

(Telephone)

(Fax) 717-236-4841

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

Applicant's Attorney - see above.

(Name)

(Address)

6. Applicant \_\_\_\_\_ does \_\_\_\_\_ hold Pa. PUC authority under Docket No. \_\_\_\_\_

(does or does not)

and operates as a \_\_\_\_\_

contract  
(common or contract)

carrier.

DOCUMENT  
FOLDER

DOCKETED  
A-108448 DOCKET  
JUN 02 1993  
ENTRY No. *ger*

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

at Docket No. N/A

8. Applicant is (check one):

Individual.

Partnership. Attach copy of partnership agreement and list names and addresses of partners below (use additional sheet if necessary).

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

Corporation. Organized under the laws of the State of Pennsylvania and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on \_\_\_\_\_ (Attach copy of Certificate of Incorporation or Authority and statement of charter purpose). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

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

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

10. That the nature and character of the service to be rendered by applicant is the transportation of property as a  Common  Contract carrier by means of motor vehicles as follows:

Empire Wrecking Co. of Reading, Pa. (1420 Clarion Street, Reading, Pa., 19601) a corporation of the Commonwealth of Pennsylvania -- to transport as a contract carrier cranes, crane parts, concrete pumps, and concrete pump parts for Dickinson Crane and Concrete Pump Services, between points in Pennsylvania.

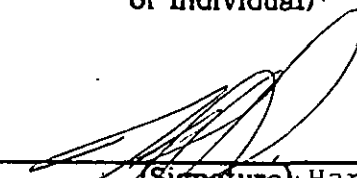
11. Applicant is not now engaged in any intrastate transportation of property for compensation in Pennsylvania (except as authorized by the certificates of public convenience or permits specified in Paragraph 6) and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation shall be received.

**CORPORATE SEAL**

Empire Wrecking Co. of Reading, Pa.

(Print Name of Corporation, Partnership, Trade-Name or Individual)\*

By:

  
\_\_\_\_\_  
(Signature) Harry J. O'Neill, President

  
\_\_\_\_\_  
(Signature) Todd M. O'Neill, Vice-Pres./ Secty.

\_\_\_\_\_  
(Signature)

\*If a partnership, each partner must sign; if a corporation, at least one officer must sign, and corporate seal affixed.

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

Supplement to Paragraphs Nos. 8 and 9

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

2. **Statement of Charter Purpose**

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

3. **List of Stockholders**

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

4. **List of Corporate Officers**

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

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

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

CERTIFICATE OF INCORPORATION

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

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

EMPIRE WRECKING CO. OF READING, INC.

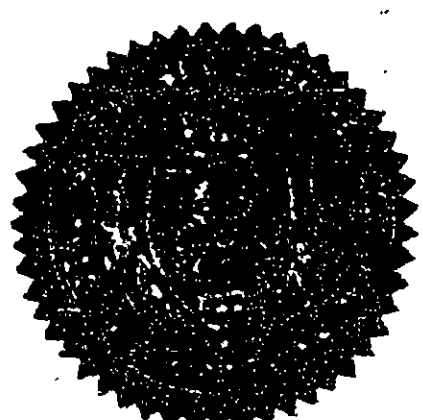
THEREFORE, KNOW YE, That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, create, erect, and incorporate the incorporators of and the subscribers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

perpetually

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

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

James P. Gonyea  
Secretary of the Commonwealth



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

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

Entity Number 110549

*Robert M. Hoyt*  
Deputy Secretary of the Commonwealth

### STATEMENT OF CORRECTION

DSCB:15-138 (Rev 90)

91 OCT 29 11:55

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

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

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

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

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

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

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

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

5. (Check one of the following):

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

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

Charles A. Ottaviano  
(Name)

BY *Charles A. Ottaviano*  
(Signature)

TITLE: Director - Corporation Bureau

Notary Public  
My Commission Expires

1400 Schuylkill Ave., Reading, Pa.  
1887 Grand Blvd., Wyomissing, Pa.

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

Name	Address <small>(Including street and number, if any)</small>	No. and Class of Shares
Richard E. Law	1887 Grand Blvd., Wyomissing, Pa.	10
Harry J. O'Neill, Jr.	1400 Schuylkill Ave., Reading, Pa.	20
Mary L. Law	1887 Grand Blvd., Wyomissing, Pa.	1

The number of incorporators who are citizens of the United States is 3

Richard E. Law (SEAL) \_\_\_\_\_ (SEAL)  
Harry J. O'Neill, Jr. (SEAL) \_\_\_\_\_ (SEAL)  
Mary L. Law (SEAL) \_\_\_\_\_ (SEAL)

Commonwealth of Pennsylvania }  
County of BERKS } ss:

Before me, \_\_\_\_\_ a Notary Public \_\_\_\_\_ in and for the county aforesaid, personally came the above named Richard E. Law, Harry J. O'Neill, Jr. and Mary L. Law

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

Witness my hand and seal of office the 23rd day of November, A. D. 1955

Thomas H. Richardson  
Notary Public  
My Commission Expires:  
21.5.1957

(SEAL)

Approved and filed in the Department of State, \_\_\_\_\_

Notary Public  
My Commission Expires

ARTICLES OF INCORPORATION

TO THE DEPARTMENT OF STATE:  
COMMONWEALTH OF PENNSYLVANIA:

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

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

2nd. The location and post office address of its initial registered office in this Commonwealth is

1887 Grand Blvd. Wyomissing Barks  
(Number) (Street) (City) (County)

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

4th. The term of its existence is Perpetual

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

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

\*This amount is an estimate and the value of all shares before the value of the corporation is determined. The value of the property with which the corporation will begin business is an estimate and the value of the property with which the corporation will begin business is an estimate.

THIS MUST BE COMPLETED BY NOTARY PUBLIC

AFFIDAVIT OF APPLICANT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA :  
County : ss:

\_\_\_\_\_, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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

AFFIDAVIT OF APPLICANT (Corporation)

COMMONWEALTH OF PENNSYLVANIA :  
Berks County : ss:

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

Col. of Reading, Pa. \_\_\_\_\_; that he is authorized to and does make this  
(Name of Corporation)

affidavit for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and that he expects the said Empire Wrecking Co. of Reading, Pa. \_\_\_\_\_ to be able to prove the same  
(Name of Corporation)

at the hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 3rd  
day of May 1993  
My Commission Expires 12-5-93

Christine M. Goerner  
Signature of Official Administering Oath

Notarial Seal  
Christine M. Goerner, Notary Public  
Reading, Berks County  
My Commission Expires Dec. 5, 1994



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3285, HARRISBURG, Pa. 17120

October 30, 1991

IN REPLY PLEASE  
REFER TO OUR FILE

A. 00108448

KENNETH E. SANDS, JR ESQUIRE  
528 ELM STREET  
READING PA 19601

Application of EMPIRE WRECKING COMPANY OF READING PENNSYLVANIA

To Whom It May Concern:

The records of the Commission show that the applicant has complied with the necessary tariff and insurance requirements.

Enclosed is the Contract Carrier Permit evidencing the Commission's approval of the right to operate.

Kindly attach the enclosures to the compliance order previously issued and mailed to your.

Very truly yours,

Jerry Rich, Secretary

EMD  
Enclosure  
Certified Mail

EMPIRE WRECKING COMPANY OF  
READING PENNSYLVANIA  
1420 CLARION STREET  
READING PA 19601

RECEIVED NOV - 6 1991

# PENNSYLVANIA

## PUBLIC UTILITY COMMISSION

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


EMPIRE WRECKING COMPANY OF READING PENNSYLVANIA

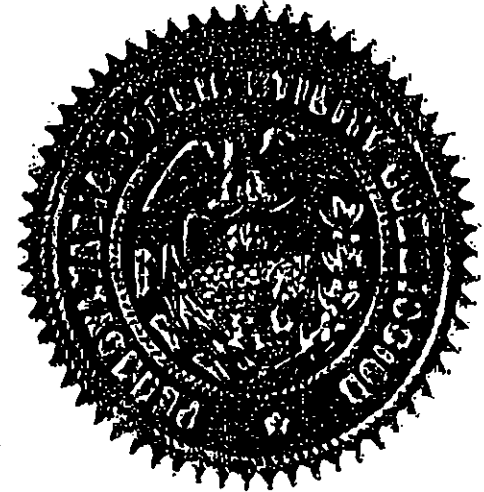
The Pennsylvania Public Utility Commission hereby certifies that after an investigation had on the above entitled application, it has, by its order made and entered, a copy of which is attached hereto and made part hereof, found and determines that the granting of said

### 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



## 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.

# DOCUMENT FOLDER

**THOMAS P BROGAN**  
PO BOX 1778  
HARRISBURG PA 17105

Date June 10, 1993

**CR 149965 A**

**DOCKETED**

**JUN 21 1993**

**RECEIVED**  
93 JUN 11 PM 1:56  
PA. P. U. C.  
INFO. CONTROL DIV.

In re application of Empire Wrecking Co  
of Reading PA  
A-00108448, F.1, Am-A.....\$350.00

Revenue account 001780-017601-002 (ck)

ck 4285 checks \$350.00 Currency \_\_\_\_\_

Utility account 50:26

C. Joseph Meisinger  
For Department of Revenue

**M.G.P., INC.**

1800 CONRAD WEISER PARKWAY  
WOMELSDORF, PA 19567

215-589-2541  
FAX: 215-589-5263

June 24, 1993

VERIFIED STATEMENT IN SUPPORT OF THE APPLICATION

1. Legal Name and Domicile:

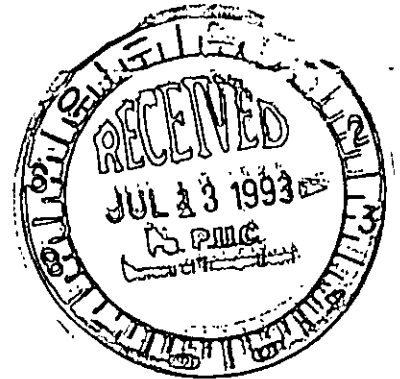
M.G.P., Inc.  
P.O. Box 123  
Topton, Pa. 19562

Physical Address:

220 Main St.  
Topton, Pa. 19562

1800 Conrad Weiser Parkway  
Womelsdorf, Pa. 19567

Operations: Graphite Machining Company



2. Identity of person making statement: Franklin C. Schoch, President
3. Volume & Frequency of intended use: 1 load a week
4. Origins & Destinations: Womelsdorf, Topton, St. Mary's, Pa.
5. Service needs are currently provided by M.G.P., Inc.

There are times when our truck cannot keep up with production and shipping needs. When these times arise we need immediate service to keep our plant running. The times we tried to get service in such short notice it was almost impossible to find anyone to haul loads for our company. With our close relationship and proximity to Empire Wrecking Company we feel by using Empire as our back-up, our needs will be better serviced.

Franklin C. Schoch  
President

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

July 23, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

THOMAS P BROGAN  
ATTORNEY AT LAW  
PO BOX 1778  
HARRISBURG PA 17105

In re: A-00108448, F. 1, Am-A - Application of Empire  
Wrecking Co. of Reading, Pa.

Dear Mr. Brogan:

The above referenced contract carrier application has been assigned for review without an oral hearing. In order to reach a determination on the application, you are required to file verified statements in accordance with 52 Pa. Code §3.381(e)(1). You are required to file:

- A. VERIFIED STATEMENT OF APPLICANT.
- B. VERIFIED STATEMENT IN SUPPORT OF THE APPLICATION (IN LIEU OF SHIPPER'S SUPPORT STATEMENT, A COPY OF THE BILATERAL CONTRACT BETWEEN THE APPLICANT AND SUPPORTING SHIPPER WILL BE ACCEPTED).

The verified statements should be in paragraph form. Each heading contained in the attached minimum outline should be a separate section or paragraph.

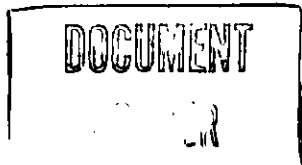
You are being granted an initial thirty (30) days to file the verified statements. They will be due on or before August 23, 1993.

If additional time is required, it may be requested by telephone but should be followed in writing with the reasons for the extension stated.

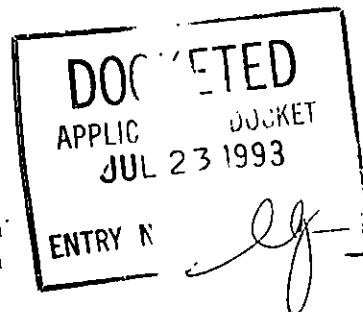
Questions about your application should be directed to Richard H. White (717) 787-4387.

Very truly yours,

Richard H. White  
Technical Review Section  
Bureau of Transportation



RW:rs



June 25, 1993

IN REPLY PLEASE  
REFER TO OUR FILE

THOMAS P BROGAN  
ATTORNEY AT LAW  
PO BOX 1778  
HARRISBURG PA 17105

In re: A-00108448, F. 1, Am-A - Application of Empire  
Wrecking Co. of Reading, PA

Dear Sir:

The application of Empire Wrecking Co. of Reading, PA has been captioned as attached and will be submitted for review provided no protests are filed on or before July 19, 1993. If protests are filed, you will be advised as to further procedure.

You are further advised that the above application will be published in the Pennsylvania Bulletin of June 26 1993.

Very truly yours,

David Ehrhart  
Supervisor - Application Section  
Bureau of Transportation

DE:RP:11

cc: Applicant  
1420 Clarion Street  
Reading, PA 19601

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
JUN 25 1993  
ENTRY No. MW

A-00108448, Folder 1, Am-A EMPIRE WRECKING CO. OF READING, PA. (1420 Clarion Street, Reading, Berks County, PA 19601) a corporation of the Commonwealth of Pennsylvania - contract carrier - cranes, crane parts, concrete pumps, and concrete pump parts, for Dickinson Crane and Concrete Pump Services, between points in Pennsylvania. Attorney: Thomas P. Brogan, P.O. Box 1778, Harrisburg, PA 17105.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

SERVICE OF NOTICE OF MOTOR CARRIER APPLICATIONS

Published in Pennsylvania Bulletin

JUN 26 1993

BUREAU OF TRANSPORTATION  
CONTRACT CARRIER  
June 1993

A-00108448  
F. 1  
Am-A

Application of Empire Wrecking Co. of Reading, Pa., a corporation of the Commonwealth of Pennsylvania, for amendment to its contract carrier permit, for the right to transport by motor vehicle, cranes, crane parts, concrete pumps, and concrete pump parts, for Dickinson Crane and Concrete Pump Services, between points in Pennsylvania.

JG:rs  
6/14/93

Application received: 5/7/93  
Application docketed: 6/2/93

NA

DOCUMENT  
FOLDER

DOCKETED  
APPLICATION DOCKET  
JUN 25 1993  
ENTRY No. *mw*

JUL 19 1993

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